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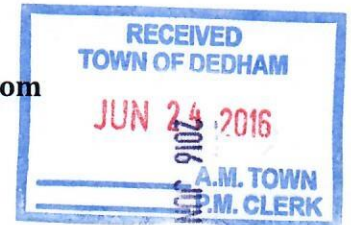
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TOWN OF DEDHAM
ZONING BOARD OF APPEALS MINUTES
Wednesday, May 18, 2016, 7:00 p.m., Lower Conference Room



Present: James F. McGrail, Esq., Chairman
J. Gregory Jacobsen, Acting Chairman
Scott M. Steeves
E. Patrick Maguire, LEED AP
Jason L. Mammone, P.E.
Jessica L. Porter
Jared F. Nokes, J.D.
Susan Webster, Administrative Assistant

Mr. Jacobsen, Acting Chairman, 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. The first hearing is a continuation from April 20, 2016. Chairman McGrail was not present for that meeting and therefore recused himself from consideration of the petition. 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*

Time: 7:00 to 7:09 p.m. This petition, approved at the April 20, 2016, hearings, is being re-heard because of an error in the abutters list, which was not correct. A new abutters list was obtained and notifications were made to the proper abutters.

The Applicant is requesting a re-instatement of previously granted variances. 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 talked with most of the neighbors, and presented a petition signed by six neighbors in support of variances.

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. Ms. Porter seconded the motion. The vote was unanimous at 5-0.

Applicant:	Shultz's Guest House
Property Address:	7 Burgess Lane, Dedham, MA
Case #:	VAR-04-16-2082
Property Owner:	River Bend, Inc., 200 Lake Street, Sherborn, MA 01770
Map/Lot, Zoning District:	30/1B, Single Residence A
Application Date:	May 2, 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:	James Halpin, owner
Legal Notice:	To be allowed a Special Permit to operate a 501(cc)3 rescue/adoption center for dogs under a charitable organization known as Shultz's Guest House
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Principal Use, Table 1E, Commercial Uses, 13. Kennel

Time: 7:08 to 7:09 p.m. Mr. McGrail joined the Board and Ms. Porter stepped down. Mr. Halpin currently runs a rescue organization for dogs that would otherwise be euthanized in other shelters. These dogs are put up for adoption, although some remain in the shelter for life due to age or infirmities. He is approved by the Commonwealth to run a kennel, but must renew his Special Permit from the Zoning Board of Appeals every three years. The property is extensive, and there have been no neighborhood complaints. He has many volunteers at the shelter, including school-aged children. Mr. Jacobsen moved to allow a Special Permit to operate at 501(c)(3) rescue center for dogs under a charitable organization known as Shultz's Guest House, seconded by Mr. Steeves, voted unanimously 5-0.

Applicant and Owner: Ruth and Peter Murphy
Property Address: 40 Ledgewood Road, Dedham, MA 02026
Case #: VAR-04-16-2084
Map/Lot, Zoning District: 180/22, Single Residence B
Application Date: April 12, 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: Ruth and Peter Murphy, owners
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. *Town of Dedham Zoning Bylaw Section 3.2.1*
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 3.2.1*

Time: 7:09 to 7:10 p.m. The Applicants are seeking a Special Permit to house a temporary mobile home on their property for approximately 18 months to use as temporary housing due to a fire in their home. If the Applicants need more time, they will need to return for a new Special Permit. Mr. Steeves moved to approve a temporary mobile home at 40 Ledgewood Road for approximately 18 months due to a fire in the home that has rendered it uninhabitable, with the condition that if the mobile home is needed longer, the Applicants will return to the ZBA to extend the Special Permit. Mr. Jacobsen seconded the motion. The vote was unanimous at 5-0.

Applicant and Owner: Alexander Ortiz and Yoseni Cabrera
Property Address: 66 Gibson Avenue, Dedham, MA
Case #: VAR-04-16-2089
Map/Lot, Zoning District: 138/17, Single Residence B
Application Date: April 22, 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
 Alexander Ortiz and Yoseni Cabrera, Owners
Legal Notice: To be allowed to construct a 14' x 17' one room addition to the rear of the house, which will be 12.8 feet from the rear property line instead of the required 25 feet.
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 4.1, Table 2, Table of Dimensional Requirements*

Time: 7:11 to 7:15 p.m. Mr. Hampe explained that the applicants would like to construct a 14' x 17' one room addition to the rear of the house that will be 12.8 feet from the rear property line instead of the required 25 feet. The dwelling is in close proximity to Wigwam Pond and there are many mosquitos in the summertime. The addition would be on the same footprint as the existing deck. They have one child, but Ms. Cabrera is currently pregnant, and there is concern about mosquitos and the Zika virus. A petition in support, signed by immediate abutters, was presented. No one spoke in opposition. Mr. Jacobsen moved to allow construction of a 14' x 17' one room addition to the rear of the house, which will be 12.8 feet from the rear property line instead of the required 25 feet. Mr. Maguire seconded the motion. The vote was unanimous 5-0.

Applicant and Owner: Jeremiah P. and Maureen A. Donohue
Property Address: 87 Commonwealth Avenue, Dedham, MA
Case #: VAR-04-16-2085
Map/Lot, Zoning District: 24/7, General Residence
Application Date: April 13, 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: Jay Gallant, AIA, LEED AP, Gallant Architecture, 42 Maple Street, Paxton, MA 01612
Legal Notice: To be allowed a side yard setback of 3.77 feet instead of the required 10 feet, and a front yard setback of 17.7 feet instead of the required 20 feet to construct a second floor addition.
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 4.1, Table 2, Table of Dimensional Requirements*

Time: 7:15 to 7:18 p.m. Mr. Gallant explained that the Cape-style house was built in 1950, and it was 3.77 feet from the property line. The applicant added a shed dormer in 2003, but only built three-quarters of it to comply with the ten foot side yard setback. He now wishes to complete the dormer, add another dormer in the front, and construct a front porch across the entire house. A signed petition from direct abutters was presented. Mr. McGrail said that Mr. Donohue and his wife are outstanding Dedham citizens, and vouched for his character. Mr. Mammone moved to allow a side yard setback of 3.77 feet instead of the required 10 feet, and a front yard setback of 17.7 feet instead of the required 20 feet to construct a second floor addition. Mr. Steeves seconded the motion. The vote was unanimous 5-0.

Applicant and Owner: Brian Smith
Property Address: 46 Oscar's Way, Dedham, MA
Case #: VAR-04-16-2086
Map/Lot, Zoning District: 151/14, Single Residence B
Application Date: April 20, 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: Theresa O'Brien, AKBD®, Francis Harvey Remodeling, LLC, 697 Hartford Turnpike, Shrewsbury, MA 01545
Legal Notice: To be allowed a front yard setback of 19.5 feet to construct a covered portico at the front entry of the home instead of the required 20 feet
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 4.1, Table 2, Table of Dimensional Requirements*

Time: 7:18 p.m. to 7:20 p.m. Ms. O'Brien said the applicant is seeking approval of a front yard setback of 19.5 feet to construct a portico over the front entry of his home to shield the area from the weather. No one on the Board had any questions, and no one spoke in favor or in opposition to the petition. Mr. Jacobsen moved to allow a front yard setback of 19.5 feet to construct a covered portico at the front entry of the home instead of the required 20 feet. Mr. Steeves seconded the motion. The vote was unanimous 5-0.

Applicants and Owners: Paul J., Joseph B., and Robert E. Laughter
Property Address: 17 Roosevelt Road, Dedham, MA
Case #: VAR-02-14-1792
Map/Lot, Zoning District: 196/26, Single Residence B
Application Date: March 12, 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

Time: 7:21 to 7:23 p.m. The applicants are seeking a six-month extension of variances granted on Zoning Board of Appeals Decision VAR-02-14-1792, dated April 16, 2014. They received a previous six-month extension on April 15, 2015. They received approval to construct a single family dwelling on a lot with 70 feet of frontage instead of the required 95 feet, 7,000 square feet of total lot area instead of the required 12,500 square feet, and a front yard width of 70 feet instead of the required 95 feet under *Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements and MGLA Ch. 40A, Section 10.*

The applicants had intended to construct a modular Cape Cod home, and had ordered and paid a deposit with the company. However, the company filed for bankruptcy, and they have decided to proceed with new plans for a colonial style home. Despite the Board's decision not indicating the style of home to be built, Building Commissioner Kenneth Cimeno requested that the applicants come before the Zoning Board of Appeals to eliminate any questions about the change in design. The Board unanimously agreed that this was not an issue. A letter will be written to Mr. Cimeno informing him of this.

Review of Minutes: Mr. Jacobsen moved to approve the minutes of March 24, 2016, and April 20, 2016, seconded by Mr. Steeves, voted unanimously 5-0.

Applicant and Owner: Jeffrey Gadomski
Property Address: 44 Valley Road, Dedham, MA
Case #: VAR-04-16-2090
Map/Lot, Zoning District: 14/43, General Residence
Application Date: April 22, 2016
Present and Voting: James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
Legal Notice: To be allowed a front yard setback of 14feet instead of the required 20 feet to construct a portico for protection against the weather. *Town of Dedham Zoning Bylaw Section 4.1, Table 2, Table of Dimensional Requirements*
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 4.1, Table 2, Table of Dimensional Requirements*

Time: 7:24 to 7:26 p.m. Mr. Gadomski would like to add a covered portico to his front entrance to protect against the weather and to keep the area safe in icy conditions. He plans to support it with posts in the ground to make it structurally sound. The existing portico is aluminum. He presented a petition signed by abutters who are in favor of his request. No one spoke in favor or against the petition. Mr. Steeves moved to allow a front yard setback

of 14 feet instead of the required 20 feet to construct a portico for protection against the weather. Mr. Jacobsen seconded the motion. The vote was unanimous at 5-0.

Applicant: Apex Property, LLC, 100 Main Street, Pawtucket, RI 02860
Property Address: 320 Washington Street, Dedham, MA
Case #: VAR-04-16-2091
Map/Lot, Zoning District: 93/118, Central Business
Application Date: April 26, 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: Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
Joshua Glass, Apex Property, LLC
Patrick Hurley, owner of Ubreakifix
Legal Notice: To be allowed a waiver from the Town of Dedham Sign Code as noted in the Town of Dedham Charter for wall signs that are above the lowest point of the roof.
Section of Zoning Bylaw: *Town of Dedham Sign Code Sections 237.4, 237-19, 237-29, 237-30; Town of Dedham Zoning Bylaw Section 9.2.2 Board of Appeal – Powers*

Time 7:30 to 7:37 p.m. Mr. Zahka explained the location of the building, which also contains Papa John's, which has a sign in place. The new tenant will perform electronic repairs. He provided pictures of the other signs on Washington Street and Providence Highway. There is a parapet around the building that is clearly a place for a wall sign. This is below the allowed 25 feet above grade and is not a roof sign. After consulting with Building Commissioner Kenneth Cimeno, they want clarification for the future that a sign can go on top of the parapet. They have been before the Design Review Advisory Board, who approved the signage. All requirements have been met. The space is only 1,100 square feet, and Mr. Glass realized that they are close to the full amount of allowed signage. Mr. Maguire noted that any new tenant would be over that amount, and that if there is ever a third tenant, the other signs would have to be shrunk. He said that if they ask for more, he will vote no on any future petition. Mr. Maguire moved to allow a waiver from the Town of Dedham Sign Code as noted in the Town of Dedham Charter for wall signs that are above the lowest point of the roof. Mr. Jacobsen seconded the motion. The vote was unanimous 5-0.

Discussion re: Zoning Board of Appeals Fees

Time: 7:38 to 7:50 p.m. Ms. Webster provided a comparison of Zoning Board of Appeals fees for towns in the immediate area, and it appears that, relatively speaking, the Town of Dedham has the lowest fees. The question of increasing them was raised. Mr. McGrail looked into the Town's tax rate vs. the corresponding communities, and Dedham is higher than any of the others. Mr. Steeves saw an article in the *Boston Globe* about tax rates, and could not believe that Dedham is that much higher than other towns. He and said it is a disgrace and "it's killing people." Mr. Jacobsen said there is no end in sight to this. Mr. McGrail wondered if more data is required. Mr. Mammone said costs need to be covered, and that the Board is spending more with all the work entailed than it is taking in. He was in favor of raising the fees. The question of where the shortfall is coming from was raised. Ms. Webster noted that postage is also going up.

Mr. McGrail asked whether the Board wanted more data to review. He said there may be a re-allocation of funds; there may be enough funds elsewhere. He asked Ms. Webster to discuss looking into this with James Kern, Town Manager, so that filing fees would in fact meet the costs and needs associated with the mailings and all the associated items. He said he was not comfortable with raising fees at this point. He said he understood what Mr. Mammone said. Mr. Maguire said he understood the issue of raising the fees to cover the costs, but only if taxes go down. He said it should be more fee-based than tax-based, but the taxes are not going down so the fees should not go up. Ms. Webster explained how she has cut back on the cost of mailing legal notices by creating postcards instead of regular mailing. She brought this up to determine whether the Board should do anything.

Mr. McGrail said the first step is to determine if there could be a re-allocation of funds, and to make the Town Manager aware that this is an issue. He said there may be a simple correction that does not require the Board to do anything. If there is no correction available, the Board can determine whether it wants to raise the fees or keep them as is. He said that the Board raised fees since he started, although Ms. Webster said it has not been for the last seven years. She will speak with Mr. Kern.

The next meeting has been changed to June 22, 2016, due to Ms. Webster's absence the week before. Mr. Jacobsen moved to adjourn, seconded by Mr. Mammone, voted unanimously 5-0. The meeting concluded at 7:52 p.m.

Respectfully submitted,



Susan Webster
Administrative Assistant