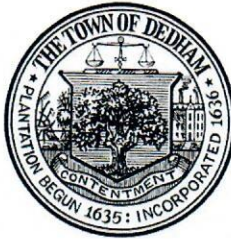


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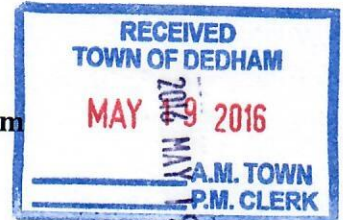


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**TOWN OF DEDHAM
ZONING BOARD OF APPEALS MINUTES**

Wednesday, April 20, 2016, 7:00 p.m., Lower Conference Room



Present: J. Gregory Jacobsen, Acting Chairman
Scott M. Steeves
E. Patrick Maguire, LEED AP
Jason L. Mammone, P.E.
Jessica L. Porter
Susan Webster, Administrative Assistant

Mr. Jacobsen 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. It is to be noted that Chairman James F. McGrail was unable to attend this meeting. Vice Chairman J. Gregory Jacobsen assumed the role of Acting Chairman. Mr. Jacobsen appointed Associate Member Jessica L. Porter to sit in Mr. McGrail's stead.

Applicant: ROMA San-Marino, LLC, 15 Felix Street, Dedham, MA
Property Address: 26 Gould Street, Dedham, MA
Case #: VAR-03-16-2075
Property Owner: ROMA San-Marino, LLC, 15 Felix Street, Dedham, MA
Map/Lot, Zoning District: 96/126, Single Residence B
Application Date: March 21, 2016
Present and Voting: J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., Jessica L. Porter
Representative: Peter A. Zahka II, Esq., 3 School Street, Dedham, MA
Antonio Reda, Principal, ROMA San-Marino, LLC
Legal Notice: To be allowed such variances as required for a residential building lot with an area of 5,833 square feet instead of the required 12,500 square feet (as previously granted in ZBA decision #07-83)
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Sections 4.5, 9.2, and Table 2*

Start 7:00 p.m. The Applicant is here to request that the Board re-grant the variances previously approved. The Planning Board approved an ANR to move the lot line in 2008. This was done because the existing lot line was too close to the dwelling at 19 Waldo Street. The ANR was recorded in the Registry of Deeds, but the Building Department was not sure whether the variance is still in effect. The lot contains 5,833 square feet and will remain the same. It has 118.25 feet of frontage on Gould Street and 116.45 feet of frontage on Waldo

Street. The Zoning Board of Appeals had previously granted variances in 2007 to allow a lot of 5,833 square feet for construction of a dwelling. The property had been in common ownership with two lots, one at 19 Waldo Street with a house on Waldo Street, and the other a vacant lot with only a garage.

The Applicant has tried to contact most of the abutters to discuss the petition. There is a petition signed by six neighbors in support of construction of a single family dwelling at 26 Gould Street. The Applicant also met with direct abutters who may be interested in a fence or something of that nature, which would be added to the approval as a condition. Benjamin Delahanty, 20 Gould Street, said his biggest concern was a retaining wall that was erected. Mr. Reda told him it would come down due to the fact that could cause water damage to Mr. Delahanty's property and a neighbor's property. Mr. Delahanty said that as long as the retaining wall is five feet off his land, preventing the water drainage from pooling, and allowing it to go to the dry well on Mr. Reda's property, he is in favor. Mr. Reda agreed with the neighbors, and noted that the neighbors' property is higher than his. He will be able to see the wall from his lot. Mr. Maguire said the drainage is not relevant if the wall is built right. Rosemary Roller, 19 Waldo Street, agreed that, along as the plan is followed, she is in favor.

Mr. Maguire made note that the majority of lots are significantly smaller than the required 12,500 square feet, and many are smaller than 5,833 square feet. Mr. Steeves moved to allow ROMA San-Marino, LLC, such variances as required for a residential building lot with an area of 5,833 square foot instead of the required 12,500 square feet at 26 Gould Street, as previously granted in ZBA Decision 07-83, with the condition that he live up to the agreement made with the neighbors at 26 Gould Street and 19 Waldo Street to build the appropriate retaining wall. Mr. Maguire seconded the motion. The vote was unanimous at 5-0. End 7:15 p.m.

Applicant:	Walter J. and Jennifer L. (Ekbon) Sybertz
Property Address:	72 Border Street, Dedham, MA
Case #:	VAR-03-16-2076
Property Owner:	Walter J. and Jennifer L. (Ekbon) Sybertz
Map/Lot, Zoning District:	143/119, General Residence
Application Date:	March 21, 2016
Present and Voting:	J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., Jessica L. Porter
Representative:	Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA Walter Sybertz, 72 Border Street, Dedham, MA
Legal Notice:	To be allowed a Special Permit to expand a non-conforming structure by adding a front porch, two front window dormers, and a second floor full dormer; to be allowed a variance to construct a porch that will be 14.7 feet from the front yard setback instead of the required 20 feet, a variance to construct two front window dormers that will be 5.5 feet from the left side yard setback instead of the required 10 feet, and a variance to construct the second floor full rear dormer that will be 4.5 feet from the left side line setback instead of the required 10 feet in a General Residence zoning district.

Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Sections 4.1 and 4.3.2, MGL Chapter 40A, Sections 9 and 10*

Start 7:15 p.m. The Applicants live in a nonconforming structure that does not meet the sideline setback. They are requesting a Special Permit to expand the house by adding a front porch, a full rear dormer, and two front window dormers. They are seeking variances for a front porch that would have a front yard setback of 14.7 feet instead of the required 20 feet, construction of two front window dormers, the left one that will be 5.5 feet from the left side yard instead of the required 10 feet, and a full shed dormer that will be 4.5 feet from the left side yard instead of the required 10 feet. They need more living space, so, rather than moving, the improvements provide this, and would be very compatible with the neighborhood. Rangel DaRosa, 66 Border Street, signed a petition in favor of the application. No one else was present to either support or object to the petition. Mr. Steeves moved to approve the Special Permit to expand a non-conforming structure by adding a front porch, two front window dormers, and a second floor full dormer; to be allowed a variance to construct a porch that will be 14.7 feet from the front yard setback instead of the required 20 feet, a variance to construct two front window dormers that will be 5.5 feet from the left side yard setback instead of the required 10 feet, and a variance to construct the second floor full rear dormer that will be 4.5 feet from the left side line setback instead of the required 10 feet in a General Residence zoning district. Ms. Porter seconded the motion, voted unanimously. End 7:24 p.m.

Applicant: William Farrell
Property Address: 91 Chute Road, Dedham, MA
Case #: VAR-03-16-2080
Property Owner: William Farrell
Map/Lot, Zoning District: 134/28, Single Residence B
Application Date: March 31, 2016
Present and Voting: J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., Jessica L. Porter
Representative: Patricia Flagg, Emergency Temporary Housing, 129 Ferry Street, South Grafton, MA 01560
Legal Notice: To be allowed a Special Permit to have a temporary mobile home on his property for approximately 18 months due to a fire in his home that has rendered it uninhabitable.
Section of Zoning Bylaw: Town of Dedham Zoning Bylaw Section 3.2.1

Start 7:24 p.m. The Applicant is seeking a Special Permit to house a 48 foot long x 12 foot wide mobile home on their property for approximately 18 months to use as temporary housing due to a fire in his home. The location was chosen because it was more accessible for hook-ups and for ease getting into the house. The left side of the lot will be used for construction vehicles. Mr. Maguire suggested that the Board grant 18 months; if the Applicant needs longer, he will need to return for a new Special Permit. Mr. Steeves moved to approve a temporary mobile home on his property for approximately 18 months due to a fire in his home that has rendered it uninhabitable with the condition that if the mobile home is needed longer, the Applicant will return to the ZBA to extend the Special Permit. Ms. Porter seconded the motion. The vote was unanimous at 5-0. End 7:26 p.m.

Review of Minutes

Review of Minutes was postponed to the next meeting because of Mr. McGrail's absence.

Discussion of Fees

This discussion was postponed to the next meeting.

Mrs. Webster introduced the Board to a Boy Scout, Thomas, who audited the meeting as part of his work for a merit badge. The Board asked him what he thought of the meeting, and he said it was great to hear these cases resolved without argument. The Board was very happy to have him join the meeting, and he will write his impressions for his merit badge test. Mrs. Webster offered to help him in any way she could and gave him her card.

Mr. Steeves moved to adjourn, seconded by Ms. Porter, voted unanimously. End 7:34 p.m.

Respectfully submitted,



Susan Webster

Administrative Assistant