

**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, November 17, 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  
Jason L. Mammone, P.E.  
Norman Vigil, Esquire, Associate Member  
Allen MacDuffie, 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, November 17, 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, Vice Chair
- J. Gregory Jacobsen
- Jason Mammone
- Tom Ryan
- Norman Vigil
- Allen MacDuffie
- Scott M. Steeves, Chair

The Chairman called the meeting to order.

**128 Milton Street – Brian Cummings**

<b>Applicant:</b>	<b>Brian Cummings</b>
<b>Project Address:</b>	<b>128 Milton Street</b>
<b>Zoning District, Map/Lot:</b>	Limited Manufacturing (LM), Map 113, Lot 41
<b>Legal Notice:</b>	Requests a Waiver for a +/- 14 sq ft freestanding sign with a setback of 9 ft. 2 in. (25 ft. required). The +/- 12,769 sq. ft. subject property is located at 128 Milton Street, Map 113, Lot 41 and is located within a Limited Manufacturing (LM) Zoning District.
<b>Section of Zoning Bylaw:</b>	Town of Dedham Sign Code Table 2.

Heather Hopkins Dudko was on the video call for the applicant. She explained that Rental Depot would be occupying the space and would like to install a non-illuminated freestanding sign. She showed a rendering of what the site would look like when it was completed. She also explained that they had been before the DRAB board and their only comment had been to try to add some additional landscaping, which they have now incorporated into the plans. The DRAB board was in favor of the proposal.

The Chairman asked if there were any questions from the Board. Jason Mammone asked if there was a stamped land surveying plan included with the application, he had not received one. He felt the rendering did not accurately show the setback. He would need a stamped survey plan that showed the setback from the property line, not from the sidewalk.

The applicant would need to return to the Zoning Board of Appeals with a stamped survey plot plan.

A motion was made by Greg Jacobsen to continue the hearing until the December 15, 2021, meeting at 7:00 pm. The motion was seconded by Sara Rosenthal. 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 hearing was continued to the December meeting.

**18 Walters Avenue – Shelby Watterworth**

<b>Applicant:</b>	<b>Shelby Watterworth</b>
<b>Project Address:</b>	<b>18 Walters Avenue</b>
<b>Zoning District, Map/Lot:</b>	Single Residence B (SRB), Map 166, Lot 41
<b>Legal Notice:</b>	Request for a Special Permit and/or Variance for a second story addition and a second farmers porch with a front yard setback of 20.5 feet (24.5 ft. existing, 25 ft. required); additions would intensify the pre-existing nonconforming front and side yard setbacks.
<b>Section of Zoning Bylaw:</b>	Town of Dedham Bylaw Sections 3.3, 4.1, 4.3, 9.2, 9.3, and Table 2.

Peter A. Zhaka, II, Esq. was the representative for the applicant and was on the video call. Attorney Zahka explained that the property is currently occupied by an existing single-family house with a living area (per the Dedham Assessor’s records) of 792 square feet with two (2) bedrooms, and unfinished basement, and rear and front wooden decks. The house is pre-existing, nonconforming in several respects. Per Table 2 (Table of Dimensional Requirements) of the Dedham Zoning By-Law, lots in the SRB Zoning District require a minimum frontage requirement of 95 feet, a minimum lot area of 12,500 square feet, and minimum lot width of 95 feet. The Subject Property has 40 feet of frontage, 5,125 square feet of land, and a lot width of 40 feet. Per said Table 2, dwellings in the SRB Zoning require a minimum front yard setback of 25 feet, and a minimum side yard setback of 10 feet. The existing building has a front yard setback of 24.5 feet and side yard setbacks of 4.8 feet and 9.7 feet.

The applicant would like to construct an addition to the existing dwelling which will include a new second story and replacement of the front deck with a roofed farmers porch. The second-floor addition will follow the footprint of the first floor and will maintain the same side yard setbacks of 4.8 feet and 9.7 feet. The new farmer's porch will have a front yard setback of 20.5 feet. As described the proposed addition will increase the nonconforming nature of the existing dwelling. Section 280-3.3.E. of the Dedham Zoning By-Law provides in pertinent part that if "the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by Special Permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood." The Applicant has requested such special permit.

The ZBA noted that the plot indicated a front yard setback of 20.5 feet for the farmer's porch and questioned whether this was the shortest distance (as the dwelling appears to be slightly skewed on the lot). Applicant assured the ZBA that the entire farmer's porch will adhere to a front yard setback of 20.5 feet. Applicant understood that an approval of her petition would be conditioned on the entire farmer's porch maintaining a front yard setback of at least 20.5 feet.

No one appeared in support or opposition of the application. However, Applicant submitted a document entitled "Signatures in Support of Addition" (as well as emails) signed by ten (10) abutters (including all direct abutters to the Subject Property) indicating their support for the application.

A motion was made by Greg Jacobsen to approve the proposal with the condition that the entire farmer's porch have a front yard setback of 20.5 feet. 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

**530 Providence Highway – Rossemary and Hydn Vales**

<b>Applicant:</b>	<b>Rossemary and Hydn Vales</b>
<b>Project Address:</b>	<b>530 Providence Highway</b>
<b>Zoning District, Map/Lot:</b>	Highway Business (HB), Map 108, Lot 104
<b>Legal Notice:</b>	Requests a Special Permit for a Common Victualler License to operate a 1,000 sq. ft. café. The +/- 63,162 sq. ft. subject property is located at 530 Providence Highway.
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Bylaw Sections 3.3, 9.2, 9.3, and Table 2.</i>

Present at the meeting were the Applicants, Rossemary and Hydn Vales. The Applicants explained that the café, which requires a Special Permit, would be for protein smoothies, teas, etc. and they would like to partner with other community organizations to promote health in Dedham. Applicants also own another shop in Dublin, Ohio, called Healthy Blends, and they have done a lot of work with the community there.

The Chairman asked if there were any questions from the Board. Norman Vigil asked if the Applicants were aware of the underlying litigation. The Applicants responded that they had learned about the litigation during the November 10, 2021, Planning Board meeting.

Tom Ryan asked when the litigation had begun. Jennifer Doherty stated that she was not sure of the exact date of the litigation beginning, but the issue had been raised in 2018 in conjunction with the Conservation Commission, and the Planning Board. Mr. Ryan then asked when the Benjamin Moore paint store (that was a current tenant at this location) had been allowed to move in. It was believed they had opened in 2019, but there were no restrictions placed on the business.

*At this time, Jason Mammone explained that he had received an email earlier that day from Town Counsel which he had just read. Due to the ongoing litigation between the owner of the property at 530 Providence Highway, and The Town, town counsel advised Jason to recuse himself from this hearing given that he was the Town Engineer. Jason left the Zoom meeting, and Norman Vigil will take his place for voting.*

The Chairman asked if there were any members of the public that would like to speak on the application. Dan Waldman, Broker for the subject property, spoke positively on the applicants and his approval of their proposed project.

Resident Samantha Vincente asked for clarification on which part of the building the Applicants were proposing their project. Mr. Steeves described the exact location, and a map was shown to Ms. Vincente.

A motion was made by Greg Jacobsen to approve the proposal with 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

### **Minutes**

A motion was made by Greg Jacobsen to approve the minutes of October 20, 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 passed unanimously 5-0

### **Old Business/New Business**

The Chairman told the Board that he and Jeremy, the Town Planner, had recently had a meeting with the management of Jefferson Station regarding opening the gates at Rustcraft Road. The residents of Jefferson Place would like these gates opened to help alleviate some of the traffic from Legacy Place. However, when the project was approved years ago, a number of the neighbors on Rustcraft Road were adamant that they did not want a lot of traffic coming into their neighborhood from the apartment building, or Legacy Place. As such, a condition was set by the Zoning Board of Appeals that the gates would remain closed. The only people who could open them would be the Fire Department, and the Police Department for safety reasons. Otherwise, an act of this Board, the ZBA, would need to be undertaken to change the condition.

During the meeting, the Town Planner asked the apartment manager to do a traffic study that could be given to the board for a conditional approval to open the gates. They need to show data to back up their request.

Sara Rosenthal asked if they might be able to come before them and get a temporary approval opening the gates during the holiday season. Scott Steeves said it had been mentioned at the meeting, but unfortunately the answer was no.

Tom Ryan mentioned experience the traffic there firsthand and he felt it could be a safety issue. He asked Jeremy Rosenberger if KP Law had been present at the meeting, and they had not. Mr. Ryan felt it might be helpful to get them involved to make sure concrete answers could be determined.

### **Adjournment**

Greg made a motion to adjourn the meeting at 7:54 pm. Sara Rosenthal seconded the motion, 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 and the meeting was adjourned.