

**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



Dedham Town Hall  
450 Washington Street  
Dedham, MA 02026  
Phone 781-751-9240

Planning Director  
Jeremy Rosenberger

**Associate Members**

Norman Vigil, Esquire  
Allen MacDuffie

Senior Planner  
Michelle Tinger

**ZONING BOARD OF APPEALS  
MINUTES - DRAFT**

**Wednesday, November 16, 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, Planning Director  
Michelle Tinger, Senior Planner  
Jayson Schultz, Planning Intern

The meeting began at **7:00 pm** on the night of **Wednesday, November 16, 2022**. The Chair conducted roll call:

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

The Chair called the meeting to order.

**116 Pratt Avenue**

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| <b>Applicant:</b>                | <b>Daurin Arias</b>   |
| <b>Project Address:</b>          | <b>116 Pratt Avenue</b>   |
| <b>Zoning District, Map/Lot:</b> | Single Residence B (SRB) Zoning District, Map 142, Lot 128  |
| <b>Legal Notice:</b>             | Requests a Special Permit and/or Variance to construct a covered porch with a rear yard setback of 6.5 ft. (20 ft. required). |
| <b>Section of Zoning Bylaw:</b>  | Town of Dedham Bylaw Section 280-9.2, 9.3, and Table 2.   |

Daurin Arias and Lisandra Peguero were present representing the application. Ms. Peguero explained that her father constructed a covered porch onto the back of her home, which was done without a Building Permit as they did not realize one was necessary. The applicants went to the Building Department to pay a bill and found out that the porch required setback relief from the ZBA.

The Chair asked if any board members wished to speak. Allen MacDuffie asked the applicants who did the work on the porch and asked for clarification on how they found out they needed a permit. Mr. Arias built the porch, and he came in to report the construction and to handle permits for the interior construction which is when he learned the porch needed the permit. Jason Mammone noted that the plans submitted did not contain a Certified Plot Plan and recommended that the Special Permit be approved with the condition that one be provided to the Building Department. Tom Ryan believed that approving the Special Permit was reasonable as a denial would require the harsh remedy of tearing down the structure but noted for the record that a retroactive approval is not something the ZBA does on a regular basis.

The Chair asked if any members of the public wished to speak on the application, and there were none. The Chair noted three signatures of abutters in support of the application.

A motion was made by Jason Mammone and seconded by Greg Jacobsen to approve a Special Permit and/or Variance to construct a covered porch with a rear yard setback of 6.5 ft. where 20 ft. are required, with the condition that a Certified Plot Plan be provided to the Building Department which shows the setbacks of the porch.

A roll call vote was taken.

Greg Jacobsen – yes

Jason Mammone – yes

Tom Ryan – yes

Sara Rosenthal – yes

Scott Steeves – yes

**The motion passed unanimously, 5-0.**

**928 Providence Highway**

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| <b>Applicant:</b>                | <b>Christie D’Andrea</b>   |
| <b>Project Address:</b>          | <b>928 Providence Highway</b>  |
| <b>Zoning District, Map/Lot:</b> | Highway Business (HB) Zoning District, Map 149, Lot 17                               |
| <b>Legal Notice:</b>             | Requests a Special Permit for veterinary services and a Special Permit for a kennel. |
| <b>Section of Zoning Bylaw:</b>  | Town of Dedham Zoning Bylaw Section 280-9.2, 9.3, and Table 1.                       |

Christie D’Andrea was present representing the application. She explained that her proposed veterinary urgent care office is not a “kennel” but requires a Special Permit for a kennel due to the physical presence of dog crates.

The Chair asked if any board members wished to speak. Tom Ryan asked what the nature of the business is, and Ms. D’Andrea explained that it will be an outpatient veterinary urgent care that will not house dogs overnight. The proposed hours of operation are 9 AM to 10 PM on weekdays and 11 AM to 6 PM on weekends. Greg Jacobsen asked if any surgeries will be performed there, and Ms. D’Andrea explained that there might be some minor surgeries performed but they would all be outpatient surgeries. Jason Mammone asked how many veterinarians are on staff and how many patients are expected per day, to which Ms. D’Andrea responded that there will likely be three veterinarians at this location (one on site at a time with a full support staff of techs and receptionists). The other locations typically see 25 to 40 animals per day. The Chair asked if any members of the public wished to speak on the application, and there were none.

A motion was made by Greg Jacobsen and seconded by Sara Rosenthal to approve a Special Permit for veterinary services and a Special Permit for a kennel.

A roll call vote was taken.

Greg Jacobsen – yes

Jason Mammone – yes

Tom Ryan – yes

Sara Rosenthal – yes

Scott Steeves – yes

**The motion passed unanimously, 5-0.**

**385-387 Sprague Street**

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| <b>Applicant:</b>                | <b>Charles Valenza</b>   |
| <b>Project Address:</b>          | <b>385-387 Sprague Street</b>  |
| <b>Zoning District, Map/Lot:</b> | General Residence (GR) Zoning District, Map 170, Lot 180   |
| <b>Legal Notice:</b>             | Requests a Special Permit to exceed the maximum lot coverage (25%) in an Aquifer Protection Overlay District for a proposed two-family dwelling. |
| <b>Section of Zoning Bylaw:</b>  | Town of Dedham Zoning Bylaw Section 280-8.2,9.2, and 9.3.  |

Charles Valenza was present representing the application. He is currently building a two-family dwelling on the lot currently listed as 379 Sprague Street and requests a Special Permit to exceed the maximum lot coverage of 25% in the Aquifer Protection Overlay District. One plan shows 24.9% of impervious surface on the entire lot of 23,029 square feet with a conventional impervious driveway, and the second shows 16.5% of impervious surface in the 15,842 square feet which lie in the Aquifer Protection Overlay District with a pervious driveway. The applicant requests relief to instead build a conventional impervious driveway which would bring the impervious surface within the Aquifer Protection Overlay District over the maximum allowed of 25%. While the 24.9% of the entire lot is less than the maximum allowed, the Building Commissioner sent the applicant to the ZBA because it was his interpretation that this 25% should be just within the overlay district.

The Chair asked if any board members wished to speak. Jason Mammone asked for the specific calculation of impervious surface within the Aquifer Overlay District with an impervious driveway. Mr. Valenza did not have this calculation on hand but mentioned that the stormwater permitting through the Conservation Commission was approved with the entire proposed driveway being impervious. Norman Vigil asked where the stormwater, to which Mr. Valenza. Planning Director Jeremy Rosenberger reminded the Board that the Aquifer Protection Overlay District was created to protect new development from the quality and volume of ground water.

The Chair asked if any members of the public wished to speak on the application.

Emily Cotellessa of 39 Bonham Road explained that there have been issues with water seeping into her yard from the applicant’s retaining walls. Ms. Cotellessa and her neighbors have had trouble getting in touch with the applicant to discuss the issue.

Vilma Galvez of 25 Bonham Road explained that there has been damage to her yard and fence due to stormwater from the subject property.

Brendan Monaghan of 51 Bonham Road spoke of the unsightly weeds and wall on the subject property.

The Chair noted letters of concern from Maura da Silva of 33 Bonham Road and from Elaine Di Marzio and John Meighan of 359 Sprague Street.

Jason Mammone asked the applicant if he would be willing to accept conditions of repairing the fence and any other damages to abutters' properties before the new homes were occupied, which he agreed to. Tom Ryan felt that it was best to continue the hearing so the applicant could address abutter concerns and provide the correct calculation for impervious surface within the overlay district.

A motion was made by Tom Ryan and seconded by Greg Jacobsen to continue the hearing to the Board's next meeting on December 15, 2022.

A roll call vote was taken.

Greg Jacobsen – yes

Jason Mammone – yes

Tom Ryan – yes

Sara Rosenthal – yes

Scott Steeves – yes

**The motion passed unanimously, 5-0.**

### **Meeting Minutes**

A motion was made by Sara Rosenthal to approve the minutes of October 19, 2022. The motion was seconded by Greg Jacobsen and a roll call vote was taken.

Greg Jacobsen – yes

Jason Mammone – yes

Tom Ryan – yes

Sara Rosenthal – yes

Scott Steeves – yes

The motion passed unanimously, 5-0.

### **ZBA Re-Organization**

A motion was made by Jason Mammone to keep Scott Steeves as Chair and Sara Rosenthal as Vice Chair for the upcoming year. The motion was seconded by Greg Jacobsen and a roll call vote was taken.

Greg Jacobsen – yes

Jason Mammone – yes

Tom Ryan – yes

Sara Rosenthal – yes

Scott Steeves – yes

The motion passed unanimously, 5-0.

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

Planning Director Jeremy Rosenberger reminded the Board that the December meeting will be held on **Thursday, December 15, 2022.**

### **Adjournment**

A motion was made by Greg Jacobsen and seconded by Jason Mammone to adjourn the meeting at 8:20pm. A roll call vote was taken, all agreed, and the meeting was adjourned.