

**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**

**Senior Planner
Michelle Tinger**

Associate Members

**Norman Vigil, Esquire
Allen MacDuffie**

**ZONING BOARD OF APPEALS
MINUTES - DRAFT**

**Wednesday, September 21, 2022, 7:00 p.m.
Dedham Town Hall**

Present: Scott Steeves, Chair
Sara Rosenthal, AIA, LEED AP, NCARB, Vice Chair
J. Gregory Jacobsen
Jason L. Mammone, P.E.
Tom Ryan, Esq.
Norman Vigil, Esq., Associate Member
Allen MacDuffie, Associate Member

Staff: Jeremy Rosenberger, Town Planner
Jennifer Doherty, Office Manager

The meeting began at **7:00 pm** on the night of **Wednesday, September 21, 2022**. The Chair conducted roll call:

Sara Rosenthal
Greg Jacobsen
Jason Mammone
Tom Ryan
Norman Vigil
Allen MacDuffie
Scott Steeves

The Chair called the meeting to order.

600 Providence Highway (continued from August 17, 2022)

Applicant:	Commonwealth Behavioral Health, LLC
Project Address:	600 Providence Highway
Zoning District, Map/Lot:	Highway Business (HB) Zoning District, Map 123, Lot 16
Legal Notice:	Request for a Special Permit for a proposed +/- 6,400 sq. ft. Substance Abuse Treatment Clinic.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 3.1, 6.6, 9.2, 9.3, and Table 1.

Associate Member Norman Vigil is voting in place of Vice Chair Sara Rosenthal on this application due to the Vice Chair’s absence from the August 17, 2022 meeting.

Co-owner Justin Cambria was present representing the application. The applicants seek a Special Permit to open a Substance Abuse Treatment Clinic in the Dedham Marketplace property. Their business would help those affected by substance abuse disorders by providing therapy and counseling programs. There will be a nurse practitioner on site to prescribe medication to patients, but no drugs will be administered to patients on site. After questions were raised at the August meeting about the location’s proximity to nearby schools, the applicants put together a memorandum showing that no school was within 1000 feet of the subject property. The Kumon Math and Reading Center, Springtide autism center, and Arthur Murray Dance Studio are not considered schools per Dedham’s zoning bylaw even though they serve children.

The Chair asked if any members of the public wished to speak on the application. Fariba Salehi, director of the Kumon Math and Reading Center, and Emad Abdallah, owner of Elite Orthodontics, expressed concerns about the location of the facility near their businesses which are both mostly patronized by children. Patrick Cronin of 206 Bonham Street spoke in strong support of the application. He runs a similar business in Attleboro that has not caused significant issues, and he shared that services like those the facility will provide have helped him greatly in his own sobriety. Kimberly Bevans of 135 Colburn Street spoke in strong support of the application, noting that addiction exists among all types of people in Dedham and that the town needs facilities like these to help people rather than stigmatize them. Nicole Stern of 30 Willow Street who owns Dedham Acupuncture located on the subject property was opposed to the facility at this particular location, and raised concerns about patrons smoking on the property. Christina Pendleton of 46 Fox Meadow Lane asked the applicant if he had considered other locations in Dedham, to which he responded that he had but this location was best as far as size, location,

and facilities. Ms. Pendleton expressed support of this type of business in Dedham as she has experience working with people affected by addiction.

The Chair asked if any board members wished to speak. Tom Ryan confirmed if it was still the applicants' intention to be open from 8 AM to 8 PM, which Mr. Cambria confirmed that it was. Greg Jacobsen asked if town counsel could clarify the definition of "school," and the Chair explained that this was not necessary as town counsel would prefer the Board to make this judgement. Allen MacDuffie asked if Kumon and Springtide are not considered schools. After clarification, he felt that the applicants had met the criteria as written in the Zoning Bylaw. Tom Ryan added that the Board was not voting to determine the location to be correct but that three criteria had been met, which he felt that they had. Jason Mammone asked how many patients the program planned to have, to which Mr. Cambria responded that they would accept conditions putting a temporary census cap of 50, and they will return after one year of operation to reassess this number. Norman Vigil asked for clarification on what stage of sobriety the patients would be, and Mr. Cambria explained that there were two types of patients that they would serve: those "stepping down" from a detox program into their service, and those "stepping up" into their program because they seek additional help. All patients would be drug tested, and smoking marijuana will be strictly forbidden.

A motion was made by Greg Jacobsen and seconded by Tom Ryan to approve a Special Permit for the proposed +/- 6,400 sq. ft. Substance Abuse Treatment Clinic, with the conditions that:

- The hours of operation remain within 8AM and 8PM
- The program census be capped at 50 persons for the first year of operation
- The applicants return after one year of operation to reassess the hours and program census.

A roll call vote was taken.

Greg Jacobsen – yes

Jason Mammone – yes

Tom Ryan – yes

Norman Vigil – yes

Scott Steeves – yes

The motion passed unanimously, 5-0.

Vice Chair Sara Rosenthal resumed her place as a voting member for the remainder of the meeting.

300 Legacy Place

Applicant:	Whole Foods Market
Project Address:	300 Legacy Place
Zoning District, Map/Lot:	Research Development & Office Zoning District (RDO), Map 162, Lot 1
Legal Notice:	Request for a Special Permit to house a temporary trailer behind Whole Foods Market on property owned by WS Development.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 3.2.1, 9.2 and 9.3.

Dave Fillipone of Whole Foods Market was present for the application. He requested the store’s annual permission for a temporary trailer to store turkeys for the Thanksgiving holiday. The trailer would arrive the week of November 7, 2022 and would be removed the week of November 28, 2022. There were no questions from the board or from the public.

A motion was made by Sara Rosenthal and seconded by Greg Jacobsen to approve the Special Permit. 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.

390 Cedar Street

Applicant:	Robert Stow (Representative: Keith P. Hampe, Esq.)
Project Address:	390 Cedar Street
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District, Map 154, Lot 128
Legal Notice:	Request for a Special Permit to convert a single-family residence to a two-family residence.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 3.3, 7.2, 9.2, 9.3, and Table 1.

Robert Stow and Attorney Keith Hampe was present representing the applicant, who explained that the Applicants seek a Special Permit to convert the single-family residence to a two-family residence. The proposal includes demolishing the existing building dating from 1850 and rebuilding a two-family dwelling on the property. The Assessors’ office has the existing dwelling on record as a two-family home, with records dating back to 1968. The Building Department has determined the two-family use to be abandoned for longer than two years and thus only the single-family designation is currently allowed. Attorney Hampe explained that Section 7.2 of Dedham’s Zoning Bylaws, three criteria must be met to convert a single-family to a two-family dwelling. First, the land area must be 50% larger than required for the construction of a single-family home, which the lot satisfies. Second, no exterior enlargement can be made that increases the cubic content of the house by 20% or more. While the proposal for the new dwelling is 7,674 square feet, it is only roughly 5,800 square feet without the garages. The current dwelling is 5,795 square feet. Third, no change can be made which in the Board’s opinion alters the single-family character of the dwelling. Attorney Hampe argued that the character of the home has been a two-family building as there have always been two entrances to the house. The new proposal would improve traffic conditions in the neighborhood as both doors would now be on Cedar Street, eliminating the second driveway, and a new dwelling would be more aesthetically pleasing for the neighborhood as well.

The Chair asked if any members of the public wished to speak on the application, John & Elizabeth Murphy of 400 Cedar Street voiced strong opposition to the project and said the home has not been used as a two-family home for years. They felt that the proposal was out of character with the neighborhood and approving this application would set a bad precedent in Dedham. Charles Tsacoyeanes of 19 Kimball Road expressed concern about a tree on the property, part of which has previously fallen into his yard. Attorney Hampe answered that the applicant has already brought an arborist to the site to check the health of trees but was willing to bring back an arborist and work with Mr. Tsacoyeanes to express his concerns. Bob Strickland of 404 Cedar Street as for clarification on the abandonment, which the Chair explained that the Building Department determined the two-family designation to be abandoned, not the dwelling itself.

The Chair asked if any board members wished to speak. Jason Mammone asked for clarification on how the two-family designation was lost, and felt that the aesthetic of the proposal might not fit within the neighborhood. Allen MacDuffie asked why the applicant did not apply to appeal the determination of abandonment instead of asking to re-convert the property to a two-family, to which Attorney Hampe responded that he and the applicant felt the application was the wisest path to take. Mr. MacDuffie felt that the necessary criteria were not met for this application as the proposal does alter the character of the property, and mentioned that one cannot “convert” a building that does not yet exist. Sara Rosenthal asked what the grounds were for the abandonment, and Attorney Hampe explained that the applicant did not know the details on the Building Department’s inspection or determination, but mentioned that the dwelling has two egresses and two water tanks which are qualifications per state law for a two-family dwelling. The Vice Chair pointed out that the applicant could have “nefariously” built a new single-family and afterwards ask for a conversion to a two-family, but has decided not to go this route and is asking for the two-family determination from the beginning of the new construction.

A motion was made by Greg Jacobsen and seconded by Sara Rosenthal to approve the Special Permit. 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.

45-55 Cliff Way

Applicant:	Padraig Duncan (Representative: Peter A. Zakha II, Esq.)
Project Address:	45-55 Cliff Way
Zoning District, Map/Lot:	Limited Manufacturing A (LMA) Zoning District, Map 129, Block 5, Lot 4021
Legal Notice:	Requests a Special Permit for a retaining wall with a maximum height of +/- thirteen (13) feet four (4) inches and a Special Permit for work within the Flood Plain Overlay Protection District.

Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 6.5, 9.2, and 9.3.
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Padraig Duncan was present representing the application. He explained that he is seeking a Special Permit to increase the height of a retaining wall on the back and side of his property to a maximum height of 13 feet.

The Chair asked if any members of the board wished to speak. Jason Mammone asked for clarification that the wall was retaining his property, which it was. Mr. Duncan said the wall would improve the aesthetics for his neighbors.

The Chair asked if any members of the public wished to speak. Freddy Soto of 172 Milton Street spoke in support of the application. The Chair mentioned that six abutters send letters in support of the application.

A motion was made by Sara Rosenthal and seconded by Greg Jacobsen to approve the Special Permit. 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.

530 Providence Highway

Applicant:	Tails Inc. & Yessy Feliz
Project Address:	530 Providence Highway
Zoning District, Map/Lot:	Highway Business (HB) Zoning District, Map 108, Lot 104
Legal Notice:	Request for a Special Permit for an indoor dog day-care, grooming, and training program (i.e. a kennel) on the subject property.

Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 3.3, 7.7. 9.2, 9.3, and Table 2.
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Yessy Feliz was present representing the application. The applicant seeks a Special Permit to open a dog daycare, grooming, and training facility, which classifies as a kennel under the Dedham Zoning Bylaw.

The Chair asked if any board members wished to speak. Jason Mammone asked about the outdoor grass portion and if any dogs would be boarded overnight, to which the applicant responded that they had a plan to sanitize the grass and that an average of 16 dogs are boarded on a given night at the Jamaica Plain location.

The Chair asked if any members of the public wished to speak on the application, and there were none.

A motion was made by Sara Rosenthal and seconded by Greg Jacobsen to approve the Special Permit. 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.

Meeting Minutes

A motion was made by Greg Jacobsen to approve the minutes of July 20, 2022 and August 17, 2022. The motion was seconded by Tom Ryan and a roll call vote was taken.

Greg Jacobsen – yes

Jason Mammone – yes

Tom Ryan – yes

Norman Vigil – yes

Scott Steeves – yes

The motion passed unanimously, 5-0.

Old Business/New Business

Planning Director Jeremy Rosenberger updated the Board on the proposed restaurant zoning amendment that is set to move forward for the Fall 2022 Town Meeting.

Adjournment

A motion was made by Jason Mammone and seconded by Greg Jacobsen to adjourn the meeting at 8:50pm. A roll call vote was taken, all agreed, and the meeting was adjourned.