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**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, February 21, 2018, 7 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®  
Jared F. Nokes, J.D.

**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., Mr. McGrail appointed Associate Member Jared F. Nokes, J.D., to sit in his stead.

**Applicant:** John R. Aplin, Trustee, Aplin Realty Trust  
**Property Address:** 331 Whiting Avenue, Dedham, MA  
**Property Owner:** John R. Aplin, Trustee, Aplin Realty Trust  
**Zoning District and Map/Lot:** General Residence, Map 128, Lot 105  
**Application Date:** December 8, 2017  
**Present and Voting:** James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jared F. Nokes, J.D.

**Representative:**

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA 02026
- Scott Henderson, P.E., P.O. Box 626, Lexington, MA 02420

**Legal Notice:** To be allowed a Special Permit for retaining walls with a maximum height of 9 feet (amending ZBA Decision # VAR-03-17-2205, dated April 19, 2017, granting a Special Permit for retaining walls with a maximum height of 6 feet).

**Section of Zoning Bylaw:** Sections 6.5.2, 9.2, and 9.3

The Applicant was approved for six-foot retaining walls on April 19, 2017. The ZBA decision provided that no retaining wall would be in excess if six feet. Due to some changes that were required by the Building Code, certain walls will now be nine feet high. The question before the ZBA was whether it has an issue with the proposal to have a retaining wall up to 9 feet in the area outlined in red on the plan. However, most of the wall is on the applicant's property, but some is on property owned by Andrew and Jane Weiss. They wrote a letter in support of the petition. However, the Weiss' name should be on the application. The best, cleanest way of handling this was to encompass everything all at once by amending the application and adding the Weiss family's name. Mr. Zahka will submit a new application so there is no question that both Mr. Aplin and the Weiss family is on it. The hearing was continued to February 21, 2018.

At this meeting, Mr. Zahka requested withdrawal of this petition without prejudice. Mr. Jacobsen moved to the withdrawal without prejudice, seconded by Mr. Steeves. The vote to approve withdrawal without prejudice was unanimous at 5-0.

<b>Applicant:</b>	<b>John R. Aplin, Trustee, Aplin Realty Trust, and Andrew and Jane Tennihan Weiss</b>
<b>Property Address:</b>	<b>331 and 335 Whiting Avenue, Dedham, MA</b>
<b>Property Owner:</b>	John R. Aplin, Trustee, Aplin Realty Trust, and Andrew and Jane Tennihan Weiss
<b>Zoning District and Map/Lot</b>	General Residence, Map 128, Lot 105 and Map 128, Lot 104
<b>Application Date:</b>	January 22, 2018
<b>Present and Voting:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jared F. Nokes, J.D.
<b>Representative:</b>	<ul style="list-style-type: none"> <li>• Peter A. Zahka II, Esq., 12 School Street, Dedham, MA 02026</li> <li>• Scott Henderson, P.E., P.O. Box 626, Lexington, MA 02420</li> </ul>
<b>Legal Notice:</b>	To be allowed a Special Permit for retaining walls with a maximum height of 9 feet (amending ZBA Decision # VAR-03-17-2205, dated April 19, 2017, granting a Special Permit for retaining walls with a maximum height of 6 feet).
<b>Section of Zoning Bylaw:</b>	Sections 6.5.2, 9.2, and 9.3

Mr. Aplin was not present for this meeting because he was out of town. Mr. Zahka returned to the Board with a new application for the aforementioned retaining walls. The previous application, which was only in Mr. Aplin's name, was withdrawn without prejudice. This application is now in the name of Mr. Aplin and his direct abutters, Andrew and Jane Tennihan Weiss, because part of the retaining wall is on the Weiss' property.

The original application was approved for a retaining wall at the rear of the site next to the Weiss property with a maximum height of six feet. Because of the Building Code, this needs to be regraded. In one small area, the wall will go from six feet to nine feet in height. The top

of the wall is not changing; the ground level will be deeper. There will be no change in what the abutters see. This wall will be on both properties.

No one in the audience spoke in favor or against the petition.

Mr. Maguire moved to approve a Special Permit for retaining walls with a maximum height of 9 feet (amending ZBA Decision # VAR-03-17-2205, dated April 19, 2017, granting a Special Permit for retaining walls with a maximum height of six (6) feet). Mr. Jacobsen seconded the motion. The vote to approve was unanimous at 5-0.

<b>Applicant:</b>	<b>Stacy Soley</b>
<b>Property Address:</b>	<b>438 Mount Vernon Street, Dedham, MA</b>
<b>Property Owner:</b>	Stacy Soley, 438 Mount Vernon Street, Dedham, MA
<b>Zoning District and Map/Lot</b>	Single Residence B, Map 154, Lot 31
<b>Application Date:</b>	January 19, 2018
<b>Present and Voting:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jared F. Nokes, J.D.
<b>Representative:</b>	Mollie Moran, AIA, 64 Dwight Street, Dedham, MA Stacy Soley, owner
<b>Legal Notice:</b>	To be allowed such Special Permits and/or variances as required to extend the length of an existing garage that is 4.5 feet from the property line instead of the required 10 feet.
<b>Section of Zoning Bylaw:</b>	Section 3.3.4, Variance Required, and Section 4.1, Table 2, Table of Dimensional Requirements

The Applicant wants to extend her one-car garage by 20 feet toward the back. The existing garage measures 10' x 18,' and is too small for her current vehicles. The current side yard setback will not change. She presented signed letters in support of her petition:

Rebecca A. Hughes	97 Grant Avenue, Dedham, MA
Gabrielle Scheufler	431 Mount Vernon Street, Dedham, MA
Jane E. Cotter	430 Mount Vernon Street, Dedham, MA
Barbara L. Cocci	430 Mount Vernon Street, Dedham, MA
Denise Nelligan	435 Mount Vernon Street, Dedham, MA

No one in the audience spoke in favor or against the petition.

Mr. Steeves moved to allow such Special Permits and/or variances as required to extend the length of an existing garage that is 4.5 feet from the property line instead of the required 10 feet. Mr. Jacobsen seconded the motion. The vote to approve was unanimous at 5-0.

**Applicant:** Peter G. and Meghan Hamilton  
**Property Address:** 35 Highland Street, Dedham, MA  
**Property Owner:** Peter G and Meghan Hamilton, 35 Highland Street, Dedham, MA  
**Zoning District and Map/Lot:** Single Residence B, Map 107, Lot 33  
**Application Date:**  
**Present and Voting:** James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jared F. Nokes, J.D.  
**Representative:** Peter G. and Meghan Hamilton  
**Legal Notice:** To be allowed such Special Permits and/or variances as required to construct a two-car garage that will be 4.9 feet from the property line instead of the required 10 feet, and a Special Permit for an accessory dwelling unit in a single family dwelling  
**Section of Zoning Bylaw:** Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements, and Section 7.7 Special Residential Regulations

Mr. and Mrs. Hamilton have a growing family with a new baby coming in July, and his widowed, elderly mother-in-law will be coming to live with them for at least part of the year. They would like to construct a two-car garage with an in-law suite above it for his mother-in-law. The neighbors who are most directly impacted have seen the plot plan and the architectural plans and have signed a petition in favor of it.

Nicole Hart	39 Highland Street
Ryan Hart	39 Highland Street
Mary Jane Devins	38 Highland Street
James F. Devins	38 Highland Street

Mr. Hamilton explained specifically what would be done to the house using the renderings from his architect, most of which can be done as a matter of right, i.e., two-story master suite with a great room and kitchen below it, and a proposed deck. As you face the house and look toward the left, they want to create a two-car garage with an in-law suite above. This impacts the property line, and is why they are requesting a 4.9 foot variance. The driveway will be the same width. Mr. Hamilton is aware of the special rules for an accessory dwelling unit, particularly that it must be approved every three years; if it is not, the permit lapses. He is also aware that it is not transferable when the property is sold.

No one in the audience spoke in favor or against the petition.

Mr. Maguire moved to allow such Special Permits and/or variances as required to construct a two-car garage that will be 4.9 feet from the property line instead of the required 10 feet, and a Special Permit for an accessory dwelling unit in a single family dwelling. Mr. Steeves seconded the motion. The vote to approve was unanimous at 5-0.

**Applicant:** Philip and Wendy Bryan  
**Property Address:** 19 Cranberry Lane, Dedham, MA  
**Property Owner:** Philip and Wendy Bryan  
**Zoning District and Map/Lot:** Single Residence B, Map 189, Lot 88  
**Application Date:** January 23, 2018  
**Present and Voting:** James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jared F. Nokes, J.D.  
  
**Representative:** Philip and Wendy Bryan, owners  
**Legal Notice:** To be allowed a left side yard setback of 4.5 feet instead of the required 10 feet and a rear yard setback of 10.5 feet instead of the required 20 feet to construct a new room and a two-car garage after demolition of an existing game room.  
  
**Section of Zoning Bylaw:** Town of Dedham Section 4.1, Table of Dimensional Requirements

Mr. Bryan explained that there is an existing den, and they wish to remove this and construct a two-car garage. The garage will be 4.5 feet from the existing property line. There is an existing one-car garage in back, and this is 4.5 feet from the property line. The two-car garage will have a master bedroom above, bringing the dwelling from a three bedroom, one-and-a-half bath to a four bedroom, two-and-a-half bath. He submitted a list of signatures in support of his petition:

Anthony Rella	18 Cranberry Lane
James Goodrich	26 Cranberry Lane
Matt Patterson	10 Cranberry Lane
Ben Hall	33 Cranberry Lane
Mary Daniels	10 Quarry Road
Mary Stack	28 Indian Path

No one in the audience spoke in favor or against the petition.

Mr. Steeves moved to approve a left side yard setback of 4.5 feet instead of the required 10 feet and a rear yard setback of 10.5 feet instead of the required 20 feet to construct a new room and a two-car garage after demolition of an existing game room. Mr. Jacobsen seconded the motion. The vote to approve was unanimous at 5-0.

**Applicant:** 218 High Street, LLC, Stephen Clifford, Manager  
**Property Address:** 218 High Street, Dedham, MA  
**Property Owner:** 218 High Street, LLC, et al, and Hub Development, LLC, TC, 1 Union Place, Suite 101, Dedham, MA  
**Zoning District and Map/Lot:** General Residence, Map 111, Lot 3, and Map 111, Lot 67  
**Application Date:** January 23, 2018  
**Present and Voting:** James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jared F. Nokes, J.D.

**Representative:**

Stephen Clifford, Manager

**Legal Notice:**

To be allowed to construct a two-family dwelling on 10,321 square feet of land on Lot 111-3 instead of the required 11,000 square feet, a front yard setback of 15 feet instead of the required 20 feet, a waiver of the combining requirements so that lot 111-67 retains its status as a special lot size exception for a single family dwelling, and a 15 foot front yard setback for Lot 111-67 instead of the required 20 feet.

**Section of Zoning Bylaw:**

Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements, and Section 4.5.1

Mr. Clifford had previously been approved for this petition, but he had not clearly requested a front yard setback of 15 feet, so it was not included in that decision. This occurred a year-and-a-half ago. The lot is currently empty and difficult on which to build. His construction will improve the neighborhood, and it appears to be a good project. He is asking for 15 foot setbacks for the single family dwelling and the two-family dwelling that he intends to build. Nothing else is different from the previous approval.

No one in the audience spoke in favor or against the petition.

Mr. Steeves moved to allow Mr. Clifford to construct a two-family dwelling on 10,321 square feet of land on Lot 111-3 instead of the required 11,000 square feet, a front yard setback of 15 feet instead of the required 20 feet, a waiver of the combining requirements so that lot 111-67 retains its status as a special lot size exception for a single family dwelling, and a 15 foot front yard setback for Lot 111-67 instead of the required 20 feet. Mr. Maguire seconded the motion. The vote to approve was unanimous at 5-0.

Mr. Jacobsen moved to approve the minutes of January 17, 2018, seconded by Mr. Maguire. The vote to approve was unanimous at 5-0.

Mr. Steeves moved to adjourn, seconded by Mr. Jacobsen. The vote to approve was unanimous at 5-0. The meeting ended at 7:30 p.m.

Respectfully submitted,



Susan Webster  
Administrative Assistant

/snw