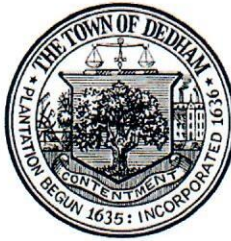


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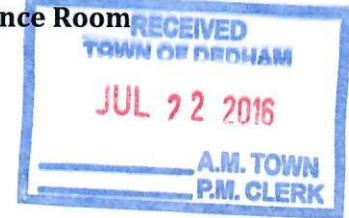


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## TOWN OF DEDHAM ZONING BOARD OF APPEALS MINUTES

Wednesday, June 22, 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

Acting Chairman 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. Chairman McGrail was not present for the meeting due to a work commitment. Mr. Jacobsen appointed Associate Member Jessica L. Porter to sit in Mr. McGrail's stead. Prior to the meeting, Mr. Jacobsen recognized and offered congratulations to Member Jason L. Mammone, P.E., who will be inducted into the Town of Dedham Athletic Hall of Fame.

**Applicant/Owner:** Jonathan and Rebecca Hammond  
**Property Address:** 98 Wentworth Street, Dedham, MA  
**Case #:** VAR-05-16-2094  
**Map/Lot, Zoning District:** 138/82, Single Residence B  
**Application Date:** May 12, 2016  
**Present and Voting:** J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., Jessica L. Porter  
**Representative:** Jonathan Hammond  
**Legal Notice:** To be allowed a Special Permit for a retaining wall measuring six feet in height instead of the allowed four feet.  
**Section of Zoning Bylaw:** Town of Dedham Zoning Bylaw Section 6.5.2, Retaining Walls  
**Time:** 7:04 to 7:12 p.m.

Mr. Hammond said that the existing retaining wall in front of his property is beginning to fail and become a safety issue for his two young children. It is very steep, and they wish to level out the grade with a four-foot wall with a three foot setback and plantings, and then another two feet to try to bring it up. It will not be quite level, but closer to level. Mr. Jacobsen noted that he has a petition signed by two of his neighbors, Loretta O'Shea of 105 Wentworth Street and James Lane of 88 Wentworth Street, who support the project. No one from the audience spoke in favor or in opposition to the project.

Mr. Maguire said the petition is for a six-foot wall, but he said it will be four feet with a planting bed and then two feet. He asked who determined that it was a six-foot wall. Mr. Hammond said that his contractor, M.J. Nicholls, said it was because the total height would be six feet. Mr. Maguire and Mr. Steeves did not think that was right, and he may not have needed to come before the Board because it was not continuous. Mr. Maguire said the Building Department may have interpreted the request incorrectly, and requested that the applicant provide a sketch of his intent. He should then return to the Building Department for interpretation. Mr. Mammone asked if the wall was to be set off the property line. Mr. Hammond said it would be put where the existing wall is. Mr. Mammone wanted to know exactly where the wall is situated. It may delay the applicant, but it is wise to know the layout. Mr. Steeves moved to continue this to the next meeting on July 20, 2016, seconded by Ms. Porter, and voted unanimously 5-0.

**Applicant/Owner:** AvalonBay Communities, Inc.  
**Property Address:** 250 Elm Street, Dedham, MA  
**Case #:** VAR-05-16-2093  
**Map/Lot, Zoning District:** 162/4, RDO  
**Application Date:** May 17, 2016  
**Present and Voting:** J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., Jessica L. Porter  
**Representative:**

- Emily Carmody, Director, Redevelopment and Asset Management, AvalonBay Communities, Inc., 51 Sleeper Street, Suite 250, Boston, MA 02210-1208
- Fred Keylor, H.W. Moore, 112 Shawmut Avenue, Boston, MA 02118

**Legal Notice:** To be allowed modification to Comprehensive Special Permit to allow for installation of a dog park.  
**Section of Zoning Bylaw:** *Town of Dedham Zoning Board of Appeals Decision 02-01 pursuant to provisions of MGL Chapter 40B, Section 20-23, Zoning Board of Appeals Decisions 00-41 and VAR-07-13-1700*  
**Time:** 7:15 to 7:28 p.m.

Ms. Carmody presented several pages of signatures in support of the dog park. The applicant was approved under a comprehensive permit at Jefferson Station. It was subsequently acquired by Archstone and then AvalonBay Communities. They have had a number of residents approach them with the request for a dog park. The company is trying to be more considerate toward the needs of the residents and their pets. About 34% percent of their portfolio nation-wide consists of households with pets.

The plan is to install a 58' x 25' enclosure with a 5' black vinyl fence at the northeast corner of the property. Access will be controlled. There will be mulch chips for the surface, and then a few play structures, benches and pet waste stations within it. They would like to provide a little more lighting to the evening hours. They would like to extend the existing side walk to provide access into the fenced area. There are some residences nearby. Hours of use would be 8 a.m. to 10 p.m. She is not sure how many dogs are in the complex, as they count pets in total. There are approximately 87 dogs and some service dogs. The goal is to provide a safe area and to contain it to one specific area. They have sent out an E-Blast to the resi-

dents about this, and there has been no negative feedback. Ms. Porter asked what controlled access is. Ms. Carmody said there would be fobs that would be limited to residents. There would be timers for the lights, which will match the style of the lights at Legacy Place. No trees will be moved.

Patricia Whitehouse of the Town of Dedham Commission on Disability said that there are two existing dog parks in Dedham, but neither is handicapped accessible. These will require remediation. She asked that the applicant work with the commission regarding the gate system so that it complies, and Ms. Carmody agreed. She cited the dog park at Jefferson Station, which does not comply. She showed the Board pictures of compliant and noncompliant gates. Jane Sharkey, a resident of AvalonBay, was happy that Ms. Whitehouse was present because her husband is in a wheelchair and will be able to use the dog park. She said that it is very important to the residents to have this, and will promote interaction of the residents.

Mr. Steeves moved to approve the modification to Comprehensive Special Permit to allow for installation of a dog park, with the condition that AvalonBay work with Ms. Whitehouse and the ADA for fencing and the platform. Ms. Porter seconded the motion. The vote was unanimous at 5-0.

<b>Applicant/Owner:</b>	<b>185-189 Washington, LLC</b>
<b>Property Address:</b>	<b>185-189 Washington Street, Dedham, MA</b>
<b>Case #:</b>	<b>VAR-05-16-2095</b>
<b>Map/Lot, Zoning District:</b>	76/4, Highway Business
<b>Application Date:</b>	May 13, 2016
<b>Present and Voting:</b>	J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., Jessica L. Porter
<b>Representative:</b>	<ul style="list-style-type: none"><li>• Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA</li><li>• Dan Toubian, Manager of 185-189 Washington Street</li></ul>
<b>Legal Notice:</b>	To be allowed a Special Permit to expand a nonconforming use of the property from a two-family residence to a three-family residence
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Zoning Bylaw Section 3.3.2, MGLA Ch. 40A, Section 9</i>
<b>Time:</b>	7:30 to 7:36 p.m.

The applicant purchased the property in March 2016. There is a discrepancy between the Assessors records and those of the Building Department about the use of the property and its designation. There are three separate apartments in the building. The Assessors office has been assessing the building as a three-family dwelling. The Building Department has it as a two-family. It appears that someone pulled a permit in 2004 for a basement apartment, which was granted. In 2006, it was signed off. The Building Department records do not reflect that. This is a nonconforming use in a Highway Business zone. The applicant would like to obtain additional financing to modernize the units, and would like the nonconforming use to be extended to a three-family; there are currently three units. It is not clear how they became three units, but Mr. Hampe believes it has been used as a three-family unit since 2004 and assessed since 2009 as a three-family.

The property is also unique in that, along with the three-family, there is a small building to the left, which is designated as a commercial store. It has been this way since probably the 1920's. It is structurally pretty much in tough shape and has not been used as a store in a while. The applicant is considering demolishing it if the Board was able to give some relief for the designation a three-family. He would be willing to have that as a condition of approval.

Mr. Steeves moved to approve a Special Permit to expand the nonconforming use of the property at 185-189 Washington Street from a two-family residence to a three-family residence with the condition that the separate building be removed. Ms. Porter seconded the motion. The vote was unanimous at 4-0.


**Applicant/Owner:** Marc and Tabitha Dubois  
**Property Address:** 71 Avery Street, Dedham, MA  
**Case #:** VAR-06-15-1986  
**Map/Lot, Zoning District:** 109/27, General Residence  
**Present And Voting:** J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., Jessica L. Porter  
Marc and Tabitha Dubois  
**Representative:**  
**Legal Notice (2015):** To be allowed to construct a 20' x 22' addition to a nonconforming single family dwelling and garage with a rear yard setback of 17.53 feet instead of the allowed 25 feet, left side yard setback of 3.2 feet instead of the allowed 10 feet, and lot coverage of 33.6% instead of the allowed 30%.  
**Section of Zoning Bylaw:** *Town of Dedham Zoning Bylaw Section 4.1 Table of Dimensional Requirements, Section 3.3.3 Nonconforming Structures, Section 3.3.4 Variance Required, Section 4.3.2 Special Permit*  
**Time:** 7:37 to 7:43 p.m.

Mr. and Mrs. Dubois are requesting a six-month extension of the above-noted variances, which were approved on July 15, 2015. They have been getting quotes for their project, but are not quite ready to commit to any of them due to the quotes being very high. They may in fact need to lessen the scope of work, which would not affect the previous Zoning Board of Appeals approval. However, the variances are due to expire within a month or so, and they wish to extend the approval. The Board had no questions. Mr. Steeves moved to extend the approval for six (6) months, seconded by Ms. Porter, voted unanimously 5-0.

**Review of Minutes:** Mr. Steeves moved to approve the minutes of May 18, 2016, seconded by Ms. Porter, voted unanimously 5-0.

Mr. Mammone moved to adjourn, seconded by Mr. Steeves, voted unanimously 5-0. The meeting ended at 7:46 p.m.

Respectfully submitted,

  
Susan Webster  
Administrative Assistant