

**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  
Allen MacDuffie



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Planning Director  
Jeremy Rosenberger

Assistant Town Planner  
Michelle Tinger

**ZONING BOARD OF APPEALS  
MINUTES - DRAFT**

**Wednesday, February 16, 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, February 16, 2022**. The Chairman opened the meeting by reading the following statement:

Pursuant to Chapter 20, the Acts of 2021, this meeting of the Zoning Board of Appeals is being conducted via remote means. Members of the public who wish to access the meeting can do so by using the Zoom link or phone numbers via computers or mobile device as posted on the Meeting Agenda which can be found on the town website. 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 in real time via technological means.

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.

**69 Common Street**

<b>Applicant:</b>	<b>69 Common Street Realty, LLC</b> (Representative: Peter A. Zhaka, II, Esq.)
<b>Project Address:</b>	<b>69 Common Street</b>
<b>Zoning District, Map/Lot:</b>	Single Residence A Zoning District (SRA), Map 73, Lot 1
<b>Legal Notice:</b>	Request for a Special Permit to construct a detached 1,000 sq. ft. accessory dwelling unit above the existing garage.
<b>Section of Zoning Bylaw:</b>	Town of Dedham Zoning Bylaw Section 7.7, 8.2, 9.2, 9.3, Table 1 and Table 2.

Attorney Peter Zahka was on the video call representing the applicant. He began by correcting the language of the advertisement. Instead of constructing a 1000 square foot garage as is written in the advertisement, applicant wishes to expand the existing garage by 252 square feet and to use the garage as an accessory dwelling unit. Attorney Zahka noted, however, that the advertisement was legally sufficient.

The garage which has been unused for many years is currently 1125 square feet and is already equipped with old plumbing facilities. The applicant wishes to expand the footprint of the garage by 252 square feet to total 1,377 square feet, of which 1000 square feet of

which would be a dwelling unit for the applicant's parents and 377 square feet will remain a garage.

Attorney Zahka confirmed that all regulations for accessory dwelling units set forth in the Zoning Bylaw 7.7 were met, and that the abutting properties were in support of the plan given the accessory dwelling unit will be used by the applicant's parents. Chairman Steeves confirmed that the Board had received six letters and one email from abutters in support of the project.

Chairman Steeves asked if there were any board members who wished to speak. Tom Ryan asked Planning Director Rosenberger what the recertification process was for accessory dwelling units after the 2- or 3- year preliminary approval. Mr. Rosenberger and the Chairman confirmed that this process fell within the jurisdiction of the Building Department but would need to be looked into if the Building Department was not following through. Jason Mammone expressed concerns with voting on the motion tonight without understanding the process of recertification, and Attorney Zahka responded that a concern for recertification should not hold up a vote on this project because all zoning by-laws have been followed.

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 – no

Tom Ryan – yes

Scott Steeves – yes

The motion passed 4-1.

**725 Providence Highway**

<b>Applicant:</b>	<b>Federal Realty</b> (Representative: Kevin Hampe, Esq.)
<b>Project Address:</b>	<b>725 Providence Highway</b>

<b>Zoning District, Map/Lot:</b>	Highway Business Zoning District (HB), Map 122, Lot 1
<b>Legal Notice:</b>	Request for a Variance for the pre-existing nonconforming Floor Area Ratio (.36 existing/proposed, .35 maximum allowed) and Special Permits for a Drive-Thru Facility and Common Victualler License (Restaurant) to demolish the existing former car dealership/service center and construct a new +/- 4,000 sq. ft. drive-thru restaurant.
<b>Section of Zoning Bylaw:</b>	Town of Dedham Zoning Bylaw Section 3.3, 9.2, 9.3, Table 1 and Table 2.

In attendance for the applicant were:

Attorney Kevin Hampe, legal representative

Mark Herbert, Vice President of Development for Federal Realty Investment

Bill Lucas, Bohler Engineering

Tony Librot, representing Kelly's Roast Beef

Jeff Dirk, Vanasse Associates

Attorney Hampe gave an introduction of the project, which would bring a Kelly's Roast Beef restaurant to the southern part of the Dedham Plaza property. Mr. Herbert added that the restaurant was part of Federal Realty's long-term plans to improve the appeal and aesthetics of the Dedham Plaza site. Mr. Lucas explained the engineering of the proposal and mentioned that the design of the drive-thru would minimize traffic issues on Providence Highway. The proposal would not expand development beyond the existing pavement. Mr. Librot explained the concept of the restaurant and the design of the building itself.

The applicant requests a variance to allow a floor-area ratio of .36 (.35 ratio allowed in the Highway Business district). The floor plan of the new building would be significantly reduced to about 4,000 square feet (the existing vacant building is 7,00 square feet).

Mr. Ryan asked about the street which abuts the back of the property, and the number of seats in the restaurant. He asked about how the restaurant will reduce odors to abutting properties, and Mr. Librot explained that the restaurant would take neighbors into consideration.

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

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

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

The motion passed unanimously, 5-0.

**302 East Street**

<b>Applicant:</b>	<b>Charles Farias</b>
<b>Project Address:</b>	<b>302 East Street</b>
<b>Zoning District, Map/Lot:</b>	General Residence Zoning District (GR), Map 93, Lot 45
<b>Legal Notice:</b>	Request for a Special Permit to construct a two-story rear addition; proposed project would intensify, but not increase the pre-existing nonconforming 6 ft. left side yard setback.
<b>Section of Zoning Bylaw:</b>	Town of Dedham Zoning Bylaw Section 3.3, 9.2, 9.3 and Table 1.

Charles Farrias was in attendance on the video call to represent his application.

The Chair mentioned that there are seven neighbors in support of the applicant’s permit. There were no members of the Board wishing to speak on this application.

Gulmira David of 298 East Street expressed that she did not have objections to the project.

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

Tom Ryan – yes

Scott Steeves – yes

The motion passed unanimously, 5-0.

**11 Cecil Place**

<b>Applicant:</b>	<b>Eversource</b> (Representative: Joshua Lee Smith, Esq.)
<b>Project Address:</b>	<b>11 Cecil Place</b>
<b>Zoning District, Map/Lot:</b>	Highway Business Zoning District (HB), Map 109, Lot 24
<b>Legal Notice:</b>	Requests for Special Permits for the extension of a pre-existing nonconforming use (Essential Services) within the Flood Plain Overlay District (FPOD).
<b>Section of Zoning Bylaw:</b>	Town of Dedham Zoning Bylaw Section 3.3. 8.1, 9.3, Table 1.

In attendance for the applicant were:

Attorney Joshua Lee Smith, legal representative

Miles Lane Kennedy, member of project outreach team at Eversource

Mr. Kennedy introduced the project and explained that the site needed an upgrade to modernize the grid as many of the current equipment is over 50 years old. Mr. Smith mentioned that the upgrade would allow the capacity of the incoming supply lines to be fully utilized and eliminates reliance on older, undersized equipment. Eversource would build a new fence and plant new trees that would block any unattractive views to abutters.

The applicant seeks a Special Permit to expand the pre-existing nonconforming use of the property within the Flood Plain Overlay District, and Mr. Smith noted that the only disruption into the woodland area of the property would be to temporarily store construction equipment. The proposed transformers would be further to abutting residential properties than the existing ones, and would also be quieter.

Chairman Steeves asked if there were any board members who wished to speak. Tom Ryan asked if the Parks and recreation Department was consulted, and Planning Director Jeremy Rosenberger explained that the plans still had to go through the Planning Board and that at that point other departments would be notified.

Mr. Ryan asked about the logistics of the hanging wires that run into the station site, and project manager Cam Raufi explained that the power comes from underground and that the wire that Mr. Ryan was referring to would not be touched in the site and the flood-plain property in question would be dealt with by another department.

Ms. Rosenthal asked about the difference in size between the old and new transformers. Mr. Raufi explained that the transformer sizes were relatively comparable, but that the new technology allows a lot more capacity for the transformers.

Michael De Winter, an abutting neighbor to the site, asked about the change in noise with the new transformers, and asked for more trees along the lot to make the neighborhood more aesthetically appealing. Mr. Smith confirmed that the noise of the new transformers would be quieter because of the new technology, and Mr. Raufi confirmed that the transformers would be further from residential properties. Eversource is committed to planting more trees on the property in the future.

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

Tom Ryan – no

Scott Steeves – yes

The motion passed 4-1.

Greg Jacobsen retired from the meeting, and associate member Norman Vigil took his place.

### **11 Harding Terrace**

<b>Applicant:</b>	<b>Bianca Rodriguez</b>
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<b>Project Address:</b>	<b>119 Harding Terrace</b>
<b>Zoning District, Map/Lot:</b>	Single Residence B (SRB) Zoning District, Map 98, Lot 131
<b>Legal Notice:</b>	Request for a Special Permit to convert an existing 270 sq. ft. garage into an accessory dwelling unit and waivers from accessory dwelling unit requirement for the minimum lot size area requirement (13,750 sq. ft. required, 3,964 sq. ft. provided), parking requirement (1 off-street parking space required, none provided) and minimum unit size requirement (350 sq. ft. required minimum, +/- 270 sq. ft. provided.)
<b>Section of Zoning Bylaw:</b>	Town of Dedham Zoning Bylaw Section 7.7, 9.2, 9.3, Table 1 and Table 2.

Bianca Rodriguez was in attendance on the video call to represent her application.

Ms. Rodriguez explained that she would like to build an in-law apartment for her mother on the property.

Chairman Steeves asked about the parking on the property, and Ms. Rodriguez said that her property can hold 4 parking spaces. Planning Director Jeremy Rosenberger explained that a single-family unit needed one parking space and the accessory dwelling unit would require an additional spot. The language in the advertisement that there was no parking provided, but Mr. Rosenberger explained that it seemed like the applicant did indeed have appropriate space for parking.

Mr. Mammone asked if this accessory dwelling unit would require the same 3 year process, and Chairman Steeves said that it did. Ms. Rodriguez asked if the process is through the Zoning Board or the Building Department and Mr. Rosenberger said that it was through the Building Department.

Ms. Rosenthal asked if the space would be appropriate for Ms. Rodriguez's mother, and she responded that it would be a suitable living space for her mother. Ms. Rodriguez said that while she did not gather signatures from neighbors yet, she did speak with them, and they seemed to be in approval of the project.

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



A motion was made by Sara Rosenthal and seconded by Tom Ryan. A roll call vote was taken.

Sara Rosenthal – yes

Jason Mammone – no

Tom Ryan – yes

Norman Vigil - yes

Scott Steeves – yes

The motion passed 4-1.

Greg Jacobsen returned to the video call.

### **Minutes**

A motion was made by Sara Rosenthal to approve the minutes of January 19, 2021, provided a small error which had Ms. Rosenthal's name written as "Rosenberger" was corrected. The motion was seconded by Greg Jacobsen and a roll call vote was taken.

Sara Rosenthal – yes

Greg Jacobsen - yes

Jason Mammone – yes

Tom Ryan – yes

Scott Steeves – yes

The motion passed unanimously, 5-0.

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

The Board will meet on Zoom for the March 16<sup>th</sup> meeting, but there is potential for an in-person meeting for April.

The Chairman addressed the re-certification process for accessory dwelling units as mentioned tonight, and Mr. Rosenberger would investigate this and report back in March.

### **Adjournment**

A motion was made by Jason Mammone to adjourn the meeting at 8:52 pm, the motion was seconded by Sara Rosenthal. A roll call vote was taken, all agreed, and the meeting was adjourned.

DRAFT