

**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, December 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  
Tom Ryan, Esq., Member  
Jason L. Mammone, P.E.  
Norman Vigil, Esquire, Associate Member  
Allen MacDuffie, Associate Member

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, December 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 conducted 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.

The first application to be heard was supposed to be the continuation of 128 Milton Street, however, the applicant’s representative was having some technical difficulties with the Zoom platform. The Chairman opted to take the next application out of order, and return to 128 Milton afterwards.

**1105 East Street**

<b>Applicant:</b>	<b>Doggy Dates, LLC</b>
<b>Project Address:</b>	<b>1105 East Street</b>
<b>Zoning District, Map/Lot:</b>	Research & Development (RDO) and Single Residence B (SRB), Map 178, Lot 97
<b>Legal Notice:</b>	Requests a Special Permit for an outdoor daytime dog Playgroup program (i.e. a kennel) on the subject property.
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Zoning Bylaw Section 9.3 and Table 1</i>

On the video call representing the applicant was Peter A. Zahka, II, Esq. Also present at the hearing on behalf of the Applicant were Elizabeth Geisinger, CEO, and Marissa Hanon, COO.

Attorney Peter Zahka explained the Applicant has provided services for dog owners in the area for over eight years. For the last several years, the Applicant has operated an outdoor dog “Playgroup” program in a fenced-in area behind the building at the Subject Property. There are three (3) Playgroups per day, Monday through Friday, between 8:45 a.m. and 3:00 p.m. There are up to fifteen (15) dogs per Playgroup. Customers are not allowed on the Subject Property. Instead, Applicant utilizes two (2) specialty outfitted vehicles to safely transport the dogs to and from the Subject Property. While at the Playgroup, the dogs are monitored by the Playgroup driver/leader.

All dogs are required to be up-to-date on vaccinations and are only allowed to enroll in the program once they pass a behavioral screening. No personnel or dog is on the Subject Property for more than 45 consecutive minutes (and never overnight). The program does not require electricity, gas, or other utilities. All drinking water for the dogs is brought to the Subject Property by the drivers. All animal waste is removed from the area (by privately sourced entities).

The Chairman asked if there was anyone from the public who wished to speak on this application, and there were none. The Applicant filed a petition signed by approximately 14 abutters in support of the application.

Board member Jason Mammone asked if the fencing being used to enclose the dogs needed to be within setback requirements? The plans do not include a surveyed plot plan, and in fact Mr. Mammone had two separate plans showing different areas of the enclosure. Attorney Zahka replied that they were working with the Building Commissioner who would determine if the fence was to be treated as a household fence and would therefore be subject to setback requirements. Alternatively, if it was determined that the fence being used was only to designate an area, the setback requirements would not be in effect. Additionally, he explained there were two sets of plans because one indicates the area that is presently being used, and one indicates the area proposed to be used. The Applicant would be working with the Planning Board, and the Conservation Commission as to where the exact location in the back of the building could be, and this was why some flexibility was written into the plans. Mr. Mammone asked what the next steps would be for the Applicant. Attorney Zahka replied the Conservation Agent, and the Planning Director.

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

- Greg Jacobsen – yes
- Sara Rosenthal – yes
- Jason Mammone – yes
- Norman Vigil – yes
- Scott Steeves – yes

The motion passed unanimously, 5-0.

**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.

The application had been continued from the November meeting. An updated, certified plot plan had been submitted as requested by the board. The proper set back had been updated as well.

Heather Hopkins Dudko was on the video call representing the applicant. Jason Mammone asked the Planning Director to clarify the item in the agenda and asked if they needed to refile. Planning Director Jeremy Rosenberger said the Board was within their prevue to approve it, as it was a waiver, not a Special Permit. There were no further questions from the board.

The Chairman asked if there were any members of the public who wished to speak, and there were none.

A motion was made by Greg Jacobsen to approve the application as presented. The motion was seconded by Jason Mammone, 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.

**59 Court Street**

<b>Applicant:</b>	<b>St. Paul’s Episcopal Church</b>
<b>Project Address:</b>	<b>59 Court Street</b>
<b>Zoning District, Map/Lot:</b>	Single Residence B (SRB) Zoning District. Map 107, Lot 105
<b>Legal Notice:</b>	Requests a Waiver from the Dedham Sign Code to allow for the erection of a 19 sq. ft. sign located on the subject property with a height of 7ft; 6 feet allowed.
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Sign Code Sections 237-29, 237-30, and Table 2.</i>

Peter Zahka, Esquire was on the video call, along with applicant Olivia Hurlock, and Joseph LaValley from St. Paul’s Episcopal Church.

The Applicant proposes to erect a new 19 square foot sign at the Subject Property to replace an existing sign. The proposed sign will have a vertical dimension of 84 inches (7 feet). Footnote 9 to Table 2 (Chapter 237 Attachment 3:1) of the Dedham Sign Code provides that “for institutional uses (items B. 1-8 of the Use Regulation Table in Section II-2 of Chapter 18 of Dedham Zoning By-laws) in a residential district, sign area for any commercial message on a sign may not exceed 20 square feet, with a maximum vertical dimension of six feet.” The proposed sign satisfies the requirements of said Footnote 9 (and other provisions of the Dedham Sign Code) except the vertical height is in excess of six (6) feet. Accordingly, Applicant has requested the ZBA grant a waiver to allow the proposed sign to have a height of seven (7) feet. On November 4, 2021, DRAB delivered a letter to the ZBA and Building Commissioner, indicating that DRAB recommends the grant of the requested waivers. As further required by the Dedham Sign Code, Applicant also provided DRAB with a copy of its application to the ZBA.

Mr. Gregory Jacobsen asked about the height of the post versus the sign, as in the rendering it looked like a post was higher than the sign.  
 Tom Ryan asked if the applicant could show them exactly where the sign would be located, as it was difficult to see on the smaller submitted plans. A picture was brought up to show everyone the exact location.

No one from the public offered testimony at the hearing on this petition. However, the Applicant filed a petition in support of the petition signed by approximately 28 abutters (including all direct abutters).

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.

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

The motion passed unanimously 5-0.

**47 Pratt Street**

<b>Applicant:</b>	<b>James &amp; Diane McLeish</b>
<b>Project Address:</b>	<b>47 Pratt Street</b>
<b>Legal Notice:</b>	Request for an additional six (6) month extension to exercise July 22, 2020 ZBA approval and variances granted.

Representative Peter A. Zhaka, II, Esq. was on the video call to represent the applicant. He explained that the applicant was requesting an extension to a waiver. It is an administrative

matter. The applicant was asking for an additional six (6) months due to the supply chain demands happening across the country as a result of Covid and increased construction.

There were no questions from the Board Members, and no questions from the public.

A motion was made by Greg Jacobsen to approve the sixth month extension. 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.

### **Minutes**

Sara Rosenthal made a motion to approve the minutes of November 17, 2021. The motion was seconded by Tom Ryan 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.

### **Old/New Business**

Schedule for 2022 December meeting -as a result of the holidays the December 2022 meeting would be moved to Thursday, December 15, 2022.

### **Adjournment**

A motion was made by Sara Rosenthal to adjourn the meeting at 7:50 pm. The motion was seconded by Greg Jacobsen 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 meeting was adjourned at 7:50 pm.