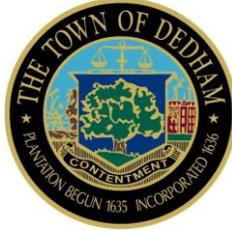


TOWN OF DEDHAM  
COMMONWEALTH OF MASSACHUSETTS

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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Dedham, MA 02026  
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Planning Director  
Jeremy Rosenberger

Assistant Town Planner  
Michelle Tinger

Associate Members

Norman Vigil, Esquire  
Allen MacDuffie

ZONING BOARD OF APPEALS  
MINUTES

Wednesday, January 19, 2022, 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, January 19, 2022**. 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.

**100 Turner Street**

<b>Applicant:</b>	<b>Aine McAlister</b>
<b>Project Address:</b>	<b>100 Turner Street</b>
<b>Zoning District, Map/Lot:</b>	Single Residence B (SRB) Zoning District, Map 155, Lot 40
<b>Legal Notice:</b>	Request for a Special Permit for the extension of the main roofline over the existing enclosed front porch; addition would intensify, but not increase, the pre-existing nonconforming 14.1 ft. front yard setback.
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Zoning Bylaw Section 3.3.4, 3.3.5, and Table 2.</i>

Aine McAlister was in attendance on the video call to represent her application. She explained that she was looking to create three regular sized bedrooms, which would require her to extend the main roofline over the existing enclosed porch. It would not change the square footage of the house at all.

Chairman Steeves asked if there were any board members who wished to speak, and none did. He then asked if there were any members of the public who had any questions or wished to speak, and there were none.

A motion was made by Greg Jacobsen, and seconded by Tom Ryan. A roll call vote was taken:

Sara Rosenthal – yes

Greg Jacobsen - yes

Jason Mammone – yes

Ton Ryan – yes

Scott Steeves – yes

The motion passed unanimously, 5-0.

**23 Grandfield Street**

<b>Applicant:</b>	<b>Sheryl A. Amato</b>
<b>Project Address:</b>	<b>23 Grandfield Street</b>
<b>Zoning District, Map/Lot:</b>	Single Residence B (SRB), Map 7, Lot 175
<b>Legal Notice:</b>	Requests variances to construct a +/- 175 sq. ft. detached garage/shed; proposed garage/shed would exceed the maximum required ridge height (16 ft. proposed, 15 ft. allowed), maximum exterior wall height (10 ft. 6 in. proposed, 10 ft. allowed), and minimum space between buildings (4 ft. 11 in. proposed, 10 ft. required).
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Zoning Bylaw Section 9.2, 9.3 and Table 2.</i>

Mr. and Mrs. Amato were both on the video call to represent their application. Mr. Amato explained the reason for them requesting a detached shed. The proposed shed would keep in the style of the house.

Jason Mammone asked Planning Director Jeremy Rosenberger if when determining the distance between structure were the stairs included? Mr. Rosenberger explained that only if the staircase was enclosed it would be included in the distance calculations. Mr. Mammone then asked about the distance since the staircase at this house was not enclosed. Mr. Mammone then asked if a waiver was needed for that portion of the project. Mr. Rosenberger stated it was ok to leave in the waiver, it would be safer.

Sara Rosenthal asked about the height of the shed, what was the high point? It was sixteen feet at its highest.

There were no members of the public wishing to speak on this application.

A motion was made by Greg Jacobsen and seconded by Sara Rosenthal. A roll call vote was taken.

Sara Rosenthal – yes

Greg Jacobsen - yes

Jason Mammone – yes

Ton Ryan – yes

Scott Steeves – yes

The motion passed unanimously, 5-0.

**1000 Presidents Way**

<b>Applicant:</b>	<b>RAR2 at Jefferson Station MN</b>
<b>Project Address:</b>	1000 Presidents Way
<b>Zoning District, Map/Lot:</b>	Research & Development (RDO). Map 163, Lot 2
<b>Legal Notice:</b>	Request for a modification of a previous Zoning Board of Appeals Comprehensive Permit decision dated May 14, 2003 to allow a temporary opening of two (2) gates on Rustcraft Road for vehicular access as part of a traffic study
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Zoning Bylaw Section 9.3 and Table 1.</i>

Attorney Peter Zahka was on the video call representing the applicant. With him on the call was Susan Weaver, property manager for 1000 Presidents Way, and Jeffrey Dirk from Vanasse and Associates, the traffic engineer.

Attorney Zahka explained the history of the property. The buildings were permitted by a Comprehensive Permit issued and approved by the ZBA on or about May 14, 2003. This stated:

Vehicular traffic for residents of the apartment community shall only be from Enterprise Drive, as shown on the Revised Site Plan. Vehicular access to Jefferson at Dedham Management Office for employees, prospective residents, and other apartment- related business uses shall be from Rustcraft Road as shown on

the Revised Site Plan. Resident parking will not be allowed in the small parking area accessible from Rustcraft Road. Signs to this effect shall be posted adjacent to these parking stalls.

Due to the above quoted condition, all residents must enter/exit the Subject Property via Enterprise Drive (formerly known as Enterprise Drive) to Presidents Way. As shown on the Revised Site Plan, there are two (2) gated driveways located on Rustcraft Road. These gates prevent access from Rustcraft Road to the resident parking area.

The Applicant is requesting a modification to said Comprehensive Permit to all for the temporary opening of the two (2) gates on Rustcraft Road for purposes of conducting a traffic study. Subject to weather, holidays, and other unforeseen circumstances, it is Applicant's intent that said traffic study will be conducted within a 4-week period. Data will be conducted over a 7-day period with the gates closed (i.e., with all resident traffic entering/exiting from Presidents Way to Enterprise Drive and then again with the gates open and Presidents Way closed (i.e., with all resident traffic entering/exiting from Rustcraft Road). As such, this traffic study is designed to prevent "cut-through" traffic not associated with the Subject Property.

For a number of years, the gates on Rustcraft Road have been opened by the Town during the holiday season (usually around Thanksgiving to sometime in January) for safety and other reasons. While the gates are opened by the Town, the Presidents Way entrance also remains open. Furthermore, the Town (via signage on Enterprises Drive) encourages the general public to "cut-through" the Subject Property (either from Enterprise Drive to Rustcraft Road and vice versa). Accordingly, Applicant is unable to conduct the proposed traffic study during this period.

During the hearing, there was a discussion between ZBA members and Applicant's traffic engineer regarding the scope and methodology of the study. ZBA members recommended (amongst other things) that during the traffic study signs be posted on Rustcraft Road and/or Presidents Way/Enterprise Drive indicating that there is "no through traffic". It was also suggested the video monitors be utilized in some areas instead of automatic traffic recorders.

Several residents from Jefferson at Dedham Station spoke in favor of granting the requested relief. In addition, William Gorman (formerly of Jefferson Street) provided a history of the Comprehensive Permit process and expressed concerns relative to the requested gate opening.

Changes or modifications of a Comprehensive Permit are regulated pursuant to the Code of Massachusetts Regulations, 760 CMR 56.05(11) which establishes processes for substantial and insubstantial changes. For insubstantial changes, an Applicant could notify the ZBA of the proposed change and if the ZBA determines the same to be insubstantial or fails to notify the Applicant by the end of a 20-day period, the Comprehensive Permit shall be deemed modified to incorporate the change. While the Applicant considers the proposed modification as insubstantial (since it is on a temporary basis only), Applicant did not avail itself of this procedure. Instead, the Applicant submitted an Application for Hearing to the ZBA.

A motion was made by Greg Jacobsen and seconded by Sara Rosenthal. A roll call vote was taken.

Sara Rosenthal – yes

Greg Jacobsen - yes

Jason Mammone – yes

Ton Ryan – yes

Scott Steeves – yes

The motion passed unanimously, 5-0.

### **Minutes**

A motion was made by Greg Jacobsen to approve the minutes of December 15, 2021. The motion was seconded by Sara Rosenthal and a roll call vote was taken.

Sara Rosenthal – yes

Greg Jacobsen - yes

Jason Mammone – yes

Ton Ryan – yes

Scott Steeves – yes

The motion passed unanimously, 5-0.

### **Adjournment**

A motion was made by Greg Jacobsen to adjourn the meeting at 8:15 pm, the motion was seconded by Sara Rosenthal. A roll call vote was taken, all agreed, and the meeting was adjourned.