

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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Planning Director
Jeremy Rosenberger

Associate Members

Norman Vigil, Esquire
Allen MacDuffie

Senior Planner
Michelle Tinger

ZONING BOARD OF APPEALS
MINUTES

Wednesday, May 18, 2022, 7:00 p.m.
Dedham Town Hall

Present: Scott Steeves, Chair
Sara Rosenthal, AIA, LEED AP, NCARB, Vice Chair
J. Gregory Jacobsen
Norman Vigil, Esquire, Associate Member
Allen MacDuffie, Associate Member

Regrets: Tom Ryan, Esq.
Jason L. Mammone, P.E.

Staff: Jeremy Rosenberger, Town Planner
Michelle Tinger, Community Planning and Engagement Specialist

The meeting began at **7:00 pm** on the night of **Wednesday, May 18, 2022**. The Chair conducted roll call:

Sara Rosenthal
J. Gregory Jacobsen
Norman Vigil
Allen MacDuffie
Scott Steeves

The Chair called the meeting to order.

93 Madison Street

Applicant:	Robert and Nancy Dunn (Representative: Peter Sachs)
Project Address:	93 Madison Street
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District, Map 141, Lot 59
Legal Notice:	Requests a Variance and/or Special Permit for the addition of a two-story rear addition; proposed project would intensify and increase the pre-existing nonconforming +/- 4.3 ft. left side yard setback. The applicant also requests a Variance and/or Special Permit for the addition of a one-story, two-car garage; proposed project would intensify the preexisting nonconforming rear yard setback (5.2 ft proposed; 20 ft required) and the side yard setbacks (12.5 ft proposed on left and 5.1 ft proposed on right; 10 ft required).
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Section 3.3.D, 4.3.2, 4.8, 9.2, 9.3, and Table 1 and 2.

Architect Peter Sachs and Mr. and Mrs. Dunn were present representing the application. Mr. Sachs explained that the Dunns seek to renovate their home so that they can continue to reside there comfortably. The project would add a two-story addition to the rear of the house, intensifying the existing 4.3-foot left side setback. The applicants also seek to construct a two-car garage to replace the current one-car garage, which would intensify the existing 5.2-foot rear and 5.1-foot right side setbacks. While he noted there was some abutter opposition to the project, Peter noted that the way the property is positioned the new construction should not dramatically affect the shadows of abutters' properties throughout the day.

The Chair asked if any board members wished to speak. Allan MacDuffie asked for clarification about the length of the existing home and the current and proposed lot coverage. It is 32.4 feet and is proposed to be extended by 16 feet. The building coverage on the property is currently 23%, the allowable is 30%, and the proposed is 35%. Thus, the applicants are seeking 5 percent in relief as 7 percent of the 12% addition is allowed by right.

Greg Jacobsen noted the lot coverage was not mentioned in the legal advertisement, but Planning Director Jeremy Rosenberger mentioned that this was done to highlight the requested setback relief.

Sara Rosenthal asked if the project required a Conservation Commission ruling. While the project does not reach the 1000-square-foot disturbance which triggers a major storm-water permit and a hearing before the Conservation Commission, it will require a minor

stormwater permit and further consultation with the Building and Conservation Departments. Mr. Rosenberger confirmed that relief requested is a special permit for the setbacks on the house, and a variance due to the lot coverage relief required for the garage.

The Chair asked if any members of the public wished to speak. Andrew and Virginia Sullivan, abutters to the immediate left of the property, expressed opposition to the project and felt the side wall that the extension would create would be unsightly in their yard. They felt that approving this project would set a bad precedent in the neighborhood and negatively affect their property value. They also felt the garage was too large for the lot.

Paula McCarthy of 94 Monroe Street asked for clarification about stormwater management. Mr. Rosenberger explained that going through the stormwater process is helpful in reviewing the plan to help mitigate any groundwater issues.

Kathleen Smith of 100 Monroe Street initially supported the proposal, but she understood the Sullivans' perspective and said the project would change the dynamics of her backyard.

Nancy Dunn explained that while her house has a 4-foot setback, there is a significant portion of grass and a driveway that separates the two homes. She does not feel the project would dramatically change the quality of life to abutters and the sun will still shine in all the yards. There have been several precedent-setting additions to homes in the neighborhood. She expressed that she does not want to leave Dedham but needs the addition in order to remain there comfortably.

Mr. MacDuffie felt at least making the garage smaller so as not to exceed the required lot coverage would be wise, as this was what triggers the variance. The applicants did not argue that they have not met the requirements to be granted a variance in the soil, topography, or shape of the lot. Mr. Sachs felt that the variance request would not be substantially more detrimental to the quality in the neighborhood as per state variance law and felt Mr. MacDuffie's interpretation of a variance was not similar to the impression that he received while speaking with the Building Commissioner.

A motion was made by Norman Vigil and seconded by Sara Rosenthal to approve the Special Permit and/or Variance, and a roll call vote was taken.

Norman Vigil – yes

Sara Rosenthal – yes

Allan MacDuffie – no

Greg Jacobsen – yes

Scott Steeves – no

The motion failed, 3-2.

17 Maverick Street

Applicant:	Genci Panci (Representative: Kevin Hampe, Esq.)
Project Address:	17 Maverick Street
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District, Map 95, Lot 20
Legal Notice:	Requests a Special Permit to convert the existing single-family dwelling to a two-family dwelling and a Variance to exceed the maximum allowed enlargement of said conversation of 20% (53% proposed).
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 3.3, 7.2, 9.2, 9.3, Table 1 and Table 2.

Attorney Kevin Hampe and Mr. Panci were present representing the application. The applicants seek to convert the single-family dwelling into a new two-family dwelling, which would require a variance to expand the cubic footprint by 53% instead of the required 20%. Mr. Hampe explained that the same request was approved by the Board in 2020 but there were legal issues regarding the title of the property, so the project never moved forward and the approval has expired. Mr. Hampe noted that while the new home would expand the footprint on the property, the front setback would be pushed back, and sufficient parking will be provided on site.

The Chair asked if any board members wished to speak, and there were none. The Chair then asked if there were any members of the public wishing to speak. Carl Auguste of 45 Maverick Street asked for clarification of the change in cubic feet and height. The current building was 21,424 cubic feet and the new building would be 32,832 cubic feet. The height of the building would not exceed the maximum 38 feet allowed by right.

A motion was made by Greg Jacobsen and seconded by Sara Rosenthal to approve the Special Permit and Variance. A roll call vote was taken.

Allan MacDuffie – yes

Greg Jacobsen – yes

Sara Rosenthal – yes

Norman Vigil – yes

Scott Steeves – yes

The motion passed unanimously, 5-0.

380-384 Washington Street

Applicant:	Oscar Bar Dedham, LLC (Representative: Peter A. Zahka II, Esq.)
Project Address:	380-384 Washington Street
Zoning District, Map/Lot:	Central Business (CB) Zoning District, Map 108, Lot 67
Legal Notice:	Requests a Special Permit to expand existing 1,500 sq. ft. restaurant with 49 seats to be 2,026 sq. ft., 74 seats and no off-street parking.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 3.1, 9.2, 9.3, Table 1 and Table 3.

Attorney Peter Zahka and restaurant manager Mike Tallon were present representing the application. Oscar’s restaurant has acquired the defunct dry cleaners next door and seek to split this property in half: the front portion would be a beer and wine store and the back portion would be an extension of restaurant seating. This expansion would extend seating capacity from 49 to 74 seats. There is no off-street parking on site as the building covers the entire lot as characteristic of Dedham Square properties.

The Chair asked if any board members wished to speak, and there were none. The Chair then asked if there were any members of the public wishing to speak, and there were none.

A motion was made by Greg Jacobsen and seconded by Sara Rosenthal to approve the Special Permit, and a roll call vote was taken.

Allan MacDuffie – yes

Greg Jacobsen – yes

Sara Rosenthal – yes

Norman Vigil – yes

Scott Steeves – yes

The motion passed unanimously, 5-0.

725 Providence Highway

Applicant:	Federal Realty Investment Trust (Representative: Keith Hampe, Esq.)
Project Address:	725 Providence Highway
Zoning District, Map/Lot:	Highway Business (HB) Zoning District, Map 122, Lot 1
Legal Notice:	Requests a Special Permit to modify previous Zoning Board of Appeals decision dated February 16, 2022 to increase total seating capacity of restaurant (interior and exterior) from previously approved 60 seats to 88 seats.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Section Tables 1 and 2.

Attorney Keith Hampe was present representing the application. In February, the Board approved the Special Permits and Variances for the proposed Kelly’s Roast Beef restaurant, but the revised floorplan design contains 88 seats instead of the originally approved 60 seats.

The Chair asked if any board members wished to speak, and there were none. The Chair then asked if there were any members of the public wishing to speak, and there were none.

A motion was made by Sara Rosenthal and seconded by Greg Jacobsen to approve the Special Permit, and a roll call vote was taken.

Allan MacDuffie – yes

Greg Jacobsen – yes

Sara Rosenthal – yes

Norman Vigil – yes

Scott Steeves – yes

The motion passed unanimously, 5-0.

47 Pratt Avenue

Applicant:	James and Diane McLeish (Representative: Peter A. Zahka, II, Esq.)
Project Address:	47 Pratt Avenue
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District, Map 178, Lot 32
Legal Notice:	Request for an additional six (6) month extension to exercise July 22, 2020 ZBA approval and variances granted.

Attorney Peter Zahka was present representing the application. The applicants seek a six-month extension of the prior July 2020 approval in order to deal with an unforeseen Special Permit for a retaining wall on the property. The applicants will return to the Board about the retaining wall at a later meeting.

The Chair asked if any board members wished to speak, and there were none. The Chair then asked if there were any members of the public wishing to speak, and there were none.

A motion was made by Greg Jacobsen and seconded by Sara Rosenthal to approve the Special Permit, and a roll call vote was taken.

Allan MacDuffie – yes

Greg Jacobsen – yes

Sara Rosenthal – 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 April 20, 2022. The motion was seconded by Sara Rosenthal and a roll call vote was taken.

Allan MacDuffie – yes

Greg Jacobsen – yes

Sara Rosenthal – yes

Norman Vigil – yes

Scott Steeves – yes

The motion passed unanimously, 5-0.

ZBA Re-Organization

It was decided that the selection of a new Chair and Vice Chair would be decided at the next meeting when all seven members and associate members were present.

Old Business/New Business

Allan MacDuffie suggested adding an additional column to the ZBA application which includes the zoning district's current requirements.

Adjournment

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