

**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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Phone 781-751-9240

Planning Director  
Jeremy Rosenberger

Assistant Town Planner  
Michelle Tinger

**Associate Members**

Norman Vigil, Esquire  
Allen MacDuffie

**ZONING BOARD OF APPEALS  
MINUTES**

**Wednesday, October 20, 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  
Tom Ryan, Esq., Member  
Norman Vigil, Esquire, Associate Member  
Allen MacDuffie, Associate Member

Not Present: Jason L. Mammone, P.E.

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, October 20, 2021**. The Chair-man 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, Vice Chair  
 J. Gregory Jacobsen  
 Tom Ryan  
 Norman Vigil  
 Allen MacDuffie  
 Scott M. Steeves, Chair

Jason Mammone was not at the meeting. Norman Vigil would be sitting and voting in his place.

The Chairman called the meeting to order.

**43 Rustcraft Road**

<b>Applicant:</b>	<b>Michael Chaisson</b>
<b>Project Address:</b>	<b>43 Rustcraft Road</b>
<b>Zoning District, Map/Lot:</b>	Single Residence B (SRB), Map 152, Lot 62
<b>Legal Notice:</b>	Request for a Special Permit for the installation of a +/- 660 sq. ft. garage that would exceed the side yard setback requirement (5 ft. proposed, 10 ft. required).
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham By-Law Sections 3.3, 9.2, 9.3, and Table 2.</i>

Michael Chiasson was representing the owner of the property and was on the video call. He explained the project was requesting relief on a side yard setback for a two-car garage. He explained there was no opposition from any abutters, and there were four letters of support in favor of the project. Chairman Steeves confirmed the letters of support were received by the board.

The Chairman asked if there were any questions from the board. Mr. Jacobsen asked if the proposed driveway would have access to Iverson Way? Mr. Chaisson replied yes, the property owner would prefer that, and it was the plan. Mr. Jacobsen then asked if that would require a curb cut? Mr. Chaisson explained there was a berm there, and he was not sure if a curb cut would be required. Planning Director Jeremy Rosenberger explained that he would need to apply for a curb cut permit through the Town Engineer after the Zoning Board of Appeals process was completed.

Sara Rosenthal asked if the proposed structure was a two-car garage? The answer was yes.

Chairman Steeves asked if there was anyone from the public who wished to speak? There were none.

The public hearing was closed by a unanimous vote 5-0.

A motion was made by Gregory Jacobsen to approve the proposal 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
- Norman Vigil – yes
- Scott Steeves – yes

The motion passed unanimously, 5-0.

**66 Ware Street**

<b>Applicant:</b>	<b>Olga Magomegova</b>
<b>Project Address:</b>	<b>66 Ware Street</b>
<b>Zoning District, Map/Lot:</b>	Single Residence A (SRA) Zoning District, Map 61, Lot 25
<b>Legal Notice:</b>	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.
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham By-Law Sections 7.2, 9.2, and 9.3.</i>

This was a continuation from the September 15, 2021 meeting. Attorney Edward J. Richardson was on the video call to represent the applicant. He explained that at the last meeting of the Zoning Board of Appeals there was a lot of opposition that had been sent to the board in writing, and he had not had a chance to review it. Since that time he has reviewed the letters, petition, and police reports. Attorney Richardson stated that he had had to decide if it was a productive use of time to meet with the abutters. Since there were so many in opposition, he did not feel it was a good use of time.

Attorney Richardson went on to explain that he had been made aware that his client's son had filed a small claim against two of the abutters that were in opposition. Mr. Richardson's name had been added to the small claim without his knowledge, and he would like it known that he did not support the small claim.

Attorney Richardson further stated that the opposition's arguments did not relate to the issue of a Special Permit. He felt that the zoning bylaw allowed for certain single-family homes to be converted to two family dwellings. He further stated that there was no structural change being proposed. Many of the surrounding properties were non-forming. He felt this was not something that was out of the ordinary, and stressed this was not a Variance case, it was a Special Permit case. The issue was whether or not it met the criteria in the zoning bylaw for a Special Permit. He would not be addressing the police reports or opposition submitted because he did not feel it was relevant.

Mr. Tom Ryan stated that in some of the opposition letters the abutters had raised the issue that the property had been for rent and submitted rental ads for the property they had found. He asked Attorney Richardson if he had any comment on that. Attorney Richardson said no, not really, the applicant may have got ahead of themselves in renting an accessory dwelling that was not "blessed" to be so yet. It was a lawful in-law apartment.

The Chairman asked if there were members of the public who wished to speak. Ms. Kathy Seaman of 84 Ware Street said she would prefer the property stay as a single-family dwelling. She said that 66 Ware Street had housed renters in that apartment for a very long time.

Danny Rico of 62 Ware Street wished to verify that all the board members had thoroughly reviewed the information that had been provided by the neighbors. They had.

Andrew Armstrong of 71 Ware Street wished to state that the applicants were trying to run a tenement apartment building that did not fit the character of the street.

Marylou Mammone of 63 Ware Street read a written statement explaining that Ware Street was a lovely dead-end street, single family home neighborhood, and she wished it to remain as such. She further read that the petition that had gone around the neighborhood indicated everyone's dissatisfaction with the applicant. The same proposal by the applicants was denied in 2017, and she felt it should be denied again.

Sara Rosenthal, Vice Chair, asked what the requirement would be in square footage for a new two family on this lot. Jeremy Rosenberger, Planning Director, stated that a new two family would not be allowed to be built here as the property was in the Single-Family Residence B (SRB) zone. A two family would only be allowed as a conversion with a Special Permit, as was the proposal before them. He further explained that 12,500 square feet would be needed for a new single-family home in this zone, and the bylaw stated they needed 1.5 times that amount for an addition, approximately 18,000 square feet, and the applicant did meet those criteria.

Attorney Tom Ryan, member, as the proposed request for a Special Permit would be substantially more detrimental than the existing single-family dwelling with an attached accessory dwelling unit, based on evidence and testimony that the requested change to a two-family would negatively impact the character of the neighborhood due to ongoing

complaints of inadequate parking, disturbances, and upkeep of the subject property. The adverse effects outweigh the benefits.

Gregory Jacobsen stated that he was in agreement with Mr. Ryan.

Chairman Steeves mentioned that in usual circumstances the abutting neighbors would be able to work it out with the applicant. He was disappointed that it could not happen in this instance.

A motion was made by Gregory Jacobsen to approve the Special Permit and was seconded by Norman Vigil, Esq, and a roll call vote was taken:

Greg Jacobsen – no  
Sara Rosenthal – no  
Tom Ryan – no  
Norman Vigil – no  
Scott Steeves – no

The motion was denied by a unanimous vote of 5-0.

A motion was made by Gregory Jacobsen to deny the requested Special Permit. The motion was seconded by Sara Rosenthal, and a roll call vote was taken:

Greg Jacobsen – yes  
Sara Rosenthal – yes  
Tom Ryan – yes  
Norman Vigil – yes  
Scott Steeves – yes

The motion was approved by a unanimous vote of 5-0 to deny the Special Permit.

### **Minutes**

A motion was made by Greg Jacobsen to approve the minutes of July 21, 2021, August 18, 2021, and September 15, 2021. The motion was seconded by Sara Rosenthal and a roll call vote was taken:

Greg Jacobsen – yes  
Sara Rosenthal – yes  
Tom Ryan – yes  
Norman Vigil – yes  
Scott Steeves – yes

The motion was approved by a unanimous vote of 5-0.

## **Adjournment**

A motion was made by Greg Jacobson to adjourn the meeting at 7:36 pm. The motion was seconded by Sara Rosenthal, and a roll call vote was taken.

Greg Jacobsen – yes  
Sara Rosenthal – yes  
Tom Ryan – yes  
Norman Vigil – yes  
Scott Steeves – yes

The motion was approved by a unanimous vote of 5-0.