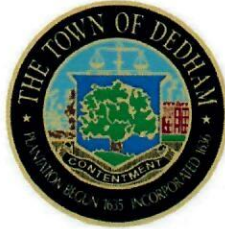


**ZONING BOARD MEMBERS**  
JAMES F. McGRAIL, CHAIRMAN  
J. GREGORY JACOBSEN, VICE CHAIRMAN  
SCOTT M. STEEVES  
E. PATRICK MAGUIRE, LEED AP  
JASON L. MAMMONE, P.E.

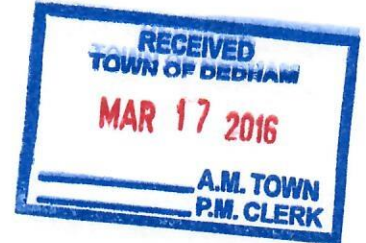
**ASSOCIATE MEMBERS**  
JESSICA L. PORTER  
JARED F. NOKES, J.D.



DEDHAM TOWN HALL  
26 BRYANT STREET  
DEDHAM, MA 02026-4458  
PHONE 781-751-9242  
FAX 781-751-9225

SUSAN WEBSTER  
ADMINISTRATIVE ASSISTANT  
[swebster@dedham-ma.gov](mailto:swebster@dedham-ma.gov)

## TOWN OF DEDHAM ZONING BOARD OF APPEALS MINUTES



Wednesday, February 17, 2016, 7:00 p.m., Lower Conference Room

**Present:** James F. McGrail, Esq., Chairman  
J. Gregory Jacobsen, Acting Chairman  
Scott M. Steeves  
Jason L. Mammone, P.E.  
Jessica L. Porter  
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. Maguire was unable to attend the meeting, so the Chair appointed Associate Member Jessica L. Porter to sit in his stead.

**Applicant:** Gail and Edward Alderman  
**Property Address:** 155 River Street, Dedham, MA  
**Case #:** VAR-12-15-2057  
**Property Owner:** Same  
**Map/Lot, Zoning District:** 128/77, General Residence  
**Application Date:** December 23, 2015  
**Present and Voting:** James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jessica L. Porter  
**Representative:** Joseph Smith, Licensed Builder, 31 Old Farm Road, Dover, MA 02030  
Gail and Edward Alderman  
**Legal Notice:** To be allowed a variance to extend or build an addition onto a nonconforming structure in such a manner as to extend an existing nonconforming structure, i.e., existing front yard setback of 12 feet instead of the required 20 feet.  
**Section of Zoning Bylaw:** Sections 3.3.2, 3.3.3, 3.3.4, 3.3.5, and Table 2, Table of Dimensional Requirements

Start 7:02 p.m. The Applicants would like to build a 22' x 22' one-story addition to the left side of their house. They will need approval for a front yard setback of 12 feet instead of the



allowed 20 feet. Mr. Alderman is not in good health and is unable to go over stairs to the bedroom. The addition will contain an ADA compliant shower, walk-in closet, and laundry, and will allow him to have access to the living room and kitchen. The driveway will be relocated, and a new curb cut will need approval from the DPW.

No one in the audience spoke in favor or against the proposal. The Applicant presented a petition signed by five neighbors in support of the request. Mr. Jacobsen made a motion to approve a variance to extend or build an addition onto a nonconforming structure in such a manner as to extend an existing nonconforming structure, i.e., existing front yard setback of 12 feet instead of the required 20 feet. Ms. Porter seconded the motion. The vote was unanimous at 5-0. End 7:13 p.m.

<b>Applicant:</b>	<b>Stuart Henry</b>
<b>Property Address:</b>	<b>380 Washington Street, Dedham, MA</b>
<b>Case #:</b>	<b>VAR-01-16-2060</b>
<b>Property Owner:</b>	Makarios Series, LLC, Washington Street Series, 262 Main Street, Norfolk, MA 02056
<b>Map/Lot, Zoning District:</b>	108/67, Central Business
<b>Application Date:</b>	January 19, 2016
<b>Present and Voting:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jessica L. Porter
<b>Representative:</b>	Peter A. Zahka II, Esq., 12 School Street, Dedham, MA Michael Tallon
<b>Legal Notice:</b>	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 49 patrons and a change of use.
<b>Section of Zoning Bylaw:</b>	<i>Sections 3.1, 3.3, 9.2, 9.3, and Table 1</i>

Start 7:13 p.m. Mr. Zahka said that Mr. Tallon will be taking over the project from Mr. Henry. He is seeking a Special Permit for a restaurant. Under the Zoning Bylaw, any use requiring a common victualler permit requires a Special Permit from the ZBA. The location is the former District Convenience store, which has been vacant for quite some time. The Board of Assessors has the entire building as 376 Washington Street, which houses the former District Convenience, Dedham House of Pizza, and Café Bagel. The entire lot is 5,694 square feet according to the Town of Dedham Assessors, and the building sits on the entire lot. The restaurant will have approximately 1,500 square feet.

Mr. Tallon was previously before the ZBA for a proposed restaurant at 62 High Street. The application had been appealed, and he has decided not to continue this. He had been the owner/operator of Kendall Café in Cambridge for about 14 years, Townsend in Hyde Park for three-and-a-half to four years, and has experience in Ireland. He proposes a "gastropub" named Oscar's. Gastropubs specialize in high quality food and beverage; he described it as restaurant-quality food in a pub atmosphere. He envisions it as a neighborhood gathering spot. When possible, they will use fresh, locally sourced foods. The menu will vary seasonably and will have full course meals, steak, fish, and chicken to more traditional pub plates. He anticipates featuring 20-24 beers on tap, primarily local breweries, as well as specialty drinks.



Major renovations will be done inside the premises. The concept is centered on a warm, intimate, communal style of seating with banquettes and an expansive bar. He intends to have a stone wood-burning fireplace as a centerpiece. Seating will eventually be for 49 patrons; he had discussion with the Building Commissioner, and may start smaller. He has been in discussion with the Board of Health due to a grease trap issue, and will be talking with Mr. Mammone. Exterior renovations will not be major. There will be new doors and the outside will be painted black and gold. There will be a new sign that will be externally illuminated with gooseneck lighting. Hours of operation will be basically a lunch/dinner situation Monday through Thursday, probably 11 a.m. to 1 a.m., Saturday 1 p.m. to 1 a.m., and Sunday 11 a.m. to 1 p.m. for brunch. He anticipates that 70% of sales will be food and 30% alcohol. He will be going before the Design Review Advisory Board for whatever changes he makes to the exterior of the building and the sign. He will also be going before the Planning Board to discuss parking, and the Board of Selectmen for a liquor license.

The Board had no questions. Amy Haelsen, Executive Director of Dedham Square Circle, is familiar with Mr. Tallon, and he is doing exactly what the Circle wanted to have. His restaurant will hopefully keep people in the Square after going to the movies. Bill Gorman, 161 Ledgewood Road, is in favor of the proposal, as is John Howard, 9 School Street.

Ms. Porter made a motion to allow Mr. Henry such Special Permits as necessary for a full service restaurant (i.e., a use requiring a common victualler license) with seating for 49 patrons and a change of use at 380 Washington Street in the Central Business zoning district. Mr. Steeves seconded the motion. The vote was unanimous at 5-0. End 7:23 p.m.

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

Start 7:23 p.m. Mr. Zagami was not present for this continuation. Mr. Steeves made a motion to continue the petition to the next ZBA hearing on March 16, 2016. Mrs. Webster will contact him with this information. End 7:24 p.m.



**DISCUSSION WITH WILLIAM GORMAN, ST. VINCENT de PAUL, RE: Jefferson Station and Avalon Station 250**

Mr. Gorman, 161 Ledgewood Road, who was formerly on the Town of Dedham Conservation Commission, is a member of St. Susanna's chapter of St. Vincent de Paul (SVDP), an organization that is dedicated to helping those in need. He was accompanied by Joe Griffin, 15 Lindale Avenue.

The gates at Jefferson Station are being left open, which is not allowed per the Zoning Board of Appeals decision for the property. This allows traffic to cut through going to and from Costco. The decision states that there should not be access to Rustcraft Road. Because they are open, traffic is backing up onto Rustcraft Road. The gates had recently been left open the pipeline project as a staging area, but this project is done. He said it was open all day today, but by tonight they were closed. It is not clear who is opening the gates during the day, and it is a hit-and-miss situation. Mr. Jacobsen contacted Mrs. Webster to determine who was opening it, and she received an e-mail from Nancy Baker, Assistant Town Manager, saying they are now closed. Mr. Jacobsen verified this, saying the gates were closed at 7:20 a.m. today. Mr. Gorman is very concerned because the traffic is backing up, and the gates should be shut. He is not sure if anything concerning the complex is being tracked. Mr. McGrail noted that he is aware of the issue, and a phone call was made to the Building Department to let them know that the gates should be closed. The Police Department had evidently asked the Fire Department to open the gates in the morning to improve traffic, and then return in the evening to close them. He is not sure where the breakdown in communication is, but evidently the Police are not calling the Fire Department to follow up and close the gates. This leaves them open. Because communication has improved, they were closed this evening. Mr. Gorman said that if he sees the gate open, he will leave a message.

Mr. Gorman also said that the Applicant submitted \$60,000 to the Town in a trust fund for senior center-types of things. He was told that it must be in a fund somewhere, but would like to know where it is. It could be used for the new senior center.

In another matter, Mr. Gorman has received a number of phone calls from people seeking assistance for water and gas bills. The decision stated that there should be no outside watering and no sewer costs at either site. The Conservation Commission had the owners of both buildings install a cistern collection system. They have in-ground sprinklers and accessible sillcocks that require a key to open them; these are not typical garden hoses. The people who called for assistance are on assistance themselves, either under the 40B designation or Section 8. He said review of the bills showed a pattern that the water and sewer bills are through the roof. The rates for the water and sewers are commercial rates, which are far higher than residential. It was noted that these bills increased significantly during the summer, and the only way this can happen is because of sprinklers and pools being filled by the DWWD, and they are billed for it. The residents contacted the DWWD, and they said that anything four units and above is considered commercial. He spoke with Giorgio Petruzzello, who knew nothing of this. The decision said that there should be no outside watering and no connection whatsoever outside except for domestic use. He said that something is wrong. It seems as though somebody is tapping off the stub. He noted that it is not just the 40B or Section 8 people who are having difficulty; even those paying regular rent have a problem. Housing agencies that work with SVDP recommend that people not rent there be-



cause they will not be able to afford it. Mr. Gorman also noted, citing a 76-year-old woman in particular, that there are people who live there but do not use the heat in the apartments because the gas and electric are so expensive and have also had huge spikes. There have been cross connections noted, which means that someone may be supporting other units. There was one resident who had a \$2,400 monthly bill because he had supposedly used 94,000 gallons of water; this is being contested. DWWD bills the 40Bs for water and sewer, and they have a third party billing the tenants themselves.

He said that SVDP is asking for years of records of consumption for both Avalon and Jefferson Station. He said they will go so far, and then will have to turn it over to professionals. A monitoring agent, Citizens Housing Planning Association (CHAPA) has been assigned to the projects, and has furnished him with a copy of a January 2013 report. They check to see if people can stay at the apartments based on their incomes. The report also said that the development is required to submit annual audit statements of income expenses, charges, member equity, and cash flow for the most recent part of the year. The developers submitted their second annual audit for the project, sent to the Town of Dedham, on May 20, 2012. Mrs. Webster is attempting to find that. As a taxpayer, Mr. Gorman would like to have the annual audit reports for 2009, 2010, 2011, 2013, 2014, and 2015. Mrs. Webster will look for these as well. He was not sure whether they are actually taking the paperwork to an accountant is unclear. Only 25 people (out of 75) were visited to determine whether they were qualified. The owners of these buildings are only entitled to an equity return of 10% on their investment, so the audit material is necessary to determine this. Anything over 10% is supposed to be given to the Town.

Mr. McGrail said that the Board will inquire about the \$60,000. He said that letters will be sent to both 40B owners regarding the water to determine exactly what they are doing and whether they are acting in conformity with what is spelled out in the decision. In addition, Mrs. Webster will try to find the audit reports. If she cannot, then they will be requested. Mr. Gorman said he will follow up with her.

Joe Griffin, 15 Lindale Avenue, also of SVDP, said they are an advocacy for the poor. Some of the stories that they have been hearing are criminal. One client washes her floor once a week and flushes once a week because she cannot afford the water bill. Many are on fixed incomes and, as noted, do not even use the heat or the water because they are too expensive. He said they are very, very stressed. The majority of people are in this position and something needs to be done because they are being taken advantage of. End 7:53 p.m.

Mr. McGrail read a court judgment into the record, as ordered by the judge, concerning Michael Tallon's case at 624 High Street.

Mr. Steeves made a motion to adjourn, seconded by Mr. Jacobsen. The vote was unanimous. The meeting ended at 7:56 p.m.

Respectfully submitted,



Susan Webster  
Administrative Assistant