

**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**

**Thursday, December 15, 2022, 7:00 p.m.
Dedham Town Hall**

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

Regrets: Jason L. Mammone, P.E.

Staff: Michelle Tinger, Senior Planner
Jayson Schultz, Planning Intern

The meeting began at **7:00 pm** on the night of **Thursday, December 15, 2022**. The Chair conducted roll call:

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

The Chair called the meeting to order.

385-387 Sprague Street (continued from November 16, 2022)

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

Charles Valenza was present representing the application. He reminded the Board that his project needs relief in order to exceed the maximum lot coverage of 25% allowed in an Aquifer Overlay Protection District.

The Chair asked if any Board members wished to speak. Norman Vigil asked for the exact amount of relief being requested, as this was the reason the hearing had been continued. Mr. Valenza stated that the proposed lot coverage is 30.2%, so the relief requested is 5.2%. Greg Jacobsen asked the applicant if he had spoken with the abutters about their concerns over a damaged fence and water runoff from the property. Mr. Valenza responded that he had reached out to several abutters and had met with Maura da Silva and Building Commissioner Ken Cimeno who did not observe any water runoff.

The Chair noted an email of concern from Emily Cotellessa of 39 Bonham Road and asked if any members of the public present wished to speak on the application. Maura da Silva of 33 Bonham Road explained that Mr. Cimeno did acknowledge that runoff was coming onto her property from the subject property, but he could not determine the exact source. Tom Ryan suggested Mr. Valenza to cooperate more with the abutters and felt that the addition of the stormwater system could improve the runoff situation. He suggested the Board put conditions on the Special Permit that Mr. Valenza must replace the damaged fence and address any potential runoff issues in the future.

A motion was made by Tom Ryan and seconded by Greg Jacobsen to grant a Special Permit to exceed the maximum lot coverage in an Aquifer Protection Overlay District by 5.2%, with the conditions that the applicant cooperate with abutters to fix a damaged fence and to address water runoff issues.

A roll call vote was taken.

Sara Rosenthal – yes
Greg Jacobsen – yes
Tom Ryan – yes
Norman Vigil – yes
Scott Steeves – yes

The motion passed unanimously, 5-0.

24 Blossom Street

Applicant:	Christine Donahue
Project Address:	24 Blossom Street
Zoning District, Map/Lot:	General Residence (GR) Zoning District, Map 128, Lot 18
Legal Notice:	Requests a Special Permit for the installation of temporary housing (i.e., trailer).
Section of Zoning Bylaw:	Town of Dedham Bylaw Section 280-3.2(A), 9.1(C), 9.2, and 9.3.

Christine Donahue was present representing the application. Ms. Donahue explained that her home caught fire in October which necessitated a temporary residential trailer to be put on her property while her home was being repaired.

The Chair asked if any board members wished to speak, and there were none. 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 the installation of temporary housing (i.e., a trailer).

A roll call vote was taken.

Sara Rosenthal – yes
Greg Jacobsen – yes
Tom Ryan – yes
Norman Vigil – yes
Scott Steeves – yes

The motion passed unanimously, 5-0.

217 Sandy Valley Road

Applicant:	Frank Gobbi (Representative: Peter A. Zahka, II, Esq.)
Project Address:	928 Providence Highway
Zoning District, Map/Lot:	Single Residence A (SRA) Zoning District, Map 133, Lot 8
Legal Notice:	Requests a Variance and/or Special Permit for a finding/determination that the lot width is not applicable to the pre-existing nonconforming lot, or in the alternative for a lot width of 114 ft. (125 ft. required) and to be allowed a to have a shared access driveway with more than two other lots.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Section 280-3.3, 4.1, 9.2, 9.3, 10, and Table 2.

Frank Gobbi and Attorney Peter Zahka were present for the application. Attorney Zahka explained that Mr. Gobbi seeks to eventually build a single-family home on his long-vacant property. The frontage is 125 feet as required, but the side lines are not perpendicular to the frontage, so the lot width is only 114 feet according to the current Town definition (set back 25 feet from frontage). The property was laid out in 1986 prior to this section of the Zoning Bylaw. Mr. Gobbi seeks for the Board to determine that lot width is not applicable to a preexisting nonconforming lot, or for the Board to issue a variance for a lot width of 114 feet. Mr. Gobbi also seeks relief to build a driveway on the existing right of way which he entitled to use; relief is needed as there are already three lots currently use it (the maximum allowed is two lots). Attorney Zahka believes that the property is exempt from the lot width requirement as it is a pre-existing nonconforming lot and believes that Building Commissioner Ken Cimeno agrees but did not put this position into writing and was unavailable to be present at the meeting.

The Chair asked if any Board members wished to speak. The Chair felt it was best to decide the lot width determination after Mr. Cimeno puts his position into writing. However, the relief to allow access to the right of way could move forward at this hearing. Tom Ryan asked if the subject property could be subdivided any further, to which attorney Zahka explained that the lot has the exact minimum area requirement for the SRA district so the lot cannot be divided any further (and thus, there would be no additional users of the right of way from this property in the future). Allen MacDuffie questioned the seemingly outdated bylaw that requires applicants appear before the Board if there are more than two lots accessing a driveway.

The Chair asked if any members of the public wished to speak on the application. Milton and Joan Benjamin of 175 Sandy Valley had concerns about access to the lots behind the subject property and potential blasting in the front of the lot but did not have an issue with allowing the shared access on the right of way.

A motion was made by Greg Jacobsen and seconded by Sara Rosenthal to approve a Variance and/or Special Permit to be allowed a to have a shared access driveway with more than two other lots.

A roll call vote was taken.

Sara Rosenthal – yes
Greg Jacobsen – yes
Tom Ryan – yes
Norman Vigil – yes
Scott Steeves – yes

The motion passed unanimously, 5-0.

600 Providence Highway – Commonwealth Behavioral Health, LLC

Senior Planner Michelle Tinger explained that there was a clerical error on a decision dated September 21, 2022, which incorrectly listed applicant “Commonwealth Behavioral Health” as “Commonwealth Behavioral Services.”

A motion was made by Greg Jacobsen to change the name of the applicant on a decision dated September 21, 2022 to “Commonwealth Behavioral Health.” The motion was seconded by Norman Vigil and a roll call vote was taken.

Greg Jacobsen – yes
Tom Ryan – yes
Norman Vigil – yes
Scott Steeves – yes

The motion passed unanimously, 4-0.

Meeting Minutes

A motion was made by Greg Jacobsen to approve the minutes of November 16, 2022. The motion was seconded by Sara Rosenthal and a roll call vote was taken.

Sara Rosenthal – yes
Greg Jacobsen – yes
Tom Ryan – yes
Norman Vigil – yes
Scott Steeves – yes

The motion passed unanimously, 5-0.

Adjournment

A motion was made by Greg Jacobsen and seconded by Sara Rosenthal to adjourn the meeting at 8:03pm. A roll call vote was taken, all agreed, and the meeting was adjourned.