

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

James F. McGrail, Chairman
J. Gregory Jacobsen, Vice Chairman
Scott M. Steeves
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®
Jason L. Mammone, P.E.



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Associate Members
Jessica L. Porter
Jared F. Nokes, J.D.

ZONING BOARD OF APPEALS MINUTES
Wednesday, October 18, 2017, 7:00 p.m., Lower Conference Room

Present and Voting: James F. McGrail, Esq., Chairman
J. Gregory Jacobsen, Vice Chairman
Scott M. Steeves
Jared F. Nokes, J.D.
Jessica L. Porter

Staff: Susan Webster, Administrative Assistant

Mr. McGrail called the meeting to order at 7:00 p.m. The plans, documents, studies, etc. referred to are incorporated as part of the public record and are on file in the Planning and Zoning office. In addition, the legal notice for each hearing was read into the record. In the absence of Members E. Patrick Maguire, MLA, RLA, CLARB, LEED AP® and Jason L. Mammone, P.E., Mr. McGrail appointed Associate Members Jared F. Nokes, J.D., and Jessica L. Porter to sit in their stead.

Applicant:	James Rinaldi
Property Address:	58 Hamilton Avenue, Dedham, MA
Case #:	VAR-09-17-2261
Property Owner:	James P. Rinaldi
Zoning District and Map/Lot	Single Residence B, Map 153, Lot 24
Application Date:	September 15, 2017
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jessica L. Porter, Jared F. Nokes, J.D.
Representative:	James Rinaldi
Legal Notice:	To be allowed a Special Permit to construct a one-story detached accessory building with a gable wall height of 25½ feet above finish grade and the overall height of the building being 25½ feet above finish grade.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements, Footnote 15</i>

Mr. McGrail explained that Mr. Rinaldi was in the process of constructing a one-story detached accessory building when the Zoning Bylaw for the Table of Dimensional Requirements was changed by adding Footnote 15:

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TOWN OF DEDHAM

Footnote 15: One-story detached accessory building exterior wall shall not be greater than 10 feet in height above the finished grade, and the overall height of the one-story detached accessory building shall not be higher than 15 feet above the finished grade.

This was changed on a Monday night at Town Meeting, and he began construction on Tuesday. He obtained the appropriate building permit, followed the procedure exactly, and was not ignoring the Zoning Bylaw. The detached accessory building will be used for storage; he may purchase an RV in the future. He is before the Board to rectify the situation. No one in the audience spoke in favor or against the petition. He has universal support of his neighbors, and presented a petition signed by fourteen neighbors in support:

Steven F. Reid, 59 Hamilton Avenue	Dwayne Mosby, 15 Glenway
Bernard Mulligan, 43 Hamilton Avenue	Rich Ricci, 67 Hamilton Avenue
Andrew Keane, 35 Hamilton Avenue	Sharon Connolly, 64 Hamilton Avenue
Brian Cacciatore, 21 Glenway	Thomas Connolly, 64 Hamilton Avenue
Thomas Bergeron, 20 Glenway	Jacob Reid, 59 Hamilton Avenue
Peter Brady, 25 Glenway	Eamon Connolly, 64 Hamilton Avenue
Lucinda Mosby, 15 Glenway	Donna Norton, 44 Hamilton Avenue

Mr. Steeves moved to approve a Special Permit for construction of a one-story detached accessory building with a gable wall height of 25½ feet above finish grade and the overall height of the building being 25½ feet above finish grade. Mr. Jacobsen seconded the motion. The vote was unanimous at 5-0.

Applicant:	R.K. Associates, Inc.
Property Address:	456 Providence Highway/62 Eastern Avenue, Dedham, MA
Case #:	VAR-09-17-2263
Property Owner:	R.K. Associates, Inc., c/o RK Centers, 50 Cabot Street, Suite 200, Needham, MA 02494
Zoning District and Map/Lot	Highway Business, Map 109, Lots 3 and 4
Application Date:	September 21, 2017
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jessica L. Porter, Jared F. Nokes, J.D.
Representative:	<ul style="list-style-type: none">• Peter A. Zahka II, Esq., 12 School Street, Dedham, MA (not present)• David Baker, R.K. Centers• Forrest Lindwall, Mistry Associates, Inc., 315 Main Street, Reading, MA 01867
Legal Notice:	To be allowed such Special Permits and/or variances as required to change, alter, extend, reconstruct, and/or replace a nonconforming structure in order to demolish an existing two-story structure with an approximate floor area of 2,510 square feet and a front yard setback of 8.39 feet instead of the required 30 feet, and replace the same

with a new one-story structure with an approximate floor area of 1,800 square feet and a front yard setback of approximately 9.09 feet instead of the required 30 feet at 62 Eastern Avenue, Dedham, MA.

Section of Zoning Bylaw:

Town of Dedham Zoning Bylaw Sections 3.3.3, 3.3.4, 3.3.7, 4.2.2, 5.2.2, 9.2.2, 9.3, Table 1, and Table 2

Mr. McGrail noted that their attorney, Peter A. Zahka II, Esq., was not present because he had another hearing in Westwood, MA. He was not sure if he could make the meeting. Mr. Baker said he would ask for a continuance to the next meeting. Mr. McGrail suggested that the Board continue with the evening's hearings and then re-visit this application. If Mr. Zahka is not present at that time, the Board will vote on a continuance. Mr. Baker agreed.

Applicant: Ursuline Academy Dedham, Inc.
Property Address: 45, 55, 65, 75, 85, and 111 Lowder Street, Dedham, MA
Case #: [VAR-09-17-2264](#)
Property Owner: Ursuline Academy Dedham, Inc., 65 Lowder Street, Dedham, MA
Zoning District and Map/Lot Application Date: Single Residence A, Map and Lots 106/12 and 105/8 September 26, 2017
Present and Voting: J. Gregory Jacobsen, Scott M. Steeves, Jessica L. Porter, Jared F. Nokes, J.D.
Representative:

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA (not present)
- Kevin Hines, Hines Project Management, 90 Highland Avenue, North Falmouth, MA 02556
- Peter McManus, Facilities Director, Ursuline Academy
- Travis Veigas, Whitney Veigas, 56 Coulton Park, Needham, MA 02494
- Hisako Matsui, Whitney Veigas, 56 Coulton Park, Needham, MA 02494

Legal Notice: To be allowed waivers from the Town of Dedham Sign Code for signs at Ursuline Academy to be set forth as the Ursuline Academy Sign Program including but not limited to relief or waivers for 21 signs with a total sign area of approximately 191 square feet, for up to 17 free-standing signs with a total area of approximately 100 square feet, for up to 6 wall signs with a total sign area of approximately 111 square feet, for wall signs higher than 25 feet or above the second floor window frames, for free-standing signs with heights of 8 feet, for signs mounted to stone walls, and for front yard setbacks of 0 feet.
Section of Zoning Bylaw: *Town of Dedham Sign Code Sections 237-14, 237-19, 237-29, 237-30, Table 1, and Table 2*

Mr. McGrail recused himself from this hearing because his daughter attends Ursuline Academy, and this could be seen as a potential conflict of interest. Mr. Jacobsen assumed the role of Acting Chairman. Prior to testimony, Mr. Jacobsen announced that there would be only four (4) voting members for this hearing, and that a unanimous vote would be required for approval. He gave the Applicant the option of proceeding with the hearing with this knowledge, or requesting the hearing to be continued to the meeting in November 2017. The Applicant chose to continue. The Applicant's attorney, Peter A. Zahka II, Esq., was not present because he had another hearing in Westwood, MA.

The Applicant is seeking to be allowed such relief or waivers from the Town of Dedham Sign Code as necessary for signs at Ursuline Academy to be as set forth in the Ursuline Academy Sign Program (copies of which are on file with the Dedham Town Clerk and Dedham Zoning Board of Appeals) including but not limited to relief or waivers for up to twenty-one (21) signs with a total sign area of approximately 191 square feet, for up to (17) free standing signs with a total area of approximately 100 square feet, for up to six (6) wall signs with a total sign area of approximately 111 square feet, for wall signs higher than 25 feet or above the second floor window frames, for free-standing signs with heights of 8 feet, for signs mounted to stone walls, and for front yard setbacks of 0 feet. The entire sign package was distributed to the Board.

The Applicant proposes to erect and maintain various signs throughout the school campus and administration building. The proposed signs are illustrated in the Ursuline Academy Sign Program. Sign materials were shown to the Board. The material is of good quality, and it is anticipated that it will last for 15-20 years. None of the signs will be illuminated. The signs are designed to provide direction onto and throughout the campus and to identify the school and the different buildings. Specifically, the Sign Program includes the following twenty-one (21) signs:

- 15 square foot wall sign located at the school building entrance ("Ursuline Academy" letters)
- 3 square foot free-standing sign located at 112 Lowder street ("Administration Building")
- 4 square foot free-standing sign located at the student drop-off ("Drop Off Student Parking")
- 21 square foot free-standing sign at the school main entrance ("Ursuline Academy")
- 3 square foot "Do Not Enter" sign
- 18 square foot free-standing directional sign located on campus driveway
- 10 square foot wall sign located at the driveway
- 4 square foot free-standing sign ("Covent, Additional Parking, Exit")
- 3 square foot free-standing sign ("Covent")
- Two wall signs ("Facilities Office" and "Carriage House"), each 2 square feet
- 10 square foot free-standing directional sign located on campus driveway wall
- Two on-property free-standing traffic signs ("This is Not an Exit" and "Left Turn Only")
- 49 square foot ACC Entry Donor Name sign
- 27 square foot wall sign of school name ("UA" letters).

It is to be noted that Ursuline Academy is located in a residential zoning district. The Applicant is requesting a waiver because Town of Dedham Sign Code does not have provisions for multiple signs on a school campus in such a district. They have done a mailing to abutters, and have heard from two of them. They have met with Ursuline's president and reviewed the sign package with her. They went to the Design Review Advisory Board in October 2017, and reviewed the specifics with them. They voted unanimously to recommend approval to Zoning Board of Appeals; a copy of their recommendation letter is in the file. No one in the audience spoke in favor or against the petition.

Mr. Steeves moved to allow such relief or waivers from the Town of Dedham Sign Code as necessary for signs at Ursuline Academy to be as set forth in the Ursuline Academy Sign Program (copies of which are on file with the Dedham Town Clerk and Dedham Zoning Board of Appeals) including but not limited to relief or waivers for up to twenty-one (21) signs with a total sign area of approximately 191 square feet, for up to (17) free standing signs with a total area of approximately 100 square feet, for up to six (6) wall signs with a total sign area of approximately 111 square feet, for wall signs higher than 25 feet or above the second floor window frames, for free-standing signs with heights of 8 feet, for signs mounted to stone walls, and for front yard setbacks of 0 feet. Ms. Porter seconded the motion. The vote was unanimous at 4-0.

Mr. McGrail returned to the Board.

Review of Minutes: Mr. Jacobsen moved to approve the minutes of September 20, 2017. Mr. Steeves seconded the motion. The vote was unanimous to approve.

With regard to the petition from R.K. Associates, Mr. McGrail noted that Mr. Zahka had not arrived for this hearing. Mr. McGrail said the Board had received a letter from Baker, Braverman and Barbadoro, P.C., 300 Crown Colony Drive, Suite 500, Quincy, MA, on behalf of one of R.K. Associates' abutters. Mr. Steeves moved to continue the hearing to 7:00 p.m. on Wednesday, November 15, 2017. Mr. Jacobsen seconded the motion. The vote was unanimous at 5-0.

Mr. Steeves moved to adjourn, seconded by Mr. Jacobsen. The vote was unanimous. The meeting ended at 7:30 p.m.

Respectfully submitted,



Susan Webster
Administrative Assistant, Zoning Board of Appeals