

**TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS**



Members

Scott M. Steeves, Chair
Sara Rosenthal, AIA, LEED AP, Vice Chair
J. Gregory Jacobsen
Jason L. Mammone, P.E.
Tom Ryan, Esquire

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George Panagopoulos

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**ZONING BOARD OF APPEALS
MINUTES**

**Wednesday, May 19, 2021, 7:00 p.m.
Remote meeting by Zoom**

Present: Scott M. Steeves, Chair
Sara Rosenthal, AIA, LEED AP, NCARB, Vice Chair
J. Gregory Jacobsen
Jason L. Mammone, P.E.
Tom Ryan, Esq., Member

Not Present: George Panagopoulos, Associate Member
Jennifer Doherty, Administrative Assistant

Staff: Jeremy Rosenberger, Town Planner
Michelle Tinger, Community Planning and Engagement Specialist

The meeting began at **7:00 pm** on the night of **Wednesday, May 19, 2021**. The Chairman opened the meeting by reading the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Town of Dedham's Zoning Board of Appeals is being conducted via remote participation by video meeting. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen to this meeting while in progress may do so by dialing toll-free 1-646-558-8656, The access code is 919 7002 0615. Again, the toll-free number is 1-646-558-8656. The access code is 919 7002 0615 . The meeting was also being recorded. The Chairman then reviewed video procedures and protocol.

The Chairman then asked for a roll call of the attendees. In attendance on the conference call were:

Vice Chair, Sara Rosenthal

Member, Gregory Jacobsen

Member, Jason Mammone

Member, Tom Ryan

Chairman, Scott Steeves

Planning Director, Town of Dedham: Jeremy Rosenberger

Community Planning and Engagement specialist for the Town of Dedham: Michelle Tinger

The Chairman continued with the first applicant:

98 Quincy Ave

Applicant:	Inga Yaghubyan
Project Address:	98 Quincy Avenue
Zoning District, Map/Lot:	General Residence (GR) Zoning District, Map/Lot 142-179
Legal Notice:	Request for a Special Permit for a Family Day Care (large)
Section of Zoning Bylaw:	<i>Town of Dedham Bylaw Sections 3.1, 9.2, 9.3, and Table 1.</i>

The Applicant was in attendance and asking for a continuance. Inga and her husband were on the video call. He explained that they were at the mercy of the contractors, and they had now fulfilled everything the Building Commissioner was asking for. They were scheduled to meet with Ken Cimeno the following morning and would therefore be ready to have the application reviewed in June.

A motion was made by Greg Jacobsen to continue the application to the June 16, 2021, meeting. The motion was seconded by Sara Rosenthal and a roll call vote was taken.

Greg Jacobsen – yes
Sara Rosenthal – yes
Jason Mammone - yes
Tom Ryan – yes
Scott Steeves – yes

The motion passed unanimously 5-0. The application will be continued to June 16, 2021.

63 Colonial Drive

Applicant:	Lyndenberg Duque
Project Address:	63 Colonial Drive
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District, Map 79, Lot 129
Legal Notice:	Request for a Variance to construct a +/- 2,900 sq. ft. single family dwelling; proposed dwelling would not meet the required front yard setback (10.5 ft. provided, 25 ft. required).
Section of Zoning Bylaw:	<i>Town of Dedham Bylaw Section 4.5, 9.2, 9.3 and Table 2.</i>

The applicant had requested the application be withdrawn without prejudice.

A motion was made by Greg Jacobsen to withdraw without prejudice. The motion was seconded by Sara Rosenthal and a roll call vote was taken.

Greg Jacobsen – yes
Sara Rosenthal – yes
Tom Ryan – yes
Jason Mammone – yes
Scott Steeves – yes

The motion passed unanimously 5-0.

87 Border Street

Applicant:	Thomas Rowlings
Project Address:	87 Border Street
Zoning District, Map/Lot:	General Residence (GR) Zoning District Map/Lot 142-171
Legal Notice:	Request for Variances to construct a detached 2-car garage; proposed project would provide a side yard setback of 4 ft. (10ft. required) and space between buildings of 9 ft. (10 ft. required).
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 3.3, 9.2, 9.3 and Table 2.</i>

Vice Chair Sara Rosenthal had stated that was recusing herself from voting on this application as she was an abutter to the property.

The application had been continued from the previous month. Mr. Rowlings was in attendance on the video call.

The Chairman stated the applicant would need a unanimous vote of four (4) in favor. The applicant understood.

Mr. Rowlings had gained additional signatures from supporting abutters, he submitted eight (8) signatures.

The Chairman asked if there were any questions from Board members. There were none.

Scott Steeves, Chairman mentioned he did drive by to see the property. He noticed the tree that hung over his yard from the neighbor and was wondering if he and his neighbor had any issue with that tree. Mr. Rowlings indicated that he and the neighbor had discussed it and planned to address it together soon.

There were no members of the public who wished to speak.

A motion was made by Greg Jacobsen to approve the application as proposed. The motion was seconded by Tom Ryan, and a roll call vote was taken.

Greg Jacobsen – yes

Tom Ryan - yes

Jason Mammone – yes

Scott Steeves – yes

The motion passed unanimously, 4-0.

121 Whiting Ave

Applicant:	Saimir Berberaj
Project Address:	121 Whiting Ave
Zoning District, Map/Lot:	Request for a Special Permit for additions to a covered porch that would intensify the preexisting non-conforming front yard setback (11.15 ft provided; 25 ft required).
Legal Notice:	Single Residence B (SRB) Zoning District, Map/Lot 11
Section of Zoning Bylaw:	<i>Town of Dedham Bylaw Section 3.1, 9.2, 9.3, and Table 2.</i>

Saimir Berberaj was on the video call to represent their application. They need to have more space for their growing family.

The Chairman asked if there were any members of the public or the board who wished to speak. There were none.

A motion was made by Greg Jacobsen to approve the application as proposed. The motion was seconded by Sara Rosenthal, and a roll call vote was taken.

Greg Jacobsen – yes
Sara Rosenthal – yes
Tom Ryan – yes
Jason Mammone – yes
Scott Steeves – yes

The motion passed unanimously 5-0.

187 Bridge Street

Applicant:	Thomas M. Piersiak & Sons, Inc.
Project Address:	187 Bridge Street
Zoning District, Map/Lot:	Limited Business (LB) Zoning District, Map/Lot 24-114
Legal Notice:	Requests a Special Permit to alter, extend, and enlarge an existing building on a nonconforming lot and convert and use the same as a two-family residential dwelling.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 3.1, 3.3, 9.2, 9.3, Table 1, and Table 2.</i>

Attorney Peter Zahka was representing the applicant. Michael Piersak was also on the video call. Attorney Zahka described the application in detail. The owner had purchased the property about two years ago and had been using it for storage. As part of the state improvement project for the road, Bridge Street, the property was being used as an easement for the state construction vehicles. The owner would like to expand the building and convert it to a two-family residence. The lot is non-conforming, but there are no set-back requirements given the Zoning District. There are no Variances required.

Jason Mammone stated that the house rendering did not appear to be in conformity with other residential dwellings in the area. It looked very modern and like it would not fit in. Attorney Zahka did discuss with his client having more of a pitched roof to make it look more residential, however that would add height to the building. The idea was to use as much of the existing building as possible. Mr. Mammone said he understood but he would still like to see more aesthetics added to this dwelling to make it conform more with the neighborhood. He would like it to blend in more instead of stick out.

The owner Michael Piersak said he could speak to the architect and see if they could help in any way.

Sara Rosenthal mentioned that the eyebrow awning roof could be turned on the corner to Beacon Street could soften the look, and the brick could be turned to provide more of a residential look. Adding elements like that onto the addition would help it look more residential as well.

The Chairman asked if there were any comments from the public.

Kristin Ahl, of 120 Commonwealth Ave, asked what is a nonconforming lot? The Chairman explained that when the zoning regulations change sometimes an existing building may not fit those regulations. Since the structure already exists, and was built before the zoning law was made, it means the structure or lot is nonconforming. This lot was currently 9,000 square feet instead of the required 12,500 sf. The building itself is conforming, only the lot was not. The building would be in compliance.

Ms. Ahl then asked about the setback requirements. The rear of the proposed building rendering showed a tree, but the tree had been taken down. There would be an eyesore of a large, boxy building too close to the abutters. She felt it was too big, it was not the right spot, and the lot was too small, and it was too close to the abutters.

Brendan Kelly of 12 Beacon Street stated that he was the resident that had sought legal advice. He was told there was potential for a compromise as to the proximity to the back lot. He would like the rendering to show the new two-story garage that was being proposed. He felt it was rather large. There was also an additional entrance he wanted to know what that was for.

Attorney Zahka replied the extra storage space was designed as an afterthought of needing a roof on the garage. The separate entrance was to provide direct access for the unit so they did not have to share an entrance to the storage units. It is not a mixed-use building, and there were to be no commercial uses. He agreed that 5 feet was close to the rear property line and his client was willing to increase it to 11 feet.

Mr. Kelly asked if he could flip this house afterwards to someone, and then that person could make the second story office space. Attorney Zahka said no, they would need to come back to the board for approval if they wished to do that.

Mr. Kelly said there were two storage areas and above the garage storage, and he did understand why. Some of it was inside the house and heated, and above the garage was unheated. It could not be used commercially. Mr. Kelly then asked what type of unheated storage would be needed. The Chairman mentioned he did not think that could be answered. Perhaps furniture. Mr. Kelly still felt the building was too large and too close to the back lot.

Meredith Huntley of 47 Beacon Street asked how was the owner going to make sure that the renters did not end up being college students who would just party all the time? How would they make sure to rent to families. Attorney Zahka replied that this was a provision in the bylaws that prevented too many individuals who were not related living in a single unit. However, you can not discriminate against single people wanting to live there.

Miss Lider, 20 Beacon Street was not excited to hear that these would be rentals instead of condos. She was hoping they would be condos.

A motion was made by Greg Jacobsen to continue the application to the June 16, 2021, meeting. The motion was seconded by Sara Rosenthal, and a roll call vote was taken.

- Greg Jacobsen – yes
- Sara Rosenthal – yes
- Tom Ryan – yes
- Jason Mammone – yes
- Scott Steeves – yes

The motion passed unanimously 5-0. The application was continued to June 16, 2021.

105 Garfield Road

Applicant:	Lloyd and Rita Mae Cushman
Project Address:	105 Garfield Road
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District Map/Lot 80-90
Legal Notice:	Request for a Special Permit to allow temporary storage of registered and unregistered commercial trucks and equipment on the subject property.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Section 3.1, 9.2 and 9.3 and Table 1.</i>

Attorney Peter Zahka was representing the applicants. He stated the applicant’s son suffered a serious motorcycle accident and as a result is unable to work. Prior to the accident he had a very active tree operation in a different location. They have been forced to take the vehicles and equipment from his business in. This equipment would be stored there for a temporary period until the son can recover. The applicant had 28 signatures from the neighborhood in support of the request. The attorney would suggest a 12-month period of storage.

The Chairman asked if there were any members of the public or the board that wished to comment. There were none.

A motion was made by Gregory Jacobsen to approve the application as presented. The motion was seconded by Sara Rosenthal, and a roll call vote was taken.

Greg Jacobsen – yes
 Sara Rosenthal – yes
 Tom Ryan – yes
 Jason Mammone – yes
 Scott Steeves – yes

The motion passed unanimously 5-0.

74 Ledgewood Road

Applicant:	Costa and Mariah Tsolirides
Project Address:	74 Ledgewood Road
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District Map/Lot 179-89
Legal Notice:	Request for a Special Permit(s) and/or Variance(s) to demolish existing attached garage and construct new attached garage w/living space above; proposed addition would intensify pre-existing nonconforming left side yard setback (8.7 ft. existing, 8.3 ft. proposed).
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Section 3.1, 3.3, 9.2 and 9.3 and Table 1.</i>

Owners Costa and Mariah Tsolirides were on the video call for the application. They explained their project which was to increase the size of their living space for their family.

The Chairman asked if there were any members of the public or the board who wished to speak. There were none.

A motion was made by Sara Rosenthal to approve the application as presented. The motion was seconded by Greg Jacobsen, and a roll call vote was taken.

Greg Jacobsen – yes
 Sara Rosenthal – yes
 Tom Ryan – yes
 Jason Mammone – yes
 Scott Steeves – yes

The motion passed unanimously 5-0.

75 Stergis Way

Applicant:	Best Chimney Services, Inc.
Project Address:	75 Stergis Way

Zoning District, Map/Lot:	Highway Business (HB) Zoning District. Map/Lot 150-7B
Legal Notice:	Request for a Special Permit for a chimney maintenance and repair business (trade use).
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Section 3.1, 9.2 and 9.3 and Table 1</i>

Attorney Peter Zahka was representing the applicant. Lindsey Couture, VP of Operations, and Matthew Enegess, VP of Sales, were also in attendance on the video call. He explained that the applicant wished to run a chimney maintenance and repair business out of this location. This fell under the label of a trade shop and therefore they needed to get approval from the Zoning Board. The business had 30 employees that were on the road most of the time, and about six (6) employees in the office during the day. No equipment would be stored outside of the building. The building would not be changed at all.

The Chairman asked if there were any members of the public, or anyone from the board who wished to speak on this application. There were none.

A motion was made by Greg Jacobsen to approve the application as presented. Sara Rosenthal seconded the motion, and a roll call vote was taken.

Greg Jacobsen – yes
 Sara Rosenthal – yes
 Tom Ryan – yes
 Jason Mammone – yes
 Scott Steeves – yes

The motion passed unanimously 5-0.

47 Pratt Avenue - Request for a six-month extension to exercise July 15, 2020, ZBA Decision

Applicant:	James & Diane McLeish
Project Address:	47 Pratt Avenue

Attorney Peter Zahka was representing the applicant. Mr. & Mrs. McLeish were also in attendance on the video call. The applicant was requesting a six-month extension which would run from July 2021 for six months.

The Chairman asked if there were any members of the public, or anyone from the board who wished to speak on this application. There were none.

A motion was made by Greg Jacobsen to approve the application as presented. Sara Rosenthal seconded the motion, and a roll call vote was taken.

Greg Jacobsen – yes
Sara Rosenthal – yes
Tom Ryan – yes
Jason Mammone – yes
Scott Steeves – yes

The motion passed unanimously 5-0.

Minutes

Sara Rosenthal made a motion to approve the minutes of January 20, 2021, and February 17, 2021. Greg Jacobsen seconded the motion, and a roll call vote was taken.

Greg Jacobsen – yes
Sara Rosenthal – yes
Tom Ryan – yes
Jason Mammone – yes
Scott Steeves – yes

The motion passed unanimously 5-0.

Old Business/New Business

Jeremy Rosenberger, Planning Director, had a few updates. He mentioned that a new Associate Member had been appointed by the Select Board. His name was Norman Vigil.

Community Meeting June 15, 2021, for the sign code study. They were hoping to bring this to town meeting next fall. There would be no town charter change, only a sign code change.

In June or July, we may be able to have in person meetings again at the new Town Hall. The Governor will be rescinding the order that allowed Zoom meetings, but we will have to see if we can perform hybrid meetings, the technology needs to be organized first.

The Chairman asked about tours of Town Hall. Mr. Rosenberger said yes, the board members could sign up for the tour. Our department was asking people to please make appointments to see us.

Mr. Rosenberger explained that the apartment complexes at Jefferson and Legacy Boulevard were asking if the gate leading to Rustcraft Road could be opened to alleviate some of the traffic going to Legacy Boulevard. Normally, per the ZBA Decision, this gate was

to stay locked, except during the holidays, to make sure Rustcraft Road was not utilized. This would require the ZBA to make a modification of the previous decision to use Rustcraft Road 24/7, seven days a week. It would also require a public hearing and public notification.

Mr. Rosenberger would still like to schedule trainings with KP Law for later in the summer, especially given new members joining.

Jason Mammone made a motion to adjourn the meeting. The motion was seconded by Greg Jacobsen and a roll call vote was taken.

Jason Mammone - yes

Greg Jacobsen – yes

Sara Rosenthal – yes

Tom Ryan – yes

Scott Steeves – yes

The motion passed unanimously, 5-0. The meeting was adjourned at 8:53 pm.