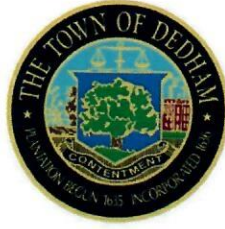


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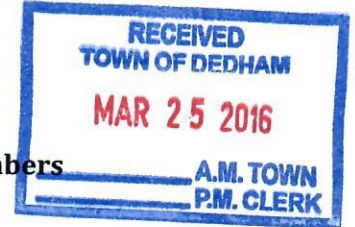
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TOWN OF DEDHAM
ZONING BOARD OF APPEALS MINUTES
Wednesday, March 16, 2016, 7:00 p.m., Selectmen's Chambers



Present: James F. McGrail, Esq., Chairman
J. Gregory Jacobsen, Acting Chairman
E. Patrick Maguire, LEED AP
Jason L. Mammone, P.E.
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. Mr. Steeves was unable to attend the meeting, and Associate Members Jessica Porter and Jared Nokes were unavailable. Therefore, there were only four members sitting at the meeting.

Applicant: Italian American Club
Property Address: 21 Allen Lane, Dedham, MA
Case #: VAR-02-16-2066
Property Owner: Italian American Club, 1024 Metropolitan Avenue, Milton, MA 02186
Map/Lot, Zoning District: 94/12, General Residence
Application Date: February 2, 2016
Present and Voting: James F. McGrail, Esq., E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Legal Notice: To be allowed such Special Permits and/or variances as may be necessary for the alteration and extension of a pre-existing nonconforming use and structure.
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Sections 3.1.3, 3.3, 3.3.1, 3.3.2, 3.3.3, 3.3.4, 9.2, 9.3, and Tables 1 and 2*

Start 7:00 p.m. Mr. Jacobsen recused himself from this hearing because he is a member of the Italian American Club. This left only three members of the Board able to vote, which was not sufficient. Mr. McGrail moved this hearing to Thursday, March 24, 2016, at 6 p.m. End 7:07 p.m.

Applicant/Owner: Robert and Lora Smid
Property Address: 327 Cedar Street, Dedham, MA
Case #: VAR-02-16-2070
Map/Lot, Zoning District: 154/79, Single Residence B
Application Date: February 12, 2016
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Legal Notice: To be allowed a right side yard setback of 6.4 feet instead of the allowed 10 feet to construct a full shed dormer on a pre-existing nonconforming dwelling.
Section of Zoning Bylaw: *Town of Dedham Sections 3.3.2, 3.3.3, 3.3.4, 3.3.5, 4.1 Table of Dimensional Requirements*

Start 7:08 p.m. Only four members sat on this hearing, so the applicants would need a unanimous vote. The options of continuing with the hearing or continuing it to the next ZBA meeting were explained. The Smids elected to continue. Mr. Smid said his family needs extra space, and the most economical way to expand his existing nonconforming Cape-style house is to construct a full shed dormer. The lot is very narrow, so he will need a variance for a right side yard setback of 6.4 feet. A petition signed by three neighbors was submitted. Stephanie Tribuna and Steven Campbell, 333 Cedar Street, were present and expressed support for the petition. The Board had no questions. Mr. Maguire moved to approve a right side yard setback of 6.4 feet instead of the allowed 10 feet to construct a full shed dormer on a pre-existing nonconforming dwelling. Mr. Jacobsen seconded the motion. The vote was unanimous 4-0. End 7:11 p.m.

Applicant: CLW Operating Partners, LLC, 57 Upland Road, Brookline, MA 02445
Property Address: 585 High Street, Dedham, MA
Case #: VAR-02-16-2071
Property Owner: Washington High, LLC, P.O. Box 1299, Dedham, MA 02027
Map/Lot, Zoning District: 92/65, Central Business
Application Date: February 18, 2016
Present and Voting: James F. McGrail, Esq., E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Representative: Chris Lutes
 Laurence Wintersteen
Legal Notice: To be allowed such Special Permits as necessary for a full service restaurant (i.e., a use requiring a common victualler license) with seating for 105 patrons and a change of use.
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Sections 3.1, 3.3, 9.2, 9.3, and Table 1.E.8*

Start 7:13 p.m. Mr. McGrail recused himself from this hearing because he is the attorney for Peter Reynolds, Washington High, LLC, the owner of the property. This left only three members of the Board able to vote, which was not sufficient. The hearing to Thursday, March 24, 2016, at 6 p.m. End 7:15 p.m.

Applicant: Jason Zagami d/b/a Solid Body Fitness
Property Address: 123 Stergis Way, Dedham, MA
Case #: VAR-12-15-2051
Property Owner/Address: SIP Trust, 80 Boxford Road, Rowley, MA 01969
Map/Lot, Zoning District: 150/7A, Highway Business
Date of Application: December 7, 2015
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Representative: Jason Zagami
Legal Notice: To be allowed a waiver from the Town of Dedham Charter for a semi-permanent flag sign to be present during business hours and removed during storms.
Section of Sign Code: *Town of Dedham Sign Code as noted in the Town of Dedham Charter, Section 237 – Table 1, Note 4*

Start 7:16 p.m. Mr. Zagami sent an e-mail to Mrs. Webster on March 2, 2016, asking to withdraw his application without prejudice. Mr. Jacobsen moved to allow the withdrawal, seconded by Mr. Mammone. The vote was unanimous at 4-0. End 7:17 p.m.

Applicant: George F. Doherty & Son, Inc.
Property Address: 464 High Street, Dedham, MA
Case #: VAR-02-16-2074
Property Owner: George F. Doherty & Son, Inc., 477 Washington Street, Wellesley, MA 02481
Map/Lot, Zoning District: 93/100, General Residence
Application Date: February 19, 2016
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Representative: Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA
Legal Notice: To be allowed a Special Permit to expand a nonconforming use by allowing the lot of land at 464 High Street to be used as a parking area for the adjacent funeral home business.
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Sections 3.3.2 and, MGL Chapter 40, Section 9*

Start 7:23 p.m. Only four members sat on this hearing, so the applicant would need a unanimous vote. The options of continuing with the hearing or continuing it to the next ZBA meeting were explained. The applicant chose to go forward with the petition. The applicant is seeking a Special Permit to expand a nonconforming use by allowing the lot of land at 464 High Street to be used as a parking area for the adjacent funeral home business. This will add 6-10 spaces, and will help with on-street parking on High Street and Crowley Avenue. It is hoped that this will alleviate, to some degree, the congestion with a large wake or funeral. It is to be noted that the applicant will be going before the Planning Board for approval of a new parking plan. Lloyd and Patricia Sampson, 449 High Street, were present and voiced total support for the petition. Mr. Jacobsen moved to allow a Special Permit to expand a nonconforming use by allowing the lot of land at 464 High Street to be used as a parking area for the adjacent funeral home business. Mr. Maguire seconded the motion. The vote was unanimous, 4-0. End 7:29 p.m.

Applicant/Owner: Alberto and Gabriela Aramayo
Property Address: 26 Taylor Avenue, Dedham, MA
Case #: VAR-02-16-2069
Map/Lot, Zoning District: 154/138, Single Residence B
Application Date: February 10, 2016
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Representative: Alberto Aramayo
Legal Notice: To be allowed a Special Permit for a fence measuring 10 feet instead of the allowed 6 feet, six inches.
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 10.0 Definitions*

Prior to Mr. Aramayo's arrival, his next-door neighbor, Barbara Welch, 22 Taylor Avenue, presented her testimony in opposition to the petition. She said it was a residential area, and the existing 6-foot wooden fence should be sufficient. She said that the applicant's children have kicked balls into her yard and have damaged her gazebo. She has asked them to play in their own yard multiple times, or to go to Paul Park, which is two streets away, to no avail.

Start 7:35 p.m. Mr. Aramayo arrived late; the location of the meeting had been changed, and he was at the wrong meeting. Only four members sat on this hearing, so the applicant would need a unanimous vote. The options of continuing with the hearing or continuing it to the next ZBA meeting were explained. The applicant chose to go forward with the petition. He explained that the main reason for the 10-foot fence is that his children, ages 10 and 5, play in his yard. He has been having problems with Mrs. Welch because the children and their friends are always in her yard when their ball goes over. He put up the existing 6-foot fence, but the ball still goes over. He said it is really hard to tell them to stay in their own yard. He said that Mrs. Welch yells at the children playing in the yard, and has threatened to call the police, which frightens the children. Mr. McGrail said Mrs. Welch has no issue with the children playing in the yard, but there has been some damage to her gazebo, and she is concerned. He suggested that Mr. Aramayo continue with the 6-foot fence and see how it goes. He advised him to try to work with the existing fence and withdraw his petition without prejudice. If the 6-foot fence is not sufficient, he can re-submit his application in 2-3 months. He said he would not vote for a 10-foot fence at this time. If the Board voted at this meeting and denied his petition, he would have to wait another year to return. Mr. Maguire suggested a netting system that could be attached to the fence, and this will catch the balls. It is less expensive than putting in a 10-foot fence, and it can be taken down when it is not used.

Mr. Aramayo asked to withdraw his petition without prejudice. Mr. Jacobsen moved to approve with withdrawal, seconded by Mr. Maguire, voted unanimously 4-0. End 8:00 p.m.

Review of Minutes: Mr. Jacobsen moved to approve the minutes of January 20, 2016, and February 17, 2016, seconded by Mr. Maguire. The vote was unanimous, 4-0.

Discussion re: Jefferson Station/Avalon Station 250

The Board was given an e-mail from Andrea Terkelsen, Finance Director, regarding the issue of a \$60,000 mitigation payment for seniors. An e-mail had been received in 2012 from

the Town's late Finance Director Mariellen Murphy, and this stated that the money was still in an account and had not been touched. Ms. Terkelsen recommended that the Board address its concerns through the Board of Selectmen's office so there can be a coordinated response. She has received several inquiries about this, and said that further e-mails may lead to public meeting violations. She asked that the ZBA define what assistance it needs from Town Administration.

Mr. Mammone moved to adjourn, seconded by Mr. Jacobsen, voted unanimously. The meeting ended at 8:02 p.m.

Respectfully submitted,



Susan Webster
Administrative Assistant