

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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ZONING BOARD OF APPEALS MINUTES
Wednesday, November 15, 2017, 7:00 p.m., Lower Conference Room

Present and Voting: James F. McGrail, Esq., Chairman
J. Gregory Jacobsen, Vice Chairman
Scott M. Steeves
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®
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 Member Jason L. Mammone, P.E., the chair appointed Associate Member Jessica L. Porter to sit in his stead.

Applicant:	R.K. Associates, Inc.
Property Address:	456 Providence Highway and 62 Eastern Avenue, Dedham, MA 02026
Case #:	VAR-09-17-2263
Property Owner:	R. K. Associates, Inc., 50 Cabot Street, Needham, MA 02494-2819
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, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jessica L. Porter
Representative:	<ul style="list-style-type: none"> • Peter A. Zahka II, Esq., 12 School Street, Dedham, MA 02026 • David Baker, R.K. Associates, Inc. • 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

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TOWN OF DEDHAM

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

The main building on the property has Staples as a tenant. It has almost 100,000 square feet of land with approximately 245 feet of frontage on Providence Highway and 75 feet of frontage on Eastern Avenue. There are two commercial buildings on the property. The larger two-story commercial building, located on Providence Highway, has about 66,000 square feet.

The smaller two-story commercial building, located at 62 Eastern Avenue, was, according to town records, built around 1900. It has about 2,510 square feet of floor area and a front yard setback of 8.39 feet. According to the Building Commissioner and the GIS manager, the building is pre-existing nonconforming because the front yard will always have an Eastern Avenue address; this may be changed, however. A 30 foot front yard setback is required in the Highway Business zoning district. The applicant proposes demolition of the building and construction of a new 1,800 square foot one-story building, increasing the front yard setback to 9.09 feet. Under Zoning Bylaw Section 3.3.7, the Applicant can demolish the existing building and construct a new building on the same footprint as long as it is not greater than the current volume of the building. It would shrink the size of the building so the overall parking requirement at the site would decrease, although not significantly, because there is less square footage. The building historically has had a significant waiver from the Planning Board for parking. By shifting the building a little, they would be able to make the driveway conforming at 24 feet instead of the existing 23 feet. The proposal was presented to the Planning Board as a scoping session on August 24, 2017. Construction of a new building will require site plan review with them.

As of right, the Applicant can take the building down and rebuild it on the same footprint, but they would like to shift it. The ZBL says that, if it causes the building to exceed the volume or area of the original (they are actually reducing it), or it is caused to be located other than on the footprint, a Special Permit would be required by the ZBA. Mr. Zahka said, to be safe, they are asking for variances and/or Special Permits, particularly for the front yard setback. This is more of a practical application, and an opportunity to improve an existing situation. The worst case scenario is that they leave the building as is, i.e., an old building that needs work, or take it down and build it in the same footprint. Widening the driveway would help position the building. It currently looks like the entrance is on Eastern Avenue; by shifting the building as proposed, the entrance then be in the back, and there would be handicapped parking in the parking lot itself with a direct entrance.

The design of the building is in flux. The Eastern Avenue side would have windows and a sign band. Changing the orientation so the door is in back would give them more feet to widen the road. The Applicant had previously donated land to allow the state to build an escape lane

for people to turn right onto Providence Highway. There is a little more room to come further down Eastern Avenue.

They are proposing a facelift on the pylon sign to match the finishes of the building. They would recondition the existing sign and use LED illumination because it would be easier and less expensive to maintain. Usually when they do that, the sign will be slightly smaller, but he has to balance lease and town regulations. Mr. Zahka said they will return to the ZBA for that. They could only reface the sign as a matter of right; Mr. Baker is talking about a complete upgrade. Ms. Porter asked why they did not do a comprehensive sign package for the entire property. Mr. Baker said they have looked at that, but they are bound by certain leases. He has discussed this with Building Commissioner Kenneth Cimeno in the past, and they have had some renderings to re-do the main pylon sign, which is in the center of the parking lot. They cannot just arbitrarily make the sign smaller, which is what the Town would like to see, so they need to balance out the lease contract and the Town regulations. They have made some proposals, but tenants have said they do not want their signs any smaller. He has to get sign offs from the tenants before submitting any change to the pylon sign. Mr. Baker said some leases have control for 40 years. He believes that 62 Eastern Avenue is considered a separate building. The building is starting to deteriorate, needs a new roof and siding. Mr. Zahka said that trying to convince the tenants that a nicer sign, even though smaller, works better is very difficult. Mr. Baker said he would be happy to propose this to the tenants, however.

Ms. Porter noted that they did not tend to keep the sidewalks clear during the winter. Mr. Baker said that after they plow it, the Town plow comes up Eastern Avenue and pushes it back onto the sidewalk. They have cut a hole through the snow with a Bobcat to get access from the parking spaces within the 456 Providence Highway lot to make a path to the Eastern Avenue front door. This is another reason why they are putting the doors in back. Ms. Porter said that children use the sidewalk to walk to school, and often have to walk in the street. She wanted him to understand that it is not just about his customers, but about the Town. Mr. Baker said they are very familiar with plowing the public sidewalk abutting their property. This is in all their snow plow contracts.

Mr. Maguire asked if they will return to the ZBA to add a second story to the new building. Mr. Baker said they will not. The building was originally purchased to create the access road as part of assemblage of the bigger site. They prefer one-story retail. Ms. Porter said there is a study for Dedham Square guidelines, and this property is within the scope. She encouraged the Applicant to think about that. Mr. Baker said they will be going before the Planning Board.

William Gorman, 161 Ledgewood Road, said that LED lights can be extremely bright. He cautioned Mr. Baker to be in control of the illumination. Mr. McGrail said that signage is not a part of this application. They have to go to the Design Review Advisory Board first, and then possibly return to the ZBA. They will also have to go to the Planning Board for the new building and parking. Mr. Maguire said he hoped that they were not segmenting this so that ZBA gives the authorization to go ahead with this, then they go to the Planning Board, and then they return to ZBA two or three meetings from now asking for more variances for bigger signs or different signs. Mr. Baker understood. They will be required to come back to the ZBA to do the type of improvements to the sign that were discussed. He went on the record saying that they will not be coming back for a larger sign.

Frank Gobbi, owner of 530 Providence Highway, which is across the street, said the footprint of the building will be 700 square feet bigger than the existing footprint. The Eastern Avenue driveway is being widened by 13 inches, but it has no radius going into the site. He said it is too narrow to begin with. Cars coming from Providence Highway get blocked by cars coming up Eastern Avenue. They turn and go through his parking lot to try to make a U-turn. He said it is a hazard in that area. The same thing happens coming up Eastern Avenue for people wanting to turn right into Staples. They have difficulty turning if there is a car coming out the driveway. He said he did not see where the hardship is, and said that, if they want to build a new building, it should be done further on Route 1, and they should widen the driveway so people can get in and out easier and safer. Mr. McGrail said R.K. Associates can develop on that parcel as a matter of right. The proposal is for something that is aesthetically better and that widens the driveway. Mr. Gobbi said that aesthetics can change, but safety cannot. It has to be designed into a project. Mr. Lindwall said the square footage is not 700, but 550. The building is narrower on the Eastern Avenue frontage, and has been increased in size to the back of the lot. There is no change in the front; in actuality it is less. Mr. Gobbi said this still does not address the radii of the driveway. Mr. Maguire said this will be an issue for the Planning Board. Mr. Zahka appreciated Mr. Gobbi's comments. The driveway will be standard at 24.' Safety will be addressed by the Planning Board when the applicant is seen for site plan review. The Planning Board's peer review consultant will review this. A "Do Not Block" typically cannot be done for a private purpose. They will look at this. Traffic from Route 1 South uses this driveway to access the site because the State prohibits U-turns at that intersection.

Mr. Zahka said they are asking for a Special Permit and variances because Section 3.3.3 says that a Special Permit is required. He prefers variances, however, as Section 3.3.4 says:

"Except as provided in subsection 3.3.5, below, the reconstruction, extension, or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals."

Mr. Steeves moved that R.K. Associates, Inc., be allowed a variance 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. Mr. Jacobsen seconded the motion. The vote was unanimous at 5-0.

Applicant and Owner:	Caroline and Brian Angel Burke
Property Address:	15 Williams Avenue, Dedham, MA
Case #:	VAR-10-17-2270
Zoning District and Map/Lot	General Residence, Map 143, Lot 82
Application Date:	October 11, 2017
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jessica L. Porter
Representative:	Brian Angel Burke

Legal Notice: To be allowed such Special Permits and variances as necessary and required for a front yard setback of 12'5" instead of the required 20 feet, and a right side yard setback of 8'5" instead of the required 10 feet in a pre-existing nonconforming single family dwelling.

Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Sections 3.3 Nonconforming Uses and Structures, 3.3.2 Nonconforming Uses, 3.3.5 Nonconforming Single and Two Family Residential Structures, and 4.1, Table of Dimensional Requirements*

Mr. Williams said they live in a pre-existing nonconforming bungalow, and they would like to add a second floor to the dwelling. The front porch will be extended to the width of the building. They are seeking variances for front yard and right side yard setbacks. They have two children, a boy and a girl, and they currently share a room. They would like to stay in the neighborhood. No one spoke in favor or against the petition.

Mr. Jacobsen moved to approve such Special Permits and variances as necessary and required for a front yard setback of 12'5" instead of the required 20 feet, and a right side yard setback of 8'5" instead of the required 10 feet in a pre-existing nonconforming single family dwelling. Ms. Porter seconded the motion. The vote was unanimous at 5-0.

Applicant: Whole Foods Market
Property Address: 300 Legacy Place
Case #: VAR-10-17-2271
Property Owner: Legacy Place, LLC, c/o WS Asset Management, Inc., 33
 Boylston Street, Suite 3000, Chestnut Hill, MA 02467
Zoning District and Map/Lot RDO, Map 162, Lot 1
Application Date: October 13, 2017
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M.
 Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP@
 Jessica L. Porter
Representative: David Filippone, Whole Foods Market
Legal Notice: To be allowed a Special Permit to house a temporary
 trailer behind Whole Foods Market from November 17,
 2017, to November 27, 2017, for storage during the holi-
 day season.
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 3.2.1 Trailers*

Each year, Whole Foods has a trailer behind the building for storage of holiday goods for Thanksgiving. The trailer is only needed for eleven days, from November 17, 2017, to November 27, 2017. No one in the audience spoke in favor of or against this petition.

Mr. Maguire moved to allow a temporary trailer behind Whole Foods from November 17, 2017, to November 27, 2017, for storage during the holiday season. Ms. Porter seconded the motion. The vote was unanimous at 5-0.

Applicant: Dora D. Hidalgo
Property Address: 44 Dresser Avenue, Dedham, MA
Case #: VAR-10-17-2272
Property Owner: Dora D. Hidalgo 2/3 Int et al, Caroline Marten-Ellis 1/3 Int TC
Zoning District and Map/Lot: Single Residence B, Map 167, Lot 136
Application Date: October 12, 2017
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jessica L. Porter
Representative: Benyamin Ber, AIA, Neh•Koo•Dah, 2001 Beacon Street, Suite 211, Boston, MA 02135
Legal Notice: To be allowed a left side yard setback of 4.6 feet instead of the required 10 feet to extend a pre-existing nonconforming single family dwelling.
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 3.3.4*

Ms. Hidalgo would like to extend her pre-existing, nonconforming single family dwelling in the rear. She would like to construct an addition that would include a closet and a porch, as well as stair access to her basement. No one spoke for or against this petition.

Mr. Steeves moved to allow a left side yard setback of 4.6 feet instead of the required 10 feet to extend a pre-existing nonconforming single family dwelling. Mr. Jacobsen seconded the motion. The vote was unanimous at 5-0.

Applicant: Blue Ribbon Barbeque
Property Address: 342 Washington Street, Dedham, MA 02026
Case #: VAR-10-17-2278
Property Owner: Petruzziello Properties, LLC, 21 Eastbrook Road, Dedham, MA
Zoning District and Map/Lot: Central Business, Map 92, Lot 62
Application Date: October 13, 2017
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jessica L. Porter
Representative:

- Scott Gubitose, General Manager, Blue Ribbon Barbeque, 45 Kenneth Street, Newton, MA 02461
- Ron Stoloff, Owner, Blue Ribbon Barbeque

Legal Notice: To be allowed a waiver from the Town of Dedham Sign Code for internal illumination of a blade sign.
Section of Sign Code: *Town of Dedham Sign Code Section 237-18E*

Blue Ribbon BBQ will be opening at the new mixed use building built by Petruzziello Properties on the corner of Washington Street and Harris Street. They are proposing an internally illuminated blade sign that will be 10 feet from the ground. The business does not have a “cookie cutter” sign for each location. The West Newton sign is aluminum with neon, and the

Arlington sign is more of a 50's gas station with big block letters. They are combining the signs from restaurants in West Newton and Arlington. The Design Review Advisory Board recommended back lighting of the ribbon circling the BBQ part of the sign. This is part of their new logo. The sign is 18 square feet. It will be halo-lit, and each individual letter will be backlit, pushed through the front. The smaller letters ("Pit Smoked" and "Est. 1995") will be two inches high and will be individually lit. The background will be an antique stressed metal texture. The sign will tie into the décor of the restaurant, which will have a lot of stone, old wood, and zinc. This is the waiver they are seeking. DRAB also approved a wall sign, but they are waiting to do that.

Ms. Porter asked why they want internal illumination. She is concerned about setting a precedent in the Central Business district, as other businesses do not have this. Mr. Gubitose said that the sign is relatively big, and this lighting is understated, softer and more subtle, and emphasizes "BBQ." He said it will not be bright, so it will be less intrusive. Restaurant hours will be 11 a.m. to 9 p.m. during the week and 11 a.m. to 8 p.m. on Sundays. They will shut the lights off one-half hour after closing.

Mr. Jacobsen moved to allow a waiver from the Town of Dedham Sign Code for internal illumination of a blade sign. Mr. Maguire seconded the motion. The vote of the Board was unanimous at 5-0.

Applicant:	Dedham Marketplace, LLC
Property Address:	95 Eastern Avenue and 600 Providence Highway, Dedham, MA 02026
Case #:	VAR-10-17-2276
Property Owner:	Dedham Marketplace, LLC, c/o Acton Management, Inc., 69 Great Road, P.O. Box 2350, Acton, MA 01720
Zoning District and Map/Lot	Highway Business, Map 123, Lots 16 and 22
Application Date:	October 13, 2017
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jessica L. Porter
Representative:	<ul style="list-style-type: none">• Peter A. Zahka II, Esq., 12 School Street, Dedham, MA 02026• Stephen Steinberg, Manager, Dedham Market- place, LLC
Legal Notice:	To be allowed such relief or waivers as required from the Town of Dedham Sign Code for signs at 95 Eastern Ave- nue and 600 Providence Highway to be in accordance with a Sign Package that includes a total sign area of 1,433 square feet inclusive of wall signs with a total area of 1,174 square feet (including awning signs with a total area of 252 square feet and window signs), three free- standing signs with a total area of 249 square feet (one at 113 square feet, one at 130 square feet, and one at 6 square feet, two free-standing signs with a height of 23

feet, and free-standing signs with a front yard setback of 15 feet and 1 foot.

Section of Sign Code:

Town of Dedham Sign Code Sections 237-8, 237-14, 237-19, 237-21, 237-22, 237-23, 237-29, 237-30, Table 1, and Table 2

Member Jessica L. Porter recused herself from this hearing because she is an abutter to the property. Mr. McGrail informed the Applicant that there would only be four voting members for the hearing, and he would need a unanimous 4-0 vote. He was given the option of continuing the hearing until the next month; he chose to continue.

The Applicant is seeking to establish a Sign Package for his properties at Papa Gino's Plaza. The property was built before a sign code was created, and the signs were grandfathered. A number of waivers have been granted over the years. Building Commissioner Kenneth Cimeno has put a halt to everything, saying he needs a baseline. They are asking for no new signs, with the exception of a new tenant, and provided a listing of existing signs, photos, and waivers that have been granted in the past. The property will continue as it currently does. There is currently a tenant pending who cannot get a new sign until the Building Commissioner has his baseline. The reason there are multiple free-standing signs is because the property is an L-shaped site with frontage on both Providence Highway and Eastern Avenue. It also has what looks like frontage on Lechmere Road, which is actually their own property, so it is internal to them. They have gone before the Design Review Advisory Board, and have received a recommendation letter from them. The Sign Package has added nothing to the site, and they are not proposing any changes to the site.

Ms. Porter, as an abutter at 4 Willow Street, asked if the lights are on a timer. Mr. Steinberg said that each tenant controls its own lights. Ms. Porter said that she has complained to the Building Department that Papa Gino's lights are on long after hours, and she is able to see them from her home. Mr. Steinberg said he was not sure if Papa Gino's or Dedham Marketplace controlled that timer, and said he would find out to whom she could speak. Ms. Porter also said there are a lot of wall signs and banners in the windows of the tenants, i.e., Papa Gino's wall sign facing BJs. A lot of these signs are on the list for the Sign Package, and she said these should not be included in the Sign Package. Mr. Zahka said they are not included. He said they are specifically not asking for relief to go beyond the Sign Code requirements for the size of window signs. The tenants are aware that these will be pared back, and they will be reviewed on a case-by-case basis. Mr. Steinberg is aware of this problem, and some tenants will have to remove them. Mr. Maguire recommended that an independent person be hired to measure the square footage accurately so that the information can be compared against what the Sign Code says is permissible, recognizing that some of the signs may be grandfathered. Mr. Steinberg said the tenants change window signs frequently, and they have been advised to keep Dedham Marketplace apprised of what they are doing. All their leases do require them to conform to the Sign Code.

Mr. McGrail said illumination and the impact it has on the neighbors across the street. He said he understood that Dedham Marketplace has been "put in a lousy spot." They have been there for 30 years, and some of the signs have been there for that length of time. He thought this would be a good opportunity to address illumination since this is a huge issue. He said he was not so sure that the applicant should be asked to spend money to go through a whole

peer review of what he has had for 30 years for signs that most people cannot see unless they go on the property. If Board members need clarification on what has been laid out in the application that is fair. He said he did not want to go down a path that goes way beyond what is reasonable. He said he has personally never thought there was a sign problem at this location. Mr. Steinberg agreed that the back building cannot be seen from Providence Highway, and that the part of the other building perpendicular to Providence Highway is not very visible. Mr. McGrail said that, at the same time, it is important that people abide by the Sign Code, and that property owners ensure that their tenants do so as part of the property management practice.

Mr. Steinberg said the immediate problem is that two new tenants are coming in to replace old tenants, and they need signage. Neither can get signs until the Sign Package is approved. Mr. McGrail said that people do not think about the signage unless they live there. The lights go right into kitchens and bedrooms. Mr. Steinberg said that no one has ever asked them to turn signs off; Mr. McGrail disagreed. There were issues with the BJs building regarding when they were turned off and the amount of wattage of the lights. Mr. Steinberg said the lights on his property are not bright. Ms. Porter said the sign on the Papa Gino's awning is lit. Mr. Steinberg said that is different.

Mr. McGrail said the Board appreciated that the applicant came, almost voluntarily. He said he did not want to hold up the two new tenants. He will call the Building Department tomorrow to say the Board is working on the issue, but does not want the tenants to be without signs. He said there will be a Sign Package for the building, but the Board needs to be sure that it is accurate and properly measured, and that it addresses illumination. Mr. Zahka said he could have someone who does measuring call Ms. Porter (as a private citizen) and go through the list and cull it the way it needs to be. Maryann Kaplan (?), Washington Street, asked why most of the businesses in the building are illuminated if you cannot see them. Mr. McGrail said that the business in question with illumination is on Providence Highway. The illumination is necessary for those who are not familiar with them.

The hearing was continued to December, 13, 2017.

Applicant:	RAR Jefferson at Dedham Station MA, Inc.
Property Address:	1000 Presidents Way, Dedham, MA 02026
Case #:	VAR-10-17-2279
Property Owner:	RAR Jefferson at Dedham Station MA, Inc., P.O. Box 4900, Scottsdale, AZ 85261
Zoning District and Map/Lot	RDO, Map 163, Lot 2
Application Date:	October 13, 2017
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jessica L. Porter
Representative:	Patrick Connolly, Program Manager, Beals Associates, 2 Park Plaza, Suite 200, Boston, MA 02116
Legal Notice:	To be allowed a modification of the Comprehensive Per- mit Conditions 9, 10, and 11 pursuant to Massachusetts General Law c 40B s. 21 and 760 CMR 56.07:

1. Propose to add access to and from Rustcraft Road in addition to current access at Presidents Way
2. Parking stalls shall be minimum of 8.5 feet wide - they have altered layout of parking field in SW corner to accommodate relocated entrance only driveway.
3. Propose to install two-way electronic parking gate at entrance at Presidents Way, controlled by residents' fob access and activated by emergency vehicle sirens as required by Dedham Fire Department.

Section of Zoning Bylaw: *M.G.L. Chapter 40B, Sections 20-23, 760 CMR 56.07*

The Applicant is seeking modification of the Comprehensive Permit, Conditions 9, 10, and 11. They want to add access to and from Rustcraft Road, in addition to the current access at Presidents Way, alteration of the layout of the parking field in the southwest corner to accommodate the relocated entrance-only driveway, and installation of a two-way electronic parking gate at the entrance on Presidents Way, which would be controlled by residents' fob access and activated by emergency vehicle sirens as required by the Dedham Fire Department. The Applicant contends that the impacts on Rustcraft Road and the surrounding neighborhood will be limited. Mr. Connolly did not identify the specific locations, but petition statement clarified much of this information, and included the following statements.

They want to add electronic parking gates, including a two-way gate at the northern end of Presidents Way, a one-way gate at the existing curb cut on Rustcraft Road, and a one-way gate at a relocated western curb cut on Rustcraft Road. These would be activated by a resident's fob. The relocated western curb cut on Rustcraft Road would be shifted 50 feet to the east to provide a greater distance between the driveway and the Avalon driveway to the west. The driveway will be 20 feet wide to provide adequate access for emergency vehicles. There will be enough room in the driveway to queue four vehicles, preventing back-ups onto Rustcraft Road. The alteration in the parking field in the southwest corner will allow a relocated entrance-only driveway. The overall number of parking spaces will remain the same. Seven parking spaces will be altered: four are incorporated into the curved driveway, and three will be relocated to the parking aisle just north of the entrance. The fobs would be provided to residents only. Emergency personnel, police, and fire vehicles would activate the gates by their sirens; the fire chief did not like the fobs. Cut through traffic would be eliminated. The pedestrian connection will be preserved with a relocated concrete sidewalk in the same general layout as the existing sidewalk. The existing street trees in the location of the driveway will be relocated if possible or replaced in kind. Directional signage will be installed.

Mr. Connolly said the manager could provide a new one to a resident who lost the fob. Mr. McGrail asked what would prevent residents from loaning their fobs to other people. Mr. Connolly was not sure. Mr. McGrail clarified this by giving the example of a resident who does not drive and wants to give the fob to a child or caregiver, but that person uses the fob to cut through. Mr. Connolly has not thought of that, and said they would definitely look at this. Registrations are required to get a fob, and each fob can be tracked. The property manager said they will only give fobs to residents with vehicles; she does not know the exact number of

vehicles at this time. Mr. McGrail said the Board wants to know that. Residents must register in order to receive a fob.

Mr. Maguire asked if there is access to Rustcraft Road at this time. Mr. Connolly said there is not. The gates are closed, and only emergency access is allowed; the police chief and fire chief have keys. Mr. McGrail said that this is because there was overwhelming opposition to access to Rustcraft Road at the time. He asked why this issue has come up at this time. Mr. Connolly said it is to prevent cutting through, and for the safety of residents because it restricts cars from coming in and out. Mr. McGrail asked whether the Applicant would still propose a fob at that location if the Board does not allow access onto Rustcraft Road and maintains the status quo. Mr. Connolly did not know. Mr. Jacobsen asked if there was a charge for the tenants to have a fob. The property manager said that every tenant who has a vehicle would be issued a fob. If it is lost, the tenant has to pay for it.

The Applicant supplied a petition in support of the proposal. One person who signed does not live at the apartment complex. Mr. Maguire said he did not consider this person to be an abutter. He asked how this proposal came up, noting that the approval did not allow this. Mr. Connolly said it is a public safety concern from the residents to allow access to the site, and a public safety concern with all the traffic in Legacy Place coming onto the site. He allowed that it varies with different times of the year. Mr. Maguire asked if this could be stopped by having fobs in the back. Mr. Connolly said that putting the gates in makes it easier to control, easier for the residents to access the site, and easier for the fire and police chiefs to use. Mr. Maguire said it made sense for the development not to have access when originally approved, and everyone was fine with it. Mr. Connolly said the developer agreed to it but did not want it. Mr. McGrail asked if the Police Department and Fire Department asked for this. The property manager said they did not, but they want it. The gates have been open in the past during holiday season.

Many residents spoke, some of whom could not be heard properly and some of whom were not identified for the record. There was a lot of background talking while people were trying to make statements.

Kevin Leary, 195 Fairbanks Road: There is no letter from the Police Department or the Fire Department. There are a lot of dead end streets along Central Avenue. Many cars speed through the area looking to avoid lights. If the petition is allowed, it would increase the traffic. When Jefferson was approved, it was voted that there shall not be access from Rustcraft Road because of traffic. Now they have Legacy Place and Avalon apartments, which bring additional traffic. Traffic has already increased on Rustcraft Road, and the entrance to Jefferson is right where there is a curve in the road. Directly across from Jefferson is a drop off for the train station, and cars block the road.

Carmen DelloIacono, 145 West Jersey Street: Rustcraft Road, in his opinion, is the worst road in Dedham. There are no sidewalks. Any added traffic is unacceptable. He understood Jefferson's residents' concern about cut through traffic, but did not think those residents understood the neighbors' opposition to it. If the police and fire felt that strongly about the gates, someone would be here to support it. If the residents who moved into Jefferson did not know about the access, then due diligence was not done by the property owners and management should have told the incoming tenants. He asked that the Board not vote favorably.

David Wieher, 69 Robinwood Road: The traffic study done 15 years ago is old, does not equal what the traffic is now, and needs to be updated. He lives right across from Legacy Place and many cars, probably 200, use his street as a cut through. He said that the neighbors were not notified of the meeting tonight (*Note: postcards were sent to abutters within 300 feet of the property per State law*). Mr. Maguire said a new traffic study should have been done because traffic is horrible. He said that generalities are not sufficient.

A resident said that cars making illegal left turns from Legacy Place and who live at Jefferson would be eliminated by going through the back entrance. The number of cars on the road will not change. They are forced to deal with Costco, Legacy Place, and all the businesses in the area. They are not asking to use the back entrances so they can go flying up and down Rustcraft Road and going into dead end roads. In terms of it affecting the neighbors on Central Avenue, Jefferson tenants are being forced to make their way out of a Costco parking lot to get out of their building every day. It would increase safety to have a blocked entrance to legally make left and right turns out of the back vs. being forced to go out the side entrance to get to the highway. A resident said that there is only one exit to leave Jefferson, but Mr. McGrail disagreed. Another resident said all the traffic from Costco causes a back-up as well. Mr. McGrail said that his understanding is that, during the holidays, the police and fire will open the gates; the property manager agreed. The Town does make efforts to try to create relief.

John Filleti, Jefferson resident: When he leaves in the morning to take the train, 60% of the vehicles are still there. He would like the traffic cut off over the holidays, and be able to get in and out without affecting much of the other traffic on Rustcraft Road. He supports the key job to stop all the cut-through traffic, saying that it is actually Legacy Place that impacts traffic.

Ann Sullivan, 43 Rustcraft Road: When residents rented their apartments, they were aware that there was only one way out. When she bought her house, there was not a lot of traffic. The agreement with Jefferson was for the gates to be closed. Despite their claims that traffic would not be impacted, traffic has increased to the point that she cannot get out of her driveway at times. She feels that her property value has decreased because of this. The Board has an obligation to review the agreement made in the first decision. Mr. McGrail said there were conditions imposed, and the Applicant has abided by those. They can also come to the ZBA for modifications. The Board has no obligation to waive the conditions. When the project was first proposed, there was overwhelming opposition to allowing traffic on Rustcraft Road. The Applicant agreed to the condition not to allow it. That took a large percentage of the opposition away from the project.

Chuck Dellolacono, Parks and Recreation Commission: The biggest problem is safety. There is a ball field around the corner from Jefferson. When Legacy Place was built, mitigation included tripling the size of the ball field and sidewalks were added. A traffic study should be performed, and mitigation needs to be considered.

Adam Weinstein, 45 McKinley Avenue: The comment was that the Avalon complex may also want to do the same thing and have their gate open all the time. He has seen at least three accidents there because no one expects someone to come out of the gates. He said that almost every morning he has to go to Concord Electric Supply on Stergis Way via Legacy Place. There

is no traffic to get out of there in the morning; he sees maybe two or three cars come out of Jefferson. He does not go to Legacy Place other than to the supply company, and if he wants to get to Route 1, he has to sit in a line of traffic.

William Gorman, 161 Ledgewood Road: He was part of the Citizens Ad Hoc Committee reviewing the project and the concerns of the neighborhood. At the time, he lived at 216 Jefferson Street directly across from Rustcraft Road. During 2002, there were many meetings with the developer, other town boards, and the Board of Selectmen. The driving force on shutting the gates was that the project was “put down the Town’s throat” as a 40B; 40B projects allow the developer to come in, make a proposal, and make a 25% set-aside for medium income that is below the rate of the rental units. 40B projects are very difficult to keep out of any town or neighborhood. Under State law for 40B, the developer only has to go to the ZBA, which is the ruling body on the conditions given for a 40B. They went to the Conservation Commission because of State laws dealing with the environment. There was one building that did not seem to fit; this was considered their “throw away building.” The Fire Department was unable to get fire equipment access around these buildings, and it was thought they would get rid of that building. Instead, they scrunched everything to make it tighter, allowing them to get their intended capacity of 300 units. The developer knew the problem going in, and agreed to cut the access off because there was so much opposition and they did not want to drag the process out in court. They did not want to let the tenants know about this. In 2003, it was conditioned that “access shall only be from Enterprise Drive as shown on the revised plans. The Applicant shall not install any gates at the Enterprise Drive entrance to the development.” Mr. Gorman said this appears in another part in which it discusses the bylaw and how they got a waiver from the bylaw to pave areas connecting driveways from Enterprise Drive to emergency access gates on Rustcraft Road, approved under the comprehensive permit. Mr. McGrail again said there was overwhelming opposition to the gates being open to access/egress onto Rustcraft Road. The Applicant conceded this almost immediately, and as a condition of their permit, they agreed that they would not allow this. They are now trying to have the Board modify that. Avalon Station has one exit. If this petition is approved, they will probably also come in because they are a 40B.

Other residents spoke in favor of opening the gates. Robert Carney, Jefferson resident, said he did not believe that Jefferson is the problem. He was in favor of opening the gates. Another resident said that, while she understands the safety concerns, she thinks that management has raised some good solutions regarding the fob system. It will not allow people to cut through. She did not see how the traffic would increase by 500 cars. Most people who are part of the 40B cannot afford cars, and are mostly elderly or disabled. Visitors would not have access to fobs. She is not opposed to a STOP sign since the concern is so large. Mr. McGrail said he drove through the parking lot the other day and there were not a lot of empty spaces.

Mr. McGrail said that 40B projects are designed to promote affordable housing in communities. The frustration that cities and towns have with 40B is that many of the controls that the cities and towns have are wiped away by 40B, which is unfortunate. The biggest condition that Dedham has is lack of egress onto Rustcraft Road, and this speaks to how passionate people are about the access and egress. It became the #1 issue relative to the project. The Town recognized that it did not have a lot of ammunition in shaping what the project would look like, similar to Costco, Legacy Place, or the theater. When it comes to 40B, the cities and

towns are hamstrung in that regard due to the design of the law to promote affordable housing.

A Jefferson resident said that she has lived in Dedham since 2003. An agreement to sell her house fell through, so they had to move to Jefferson while they were looking for another house. She now lives on Fairbanks Road. She knows both ends of the spectrum, the area that is affected by the traffic and what it is like to live at Jefferson. Living at Jefferson at the holidays was horrible. It would take her an hour to get from Costco to Route 1. Mr. McGrail asked if the gates were open during that time. She said they were opened eventually. There was also a time when an ambulance could not get in or out. Mr. McGrail will be speaking with both the Fire Chief and the Police Chief to follow up on that. He asked the resident if it is ever that bad aside from the holiday season. She said it is not. She did say that when she left Jefferson, she left through Avalon. There are times when she needs to go down Rustcraft Road, which now has General Dynamics and the kiss-and-ride. She said it is not only Jefferson that causes the traffic. Legacy Place is the biggest problem.

Marie Donoghue, 324 Central Avenue: She has lived in Dedham for 84 years. There has been a lot of mention about people going to Route 95. If the gates are open, people would turn left onto Rustcraft Road, which is backed up now almost to General Dynamics; it would be a "horror show." This would mean that cars would go down Central Avenue to Wentworth Street, then onto East Street. Mr. McGrail said this issue brings up whether there is a need for a traffic study; this would address all of those things.

When asked if the fobs would make any sound, Mr. Connolly said they are silent, but they can set it up so it would be emergency-coded if the Fire and Police Chiefs want that. They could pull up and punch in a code. There is also a call box, so if someone was looking for someone, they could hit the call button, which would go to the office. There are a lot of options.

Former Fire Chief James Driscoll, 13 Boulevard Road, was the fire chief when Jefferson was developed. He retired eight years ago and spoke in an unofficial capacity. The gate was first proposed in 2002, at which time the developer offered a fob with a feature for the Fire Department. Chief Driscoll asked for information on where these were used, and was given a place in Bedford, New Hampshire. The developer said they have gates that could be opened by activating the sirens so that fire trucks, police, and ambulances could enter the property. He spoke with both the fire chief and the fire prevention officer there, and said they were not the least bit satisfied with this feature, saying it did not work the way it was presented. They said that if they had a second chance on this, they would not allow it. Chief Driscoll was very adamant with the developer, and they finally agreed not to put that feature in. He said that this is why it is an open roadway from Enterprise Drive to the property.

Mr. McGrail said it is fair to say that people who live within Jefferson and Presidents Way are for the fob, and those who live outside are against it. There is a history that needs to be respected. He wants to get better educated about what is going on during the holiday season, so it is prudent for the Board to speak with the Fire Chief and the Police Chief. The Board will not make a decision this evening, but it will at the next meeting on December 13, 2017. Mr. Maguire said it would be impossible for him to be in favor of the petition without a traffic study that showed the traffic impacts. Without more information that what has been given by

the Applicant, he cannot say he supports this. The hearing was continued to December 13, 2017.

Applicant: Andrew Mulligan
Property Address: 914 High Street, Dedham, MA 02026
Case #: VAR-10-17-2275
Property Owner: Thomas J. and Sharon S. Freedman
Zoning District and Map/Lot Single Residence B, Map 89, Lot 47
Application Date: October 13, 2017
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jessica L. Porter

Representative:

- Andrew Mulligan, prospective buyer
- Peter Fenn, Esq., 53 Milk Street, Westwood, MA 02090

Legal Notice: To be allowed a Special Permit to convert an existing single family dwelling, which has being used as a two-family dwelling for decades, into a two-family dwelling in the Town of Dedham Historic District.

Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 7.2.1*

Mr. McGrail recused himself from this hearing because he is an abutter to the property. He informed the Applicant that there would only be four voting members for the hearing, and he would need a unanimous 4-0 vote. He was given the option of continuing the hearing until the next month; he chose to continue. Vice Chairman J. Gregory Jacobsen assumed the chair.

Mr. Fenn explained that Mr. Mulligan has an agreement to purchase 914 High Street and hopefully re-develop it. This is an antique home in the Historic Districts Overlay District, built in 1840. It has not been well maintained for many years, and the applicant would like to purchase it and refurbish it. Currently, it is listed as a single family dwelling, but it has been used for many years as a two-family dwelling. Each space has kitchens, bathrooms, bedrooms, and living rooms. The applicant wants to legitimize it as a two-family dwelling, and is requesting a Special Permit to do so. Nothing will be changed on the property other than making the necessary improvements. The units will remain the same as they exist now. The property fits the criteria for square footage in that a single family dwelling requires 12,000 square feet, and the property is 27,458 square feet. Mr. Mulligan said he may add a garage, but this would not be a ZBA issue.

Mr. Maguire was concerned about the parking and how many vehicles could park there. Mr. Fenn said the site is .75 acres with an existing pea gravel driveway that can easily fit six cars. It can also be expanded, although they do not propose doing this. He said they would be happy to return to the Board next year to show the parking on a site plan. Mr. Maguire was not satisfied with this description. Mr. Fenn said they would be happy to reschedule the hearing so Mr. Maguire will have a site plan to review. They have a contract to go forward with the property to close within 30 days after the Special Permit is granted, so time is of the essence. Both he and Mr. Mulligan are concerned that someone else may buy the property and not preserve it as an historic dwelling. Mr. Maguire said that the house has been for sale for a

long time, and he did not think another month would “kill” them. Mr. Mulligan said that he can put in parking by right, and it is not a ZBA issue. He offered to submit a memo of understanding to the Board. The driveway will be on High Street. The distance from the house to the property line on High Street is 115 feet. By right, anyone who owns the house, whether it is a single family dwelling or a two-family dwelling, can pour gravel or use asphalt. Mr. Maguire said that he is coming to the Zoning Board of Appeals to ask for something. He does not believe that Mr. Mulligan has presented enough information for him to say he is okay with that. Mr. Fenn asked if there are any other concerns the Board wants addressed.

Andrea O’Connell, 930 High Street, asked about a garage. Mr. O’Connell said they have been in their house for about 25 years, and were present when redevelopment was done for an in-law suite. There was a family that had multiple cars. He wondered what would happen if there were two separate households with two or three cars each. His concern is that there is nice grass between his house and this house, and this will be turned into a mess. Please note that he was very soft spoken, and some of his comments could not be heard. Mr. Fenn said they need to show the neighbors the site plan to explain the parking. The number of cars will be very similar to what it has been in the past.

Mr. Maguire thought Mr. Fenn was casually dismissing his concerns, saying that an in-law apartment and a two-family are two totally different things. He said this is not a simple thing. He said he is not 100% against it, but thinks there is not enough information on cars and a garage to say it is a good idea. Mr. Fenn agreed that they are legally two very different things. He said that there will not be a change in the physical layout or use of the property. There is no expansion of the property, no change in the footprint, and no increase in bedrooms or bathrooms. As a result, the density will not change. Mr. Maguire said that what is not shown is what is truly going to happen with the property. He said there could be many more cars, and these will impact people, and Mr. Fenn has not shown the Board that they are not having an impact on them. Mr. Fenn said he understood Mr. Maguire’s concerns.

Karen Durham, 902 High Street, said she is excited that someone is going to fix the house and not tear it down. She also said that she does not see the driveway because it is on the other side of the house, so it will not be an issue for her. She hopes they get someone in there who is willing to put the money into it. Please note that she was also very soft spoken, and some of her comments could not be heard. Mr. Fenn said that the numbers do not work if the property is not a two-family dwelling, and it would be more likely that it would be removed and not redeveloped. They would like to preserve an historic structure and bring it back to what it should be. It will also help the property values of everyone in the neighborhood. An unidentified woman in the audience asked if the apartment is legal. Mr. Jacobsen said he believes it had been operating for many years without a permit. This is why the applicant is before the Board. The woman said this is of concern to her as a resident of Precinct 1 because there are so many houses like this and it would set a precedent. Mr. Fenn said this is not a precedent. There is a procedure that has to be followed, and it is up to the ZBA to allow it.

Mr. McGrail, speaking as a citizen and not a member of the Board, is a direct abutter, owning a two-family dwelling at 214-216 Village Avenue. He supports the conversion of the house. It is a huge house and is set up as a two-family. The driveway is rather large as well. He supports the petition because the property is a blight. He will also be renovating his property to bring

it up to standard for the neighborhood. He said that no one will buy the house as a single family dwelling because it will take an extremely large amount of money to renovate it.

Mr. Mulligan said that the only other offers for the house have been from people who want to knock it down. Victor Divine, the realtor for the owner/seller, has been trying to sell it for over a year. He said there have been multiple offers, almost all similar to this one for a two-family. This is the only way that the numbers would work because of the extent of work and expense necessary. He said that every step in this process has been difficult, and it has taken a long time to get to this point. Mr. Maguire asked if the dwelling would be thoroughly renovated and then sold as two three-bedroom condominiums, not rentals. Mr. Mulligan said they would not be rented. He said that Stanton Lyman of the Dedham Historic Districts Commission considers the dwelling a very important home. The dwelling would be bought and renovated, "bells to whistles," and then sold as two three-bedroom condos. He asked if the Board would like a Memo of Understanding in which the Board details any concerns, i.e., landscape design, fencing of the neighbors' choice, number of parking spaces per unit. Mr. Fenn said things like this can be put as restrictions in condo documents if the Board required it.

Mr. Maguire moved to allow a Special Permit to convert an existing single family dwelling, which has being used as a two-family dwelling for decades, into a two-family dwelling in the Town of Dedham Historic District with the condition that no more than six (6) cars can be parked at the site. Mr. Steeves seconded the motion. The vote of the Board was unanimous at 4-0, with Mr. McGrail recusing himself from any part of the hearing or vote.

Applicant:	Shawn Greenwood and Matthew Quinn
Property Address:	531 and 535 Washington Street, Dedham, MA 02026
Case #:	VAR-10-17-2277
Property Owner:	Shawn Greenwood and Matthew Quinn
Zoning District and Map/Lot	Single Residence B, Map 122, Lots 49 and 50
Application Date:	October 16, 2017
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jessica L. Porter
Representative:	<ul style="list-style-type: none">• Peter A. Zahka II, Esq., 12 School Street, Dedham, MA 02026• Matthew Quinn, owner
Legal Notice:	To be allowed such Special Permits and/or variances as required to reconfigure two existing nonconforming lots (one lot with 8,893 square feet and lot frontage and width of 68 feet and occupied by an existing two-family dwelling and a free-standing garage, and one lot with an area of 6,000 square feet and lot frontage and width of 50 feet) into two new building lots, one lot which will have a lot area of 9,003 square feet of land, lot frontage and width of 68 feet, impervious area of 46%, and which will continue to be occupied by an existing two-family dwelling with a front yard setback of 17.6 feet, rear yard setback

of 21 feet, and side yard setback of 7.2 feet, and an existing free-standing garage which is 6.9 feet from said dwelling and with a rear yard setback of 2.1 feet, and one lot which will have a lot area of 5,890 square feet of land, lot frontage and width of 50 feet, and will have a single family dwelling constructed thereon with side yard setbacks of 11 feet and 11.1 feet, at 531 and 535 Washington Street in the Single Residence B and Aquifer Protection Overlay zoning districts.

Section of Zoning Bylaw:

Town of Dedham Zoning Bylaw Sections 3.1.3, 3.3.1, 3.3.2, 3.3.3, 3.3.4, 3.3.5, 4.1, 4.5, 8.2, 9.2, 9.3, 10, Table 1, and Table 2

Mr. McGrail rejoined the Board. Mr. Zahka explained that his clients want to reconfigure two existing parcels. The lot at 535 Washington Street, Map 122, Lot 49, contains 8,893 square feet, has approximately 68 feet of frontage on Washington Street, and approximately 118 feet of frontage on Richards Street. It is occupied by a two-family house that was built in approximately 1871. There is also an existing garage in the back. That lot is made up of two lots: there is an 8,616 square foot lot that was established by a deed sometime prior to 1871. Prior to 1950, lots could be established without plans, so both lots have no registry plans. They were established by lot description. There is a little sliver that was added in 1949; otherwise the lot was essentially established in 1871. The second lot at 531 Washington Street, Map 122, Lot 50, contains 6,000 square foot with 50 feet of frontage on Washington Street. This lot was again established by deed but there is no plan. It did not come out of the lot at 535 Washington Street, but came from 525 Washington Street. The lot is vacant except for an encroachment of the garage at 535 Washington Street. Both lots are in the Single Residence B zoning district and in the Aquifer Protection Overlay district. The Applicants purchased the property for purposes of renovating the two-family house, which is in process, and for purposes of building a house on the vacant lot.

The Applicants intend to construct a single-family dwelling on the vacant lot at 531 Washington Street. Single family dwellings are allowed as of right in the SRB Zoning District. However, residential developments are allowed as of right in the APO District "provided that not more than twenty-five (25%) of a building lot . . . is rendered impervious." Residential developments in the APO District where the "resulting impervious surface would exceed twenty-five (25%) of the lot area" are allowed by special permit by the Zoning Board of Appeals. There has already been a submission to the Conservation Commission. All new construction goes through storm water management.

Upon investigating the project, a couple of things were discovered: 1) the garage encroachment in the back, and 2) there are no plans of record. They would like to have a plan of record as it makes it easier going forward for conveyance of the properties. A new plan was filed on November 15, 2017, so the position is that the lots were established on that date. The relief requested is basically to allow the Applicants to go forward with the project and file the plan as if they did not have the plan with the exception of a change. They want to have a plan, as opposed to the deed reference, that will show the two separate lots, so they are carving out the small piece in the back. As reconfigured, 535 Washington Street will have a lot area of

9,003 square feet, lot frontage and width of 68 feet, impervious area of 46%, and will be continued to be occupied by an existing two-family dwelling with a front yard setback of 17.6 feet, rear yard setback of 21 feet, and side yard setback of 7.2 feet. The existing garage on this property is 6.9 feet from said dwelling and will have a rear yard setback of 1.0 foot. As reconfigured, 531 Washington Street will have a lot frontage and width of 50 feet, a lot area of 5,890 square feet, and will be occupied by a single-family dwelling to be constructed with a front yard setback of 25.5 feet, rear yard setback of 25.5 feet, and side yard setbacks of 11 feet. In order to file such a plan and maintain the existing zoning rights, the Applicant requires a number of variances to the dimensional requirements under the Dedham Zoning By-Law.

In order to eliminate the small garage encroachment and to provide a plan depicting the two new lots (eliminating any potential title or zoning issues), the Applicant desires to file a new (Approval Not Required) plan with the Registry of Deeds depicting the two slightly reconfigured lots. Reconfiguration of the two lots comprising the Subject Property into two new lots will maintain the existing dimensional nonconformities for the two-family dwelling and enable construction of a single-family dwelling on the reconfigured existing vacant lot. The reconfiguration is desirable in order to eliminate a small encroachment of a garage and to provide a recordable plan for the two new lots (the existing lots were created without the benefit of a recorded plan). In addition, the Subject Property is in the Aquifer Protection Overlay district and the existing dwelling already has an impervious area in excess of 25%.

Mr. McGrail asked Mr. Zahka about the lots being buildable. Mr. Zahka explained that there have been two buildable lots before 1950. Mr. Quinn said that the property was marketed as two buildable lots when the Applicant bought it. Mr. McGrail requested that an existing tree at 531 Washington Street remain. Mr. Quinn said the tree will stay. He said he talked to many neighbors, and the biggest concern was the tree. No one else on the Board had any questions. Two people had signed a petition supporting the application. One lives at 15 Richards Street (behind the house), and the other lives at 545 Washington Street.

Virginia Doherty, 26 Marion Street, asked what the size and type of the house would be, and where the driveway would be located. Mr. Quinn said the driveway will be out onto Washington Street. The size of the house will be designed by Michael McKay, Esq., and will be approximately 2,500 square feet, and the footprint will take up 25% of the plot plan due to the Aquifer Protection Overlay district. It will be two stories and will be the same height and very similar to the houses surrounding it. Jeffrey Klaus, 540 Washington Street, said the tree is right in front of where they plan to build the garage. He asked if there was an elevation that incorporated the tree location; Mr. Quinn did not have one. He said the tree is on the corner of the lot. Mr. Klaus commented that the tree is 200 years old and has extensive roots. He did not know how Mr. Quinn would put a driveway where the tree is. Mr. Quinn said the plan is for a permeable driveway. An arborist has been consulted about the tree as well. Mr. Klaus asked if the driveway will be on the property line. Mr. Quinn said there is some space there. The fence is about five feet within the property line. Mr. Klaus said he has witnessed at least three accidents on Washington, at the intersection of Richards Street, and coming onto Metcalf Street.

Mr. Steeves moved to approve the application as presented for such Special Permits and/or variances as required to reconfigure two existing nonconforming lots (one lot with 8,893 square feet and lot frontage and width of 68 feet and occupied by an existing two-family

dwelling and a free-standing garage, and one lot with an area of 6,000 square feet and lot frontage and width of 50 feet) into two new building lots, one lot which will have a lot area of 9,003 square feet of land, lot frontage and width of 68 feet, impervious area of 46%, and which will continue to be occupied by an existing two-family dwelling with a front yard setback of 17.6 feet, rear yard setback of 21 feet, and side yard setback of 7.2 feet, and an existing free-standing garage which is 6.9 feet from said dwelling and with a rear yard setback of 2.1 feet, and one lot which will have a lot area of 5,890 square feet of land, lot frontage and width of 50 feet, and will have a single family dwelling constructed thereon with side yard setbacks of 11 feet and 11.1 feet, at 531 and 535 Washington Street in the Single Residence B and Aquifer Protection Overlay zoning districts. Mr. Jacobsen seconded the motion. The vote was unanimous at 5-0.

Applicant:	Cellco Partnership d/b/a Verizon Wireless
Property Address:	387 Washington Street, Dedham, MA 02026
Case #:	VAR-10-17-2274
Property Owner:	New England Tel & Tel Co (Verizon New England), c/o Duff & Phelps, P.O. Box 2479, Addison, TX 75001
Zoning District and Map/Lot	Central Business, Map 108, Lot 65
Application Date:	October 13, 2017
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jessica L. Porter
Representative:	Tyler Haynes, McLane Middleton, 900 Elm Street, P.O. Box 326, Manchester, NH 03105-0326
Legal Notice:	To be allowed a Special Permit and variance as necessary to install wireless communication equipment
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Section 8.3.4</i>

Mr. Maguire recused himself from this hearing because he is an abutter. Mr. McGrail informed the Applicant that there would only be four voting members for the hearing, and he would need a unanimous 4-0 vote. The Applicant was given the option of continuing the hearing until the next month; he chose to continue.

Mr. Haynes explained that Verizon wants to install six panel antennas, a faux chimney, nine remote radio heads, three junction boxes, and other appurtenant equipment mounted within fiberglass enclosures on the rooftop of 387 Washington Street, which is an existing Verizon Wireless facility and central office that is adjacent to the Police Station. Small cell supporting equipment will be housed within a 327 square foot lease area located in the building's basement. Access to the rooftop will be by an existing exterior roof access staircase. With this equipment, Verizon will be able to provide improved wireless service to Dedham with no impact on utilities, schools, or traffic. No water, sewer, or other municipal services are required, and all equipment will comply with applicable FCC standards and regulations. Mr. Haynes said this installation will be barely visible from Washington Street.

The Board had no questions. Mr. McGrail asked if anyone wanted to speak, but no one said anything. Mr. Steeves moved to allow a Special Permit and variance as necessary to install

wireless communication equipment. Mr. Jacobsen seconded the motion. The vote was unanimous at 4-0.

After the vote, Mary Jane Parnell, 20 Church Street, who has been there for 25 years, asked to speak about her concern that the pictures only show a small piece of the property. She said she sees every part of the building, and it is noisy. She has had gatherings that have had to go inside the house because of the noise. They have run generators from 11 p.m. to 3-6 p.m. The entire property is in total disrepair, as it has always been, 6-10" potholes. It is a safety hazard for anyone on the property. The proposed height of the equipment will be an eyesore. The pictures presented to the Board show the front of the building. She sees the back of the building, which is where the potholes are.

Mr. McGrail was unclear on what the Verizon property was. He said the potholes would only impact the Verizon employees. Ms. Parnell said the public walks back there all the time. She asked how tall the fiberglass wall would be, and it would be 10 feet. There is a penthouse on top of the roof now that is higher than 10 feet. There are no generators or anything. The tenants do not make any noise. All of the ground-based equipment is in the basement. The cable is run down the side of the building within a cable tray. All are painted to match the brick. Ms. Parnell said she had no idea what this was going to look like. Mr. Haynes tried to explain this to her.

Ms. Parnell asked if the Board had already voted, and Mr. McGrail said not necessarily. They reviewed the existing building and the proposal. Ms. Parnell said this is a different view from what she sees. Mr. Haynes said the rear is private property, and they will not go on those properties. He said it is actually smaller on the back, and will not be visible from the back. There are things on the building that will block the equipment, and Ms. Parnell will not be able to see anything. Mr. Haynes said there is an additional one in the front, and one in the back corner that is smaller. This is to protect the visibility from the neighbors. Ms. Parnell asked if it would go around the air conditioning unit. Mr. McGrail said that the applicant is adding things, but not addressing any other issue.

It is to be noted that there was a great deal of paper rustling immediately over the microphones, so some conversation could not be understood. Ms. Parnell asked about the chimney, but a response could not be understood. Work on the wireless equipment has not yet begun on the building, but windows are being painted. Ms. Parnell asked for clarification that all she will see is something three feet higher than what is already there. Mr. Haynes said it is 10 feet above the roof, but she will not see the additional 10 feet.

Mr. McGrail asked Mr. Haynes for clarification on what Ms. Parnell can see from her property. Then he said there was something else in the back that she would be able to see from her property. She asked how high, and he said 10 feet, so he asked if she will see a 10 foot appendage in the back of the building from her property. The second question is why he did not show that on the plans. Mr. Haynes said they cannot go behind a house onto private property to take a picture. Ms. Parnell said that of course he can. She said it will be visible from five residences.

Mr. McGrail said the Applicant needed to come back on December 13, 2017, to show the Board what it will look like from the residents' property. He said he had no issue with the petition

at all, but there is a neighbor with issues. In looking at the map, Mr. McGrail thought that Ms. Parnell really could not see the building. Ms. Parnell strongly disagreed. The hearing was continued to December 13, 2017. Mr. McGrail asked for photos from Ms. Parnell's residence, as well as her neighbors' property. She gave her permission for Mr. Haynes to go on her property, and he will contact the other neighbors for their permission.

Mr. Maguire asked for clarification on the height of the equipment, saying that it should not be higher than the existing penthouse. Mr. Haynes said it will be shorter, and it will be located just to the left of the penthouse. Any house set to the right would be partially blocked by the existing penthouse.

Review of Minutes: Mr. Jacobsen moved to approve the minutes of October 18, 2017, seconded by Mr. Steeves. The vote was unanimous to approve.

Mr. Jacobsen moved to adjourn, seconded by Ms. Porter, and voted unanimously at 5-0. The meeting ended at 10:10 p.m.

Respectfully submitted,


Susan Webster
Administrative Assistant