

**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

Associate Members

Norman Vigil, Esquire

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**ZONING BOARD OF APPEALS
MINUTES**

**Wednesday, September 15, 2021, 7:00 p.m.
Dedham Town Hall**

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
Norman Vigil, Esquire, Associate Member

Not Present:

Staff: Jeremy Rosenberger, Town Planner
Michelle Tinger, Community Planning and Engagement Specialist
Jennifer Doherty, Administrative Assistant

The meeting began at **7:00 pm** on the night of **Wednesday, September 15, 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 did a roll call:

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

The Chairman called the meeting to order.

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>

This was a continuance from previous meetings.

Peter Zahka, Esquire was on the video call to represent the applicant. The applicant, Mike Piersiak, was also on the video call.

Attorney Zahka gave history and summary of the proposal, which had changed over time given opposition from abutters. A commercial building would not have required any set-back waivers for this property, however because they would like to construct a two family dwelling, it did require a special permit for setbacks.

Greg Jacobsen asked if the Attorney or applicant had met with the abutters regarding the newest proposal. Mr. Piersiak stated that he had met with the abutter to the back of the property about a month ago.

Sara Rosenthal stated that she was happy that the applicant had changed the proposal to look more residential. She was interested in hearing from the abutters.

Kristin Ahl of 120 Commonwealth Ave asked what the present height of building was. Attorney Zahka replied he would round it off at twenty (20) feet. Ms. Ahl still felt it was too large. She also stated that the applicant never reached out to her and did not speak to her. She objected to the size of the garage and doubted that it was for residential use.

Chairman Scott Steeves stated that he wanted everyone to be aware that by right, if the applicant wanted to put a commercial building and garage in this location, he would not need to ask permission {get waivers} for the height of the garage, or setbacks. He could just build the commercial building.

Brendan Kelly of 12 Beacon Street had questions as to the definition of substantially detrimental to the neighborhood as written in the town's bylaws. Jeremy Rosenberger, Planning Director, spoke to this. Mr. Kelly then asked about the change in curb cut to the property from Bridge Street. The applicant explained that as a result of the Bridge Street construction, the State opted to remove the curb cut. Mr. Kelly then explained that he had been misquoted somewhat. He did not say that the proposal was "exactly what he wanted".

Mr. Kelly asked about height, and access to the upper roof portion.

Ms. Ahl asked if the Board was considering approval of the proposal, if they could please include no commercial storage use be allowed on the property.

Donato Kava, of 17 Dedham Street asked if the applicant could plant some larger trees on the property to keep the neighborhood green and more residential.

Mr. Kelly wished to echo Ms. Ahl's request that residential use be part of the approval.

A motion to close the hearing was made by Greg Jacobsen and seconded by Sara Rosenthal. All were in favor and the public hearing was closed.

There was no further discussion on the application. Greg Jacobsen made a motion to approve the proposal with the condition that the property could not be used for any commercial storage. The motion was seconded by Sara Rosenthal, and a roll call vote was taken.

Sara Rosenthal	Yes
J. Gregory Jacobsen	Yes
Jason L. Mammone	Yes
Tom Ryan	Yes
Scott M. Steeves	Yes

The motion passed 5-0, unanimously.

5 Bryant Street

Applicant:	Citizens Bank, Bisbano and Associates
Project Address:	5 Bryant Ave
Zoning District, Map/Lot:	Central Business (CB) Zoning District, Map/Lot 108-99
Legal Notice:	Request for a waiver to install two (2) internally illuminated wall signs (27.3 sq. ft. and 15.1 sq. ft.); internally illuminated signs are not allowed.
Section of Zoning Bylaw:	<i>Town of Dedham Sign Code Section 237-18 E.</i>

The applicant had requested a withdrawal without prejudice due to a change in the plans which would not require any waivers.

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

Sara Rosenthal	Yes
J. Gregory Jacobsen	Yes
Jason L. Mammone	Yes
Tom Ryan	Yes
Scott M. Steeves	Yes

The motion passed unanimously 5-0. The application was withdrawn without prejudice.

300 Legacy Place

Applicant:	Whole Foods Market
Project Address:	300 Legacy Place
Zoning District, Map/Lot:	Research Development & Office Zoning District (RDO). Map/Lot 162-1
Legal Notice:	Requests a Special Permit to house a temporary trailer behind Whole Foods Market on property owned by WS Development.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 3.2.1, 9.2 and 9.3.</i>

Dave Fillipone and Steve Coletti of Whole Foods Market were on the video call for the applicant. As they did annually, they requested permission for a trailer to house the additional turkeys for the Thanksgiving holiday. Greg Jacobsen asked how long the trailer would be on the property. It would arrive November 15, 2021 and be removed the week after Thanksgiving.

There were no questions from the public.

Greg Jacobsen made a motion to approve the proposal for the time period between November 15, 2021 through November 30, 2021. The motion was seconded by Sara Rosenthal. A roll call vote was taken.

Sara Rosenthal	Yes
J. Gregory Jacobsen	Yes
Jason L. Mammone	Yes
Tom Ryan	Yes
Scott M. Steeves	Yes

The motion passed 5-0, unanimously.

725 Providence Highway

Applicant:	Red Dog Holdings dba Dogtopia
Project Address:	725 Providence Highway, Washington St side
Zoning District, Map/Lot:	Highway Business Zoning District (HB), Map 122, Lot 1
Legal Notice:	Requests a Waiver from the Dedham Sign Code to provide a maximum area of window signage to be 62% where a maximum of 25% is allowed
Section of Zoning Bylaw:	<i>Town of Dedham Sign By-Law 237 Attachment 3.</i>

Kayla Seely and Jim Riley of Dogtopia were on the video call. Mr. Riley explained that they were unaware of the sign code by-law that made the window film they had installed push them over the allowable limit. The window film is to keep people from distracting the dogs inside. The applicant showed the board pictures of the window film.

Jeremy Rosenberger, Planning Director, noted that the Design Review Advisory Board had given their recommendation to the applicant for the window film covering.

The Chairman asked if there were any questions from the public or the board, and there were none.

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

Sara Rosenthal	Yes
J. Gregory Jacobsen	Yes
Jason L. Mammone	Yes
Tom Ryan	Yes
Scott M. Steeves	Yes

The motion passed 5-0, unanimously.

39 Sprague Street

Applicant:	Vladimir Stradnic and Oleg Carnei
Project Address:	39 Sprague Street
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District ; Map 167, Lot 114
Legal Notice:	Request for a Variance for a +/- 279.5 sq. ft. extension of the first floor and a +/- 1,118 sq. ft. second floor addition; proposed additions would not meet front yard setback requirement of 25 ft. (23.8 ft. proposed).
Section of Zoning Bylaw:	<i>Town of Dedham By-Law Sections 3.3, 9.2, 9.3, and Table 2.</i>

Vladimir Stradnic was on the video call to represent his application. He explained that they were hoping to extend the front of the house to even out with the garage. The front setback would be met. The actual setback would be 25.6 feet. The right and left sides would remain the same, and they were requesting to add a second-floor addition for more living space for their growing family. At present the property was nonconforming due to the five feet between the garage and the abutting property. This would remain the same. The abutters had indicated their support for the project. The nonconformity would be maintained.

The Chair asked Jeremy Rosenberger about the Variance versus Special Permit. He did not feel the change in wording affected the outcome as it would be written properly in the decision. He recommended granting both a Variance and Special Permit to cover their bases. Jason Mammone asked about the 4 feet 11 inches on the floor plans. It was 4'11" and would remain the same.

The Chair asked if there were any questions from the public. There were none. There were twelve signatures from the neighbors supporting the petition.

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

Sara Rosenthal	Yes
J. Gregory Jacobsen	Yes
Jason L. Mammone	Yes
Tom Ryan	Yes
Scott M. Steeves	Yes

The motion passed 5-0, unanimously.

35 Dixon Avenue

Applicant:	Frederick Berry
Project Address:	35 Dixon Avenue
Zoning District, Map/Lot:	General Residence (GR) Zoning District, Map 13, Lot 34
Legal Notice:	Requests a Variance to construct a rear screened porch that would exceed the rear yard setback requirement (17.5 ft. proposed, 20 ft. required).
Section of Zoning Bylaw:	<i>Town of Dedham By-Law Sections 3.3, 9.2, 9.3, and Table 2.</i>

Frederick Berry was on the video call to present his application.

The Chairman asked if there were any questions from the board, or from the public, and there were none.

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

Sara Rosenthal	Yes
J. Gregory Jacobsen	Yes
Jason L. Mammone	Yes
Tom Ryan	Yes
Scott M. Steeves	Yes

The motion passed 5-0, unanimously.

12 Morse Avenue

Applicant:	Joseph and Jennifer Luszc
Project Address:	12 Morse Avenue
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District. Map 127, Lot 70

Legal Notice:	Request for a Variance for the creation of an attached garage (+/- 538 sq. ft.), mudroom (+/- 196 sq. ft.), and storage room (+/- 321 sq/ ft.); proposed additions would not meet rear yard setback requirement of 20 ft. (7.1 ft. proposed).
Section of Zoning Bylaw:	<i>Town of Dedham By-Law Sections 3.3, 9.2, 9.3 and Table 2.</i>

Joseph and Jennifer Luszc were on the video call for the application. Julie White of Clear Concept Builders was also on the video call to represent them. Ms. White explained that there was an existing nonconforming garage at the property. They were proposing to take down this garage and build a new one with an extension, and also attach it to the house. The proposed additions would not meet the rear yard setback.

The Chairman asked if there were any questions. Tom Ryan asked which street this was on, and the reply was Morse Avenue. There were no members of the public who wished to speak. Ms. White did explain that all nine immediate abutters to the property had signed their approval for the project.

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

Sara Rosenthal	Yes
J. Gregory Jacobsen	Yes
Jason L. Mammone	Yes
Tom Ryan	Yes
Scott M. Steeves	Yes

The motion passed 5-0, unanimously.

66 Ware Street

Applicant:	Olga Magomegova
Project Address:	66 Ware Street
Zoning District, Map/Lot:	Single Residence A (SRA) Zoning District, Map 61, Lot 25
Legal Notice:	Request for a Special Permit to change an existing single-family dwelling with an accessory dwelling unit to a two-family dwelling; no structural changes being made.
Section of Zoning Bylaw:	<i>Town of Dedham By-Law Sections 7.2, 9.2, and 9.3.</i>

Member Jason Mammone wished to recuse himself from this application as he noted there was a conflict of interest due to his family members being abutters to the applicant. In his place Associate Member Norman Vigil would be voting.

Attorney Edward Richardson was on the video call to represent the applicant. He noted that the residence was in Single Residence B, not single Residence A as noted in the legal notice. This would not affect the hearing. The current dwelling was a single-family home with a lawful accessory apartment which they would like to make a legitimate two family home. He also noted that the criteria for a Special Permit had been met.

Attorney Richardson explained the history of the property and the application proposed. He did state that the applicant would be willing to accept the condition of no renters allowed at the property in the decision. He further stated there was a prior application submitted to the Zoning Board of Appeals over four years ago. At that time it had been denied, but the time lapse to be heard again by the Board was two years, which has been met.

Chairman Steeves noted that the Board had received 18 signatures on a petition from abutters opposing the proposal. He also noted that they had received several pages of police reports regarding the property, and there had been many incidents at the property requiring police to be called.

Greg Jacobsen mentioned that in the police log there appeared to be a few incidents indicating there were “landlord disputes”. He wondered how that could be possible if the applicant was not currently renting out the property? Attorney Richardson stated that he had not been privy to the police logs in question. Mr. Jacobsen further detailed that he did not approve of the current situation at the property as evidenced by the police reports. Attorney Richardson was unable to speak to this as he had not yet seen the reports, however he did reiterate that the criteria for a Special Permit had been met.

Chairman Steeves opened up the hearing to members of the public.

Mr. Danny Rico of 62 Ware Street stated that the information on the police reports was public record, and it had also been on the website via the Dropbox.

Attorney Richardson asked the application could be continued to the next meeting date in order to allow him time to review the police logs that had been submitted.

Sara Rosenthal made a motion to continue the hearing to the date of October 20, 2021 at 7:00 pm. The motion was seconded by Norman Vigil, and a roll call vote was taken.

Sara Rosenthal	Yes
J. Gregory Jacobsen	Yes
Norman Vigil	Yes
Tom Ryan	Yes
Scott M. Steeves	Yes

The motion passed 5-0, unanimously and the hearing was continued to October 20, 2021, at 7:00 pm.

At this time, Jason Mammone was called back to the meeting, and he resumed his place as a voting member on the board.

214 Lowder Street

Applicant:	John Joyce and Old Grove Partners
Project Address:	214 Lowder Street
Zoning District, Map/Lot:	Single Residence A Zoning District Map 105, Lots 17, 19, 23 and Map 118, Lot 31
Legal Notice:	Request for a Special Permit for work within the Floodplain Overlay District and Special Permit to construct retaining walls over four (4) feet in height as part of a Planned Residential Project. The +/- 62 acres properties are located at 146, 188, and 216 Lowder Street and 125 Stoney Lea Road, Dedham MA
Section of Zoning Bylaw:	<i>Town of Dedham By-Law Sections 6.5, 8.1, 9.2, 9.3, and Table 2.</i>

Representative Peter A. Zahka, II, Esq., Regan Andreaola, and Andrew Gorman were on the video call for the applicant. Attorney Zahka gave a brief history of the project and explained that the applicant had been approved by the Planning Board for a Planned Residential Development. The project had also been through the Conservation Commission and had obtained the Order of Conditions from them. As part of the approved PRD the applicant had agreed to donate a portion of Conservation land to the Town. Work would need to occur within the Flood Plain Zone, and a retaining wall over four feet was being requested.

Regan Andreaola of Beals and Thomas, along with Andrew Gorman of Beals and Thomas, went over in detail items related to the Special Permit requests. The total alteration of work for this area is 150 square feet, and 33.8 cubic feet of floodplain. It requires compliance with the state Mass Wetlands Protection Act and the local Dedham bylaw.

Jason Mammone had a question regarding the fencing around the retainer wall. He asked if there were to be guardrails in some areas. Ms. Andreaola said that yes, there was guard rail along the curved portions of the road on both sides.

The Chairman asked if there were any members of the public who wished to speak.

Katherine Cochran asked if there had been a traffic study done for Lowder Street. Attorney Zahka replied that yes, there had been two traffic studies done and they had gone through the entire process of review with the Planning Board, which was approved.

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

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

Sara Rosenthal	Yes
J. Gregory Jacobsen	Yes
Norman Vigil	Yes
Tom Ryan	Yes
Scott M. Steeves	Yes

The motion passed 5-0, unanimously.

84 Glenridge Road

Applicant:	Sam and Leslie Griesmer
Project Address:	84 Glenridge Road
Zoning District, Map/Lot:	Single Residence A Zoning District (SRA). Map/Lot 88-15
Legal Notice:	Requests a Special Permit for the creation of an accessory dwelling unit (+/- 1,385 sq. ft) and waiver from the provisions of an accessory dwelling unit to exceed allowable square footage.
Section of Zoning Bylaw:	<i>Town of Dedham By-Law Sections 7.7, 9.2, 9.3, 10, and Table 1.</i>

Mollie Moran, the architect for the project, was on the video call, along with the applicants Sam and Leslie Griesmer. They would like for one of their children to move into the main house, and then for them to move into the accessory dwelling unit for their later years. She explained the criteria for the Special Permit and for the Variance, as outlined in the original application.

There were no questions from the board, and no questions from the public.

A motion was made by Sara Rosenthal to accept the proposal as presented, and the motion was seconded by Gregory Jacobsen. A roll call vote was taken.

Sara Rosenthal	Yes
J. Gregory Jacobsen	Yes
Norman Vigil	Yes
Tom Ryan	Yes
Scott M. Steeves	Yes

The motion passed 5-0, unanimously.

Minutes

A motion was made by Gregory Jacobsen to approve the minutes of the Executive Session for June 16, 2021 and the minutes from the regular meeting of June 16, 2021. The motion was seconded by Sara Rosenthal, and a roll call vote was taken.

Sara Rosenthal	Yes
J. Gregory Jacobsen	Yes
Norman Vigil	Yes
Tom Ryan	Yes
Scott M. Steeves	Yes

The motion passed 5-0, unanimously.

Sign Code Study

Jeremy Rosenberger, Planning Director, explained that the Sign Code Study was to be in the fall town warrant articles for the vote at Town Meeting this fall. He asked if they would be willing to sign a letter indicating their support of the warrant article. The Chairman indicated yes, they would.

Adjournment

A motion was made to adjourn the meeting at 9:05 pm. All were in favor.