

**TOWN OF DEDHAM**  
COMMONWEALTH OF MASSACHUSETTS

James F. McGrail, Chair  
J. Gregory Jacobsen, Vice Chair  
Scott M. Steeves  
E. Patrick Maguire, LEED AP  
Jason L. Mammone, P.E.  
Jared F. Nokes, Associate Member  
George Panagopoulos, Associate Member



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**ZONING BOARD OF APPEALS**  
**MINUTES**

**Wednesday, January 16, 2019, 7 p.m., Lower Conference Room**

Present: James F. McGrail, Chair  
Scott M. Steeves  
Jason L. Mammone, P.E.  
George Panagopoulos

Staff: Jennifer Doherty, Administrative Assistant

The meeting was called to order at 7 p.m. The plans, documents, studies, etc., referred to are incorporated as part of the public records and are on file in the Planning and Zoning office. In the absence of Vice Chair J. Gregory Jacobsen, Chairman McGrail appointed Associate Member George Panagopoulos to sit in his stead. Member E. Patrick Maguire, LEED AP, was also unable to attend the meeting. Associate Member Jared F. Nokes could not attend to sit in his stead. Therefore, there were only four voting members of the Board present for each hearing. Mr. McGrail explained that, according to Zoning Bylaw Section 9.2.5 Quorum, a unanimous vote must be made to approve any petition. The hearings were advertised in *The Dedham Times* as required, and notices to abutters within 300 feet of each property were sent.

Applicant:	Federal Realty
Project Address:	725 Providence Highway, Dedham, MA
Zoning District:	Highway Business
Representative(s):	Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA David Webster, Federal Realty
Petition:	To be allowed a waiver from the Town of Dedham Sign Code Chapter 237-29, Table 2, Sign Dimensions and Locations, for the purpose of erecting a new free-standing pylon sign 15.6 feet from the property line adjacent to the southerly entrance to the retail shopping plaza on Washington Street
Section of Sign Code	<i>Town of Dedham Zoning Bylaw Chapter 237-29, Table 2, Sign Dimensions and Locations</i>

At the last meeting there had been a concern about sight lines in relation to the location of the proposed pylon sign. New plans depicting the location of the sign and sight line calculations were submitted to the Board. It is the contention of Mr. Hampe and the applicant that the sight lines are adequate and safe, and will not create a hazardous situation.

Mr. Mammone said he has reviewed several iterations, and the plans presented tonight appear to be satisfactory. They will see if the sign obstructs the sight lines for vehicles trying to get on to Washington Street when it is installed, and there are some trees and shrubs that will need to be removed. The two trees that need to come out are within Town property. The applicant will need to speak with Joe Flanagan, the town tree warden, so he will be able to figure out whether they need to see him determine the tree size before they are removed. It was good that they gave the Board the new plans because they were found to show other things that obstruct the sight lines. Mr. Hampe said the applicant has no problem with doing that. Mr. McGrail noted that they had spoken about issue about tenants and lights. Mr. Webster said their property manager had an electrician review the property. He believed that they changed the clock for all the signs on the house panel, but these are not all the signs. They are working with the tenants and electrician to fix the panel signs. He believes that they are set for 11 p.m. The audience had no comments.

Mr. Steeves moved to grant a waiver from the Town of Dedham Sign Code Chapter 237-29, Table 2, Sign Dimensions and Locations to Federal Realty, 725 Providence Highway, Dedham, MA, for the purposes of erecting a new free-standing pylon sign that would be 15.6 feet from the property line adjacent to the southerly entrance to the retail shopping plaza on Washington Street, with the condition that the applicant works with the DPW regarding tree removal. Mr. Panagopoulos seconded the motion. The vote was unanimous at 4-0.

Applicant:	Mr. and Mrs. Timothy Silva
Project Address:	51 Court Street, Dedham, MA
Zoning District:	Single Residence B
Representative(s):	Andrew Mulligan, 107 Willow Street, Westwood, MA Timothy Silva, Owner/Applicant
Petition:	To be allowed a variance for a nonconforming side yard setback of 3 feet instead of the required 10 feet to construct a mud room on the rear side of the home. The proposed structure would not be visible from the street, would be one-story, and is to be used as a point of entry. The proposed room would be 16' 3.5" long x 8' 6" wide and will not encroach on the side yard setback any greater than 70% of the existing side of the home.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 3.3.3, 3.3.4, and 4.1, Table 2, Footnote 5</i>

The Silvas moved from Hingham to 51 Court Street. The existing side yard setback for half to three-quarters of the house is 3 feet. In the rear corner is a flat porch. The driveway is on Village Avenue, and they are seeking a variance to construct a mud room so that when they pull into the driveway, there is a place to enter and hang up coats. There are two letters from neighbors. The applicants have put a substantial amount of money into the home since buying it, including a new kitchen and new bathrooms, and have worked extensively with the Historic Districts Commission on these. If the petition is approved, they will see that commission next Wednesday. Only 8' 6" will be visible from the street.

Mr. Mammone said he did not have certified floor plans in his package so measurements are not known. Mr. Mulligan said that Steve DesRoche of Neponset Valley Survey Associates, 95

White Street, Quincy, MA 02169 is preparing this for Building Commissioner Kenneth Cimen. They are waiting for Mr. DesRoche to return from Florida to submit this. Mr. McGrail said that the decision can be conditioned that the applicant is to provide a certified plot plan confirming the measurements. A second condition will be that the applicant go to the Historic Districts Commission for their feedback. When the motion is made, it will not include "The proposed structure would not be visible from the street" because it is not germane to the Zoning Board of Appeals; this is a Historic Districts Commission decision.

Mr. Steeves moved to allow a variance for a nonconforming side yard setback of 3 feet instead of the required 10 feet to construct a mud room on the rear side of the home. The proposed structure would be one-story, and is to be used as a point of entry. The proposed room would be 16' 3.5" long x 8' 6" wide and will not encroach on the side yard setback any greater than 70% of the existing side of the home. The property is located at 51 Court Street, Dedham, MA. A condition of the approval is that the applicant is to provide a stamped certified plot plan to the Building Department as part of this application. Mr. Panagopoulos seconded the motion. The vote was unanimous at 4-0.

Applicant:	Brett Browchuk
Project Address:	725 High Street, Dedham, MA
Zoning District:	Single Residence B, Aquifer Protection Overlay District
Representative(s):	<ul style="list-style-type: none"><li>• Janice Weinstein, The Spirited Design, West Hartford, CT</li><li>• John David Shar, Architect (?)</li></ul>
Petition:	To be allowed a variance from the side yard setback of 15 feet to allow for the addition of an enclosed breezeway that will connect the existing garage to the kitchen and basement area of the home. The proposed structure will become nonconforming with respect to the side setback. The garage is 6.17 feet from the side property line.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 3.3.4 and 4.1, Table of Dimensional Requirements</i>

Mr. McGrail asked where the owner was. Ms. Weinstein said he is in Connecticut, and she is acting as his representative because he is very busy. Mr. McGrail said he is very busy, too, as is everyone. He said Mr. Browchuk is the owner and should be present. They notified all the neighbors in writing. Mrs. Doherty said she notified Mr. Browchuk.

Mr. Sharp said the Browchuks purchased the home in 2018, and have been doing extensive renovations. They will maintain the historic character. They would like to add a covered mud room connecting to the existing garage, which is six feet from the property line. The connection would be a one-story glass structure, and smaller than the garage. *Mr. Sharp was very difficult to hear because his voice trailed off and he mumbled.* Mr. McGrail asked when they intend to move in. Ms. Weinstein said the renovations will probably take a year because they are gutting the house. She said the applicant sent a letter with a picture of what he proposes to the neighbors, and has received no feedback from them. Mr. McGrail said there is no mention of support or any petition in support of the petition.

Mr. Mammone said there is a plan that shows the setback, but it is not stamped. Ms. Weinstein said she has one. Mr. McGrail said this hearing will be continued, and requested that Mr.

Browchuk be present. The person who owns the property needs to come before the Board, and if the neighbors he notified could be present, that would be helpful.

Mr. Steeves moved to continue the hearing to February 27, 2019, seconded by Mr. Panagopoulos. The vote was unanimous at 4-0.

Applicant:	Genci Pence, 10 Roseclair Street, Boston, MA
Project Address:	17 Maverick Street, Dedham, MA
Zoning District:	Single Residence B
Representative(s):	Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA Genci Pence, Applicant
Petition:	To be allowed a Special Permit to alter, extend, and change a nonconforming single family structure to a two-family duplex style residence, and to be allowed to increase the cubic content of the house in excess of 20% to 53%.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 7.2.1 and 3.3.3, and Massachusetts General Laws Chapter 40A, Section 11</i>

Mr. Hampe said that since there are only four members of the Board, the applicant wishes to continue the hearing until the next ZBA meeting. Mr. Pence has met with the neighbors, and has redesigned the plans. They have not had the opportunity to meet with the neighbors again, and need to go over these plans. The plot plan was also redesigned, and they would like to have additional time to show the plans to the abutters to eliminate their concerns. Mr. McGrail said he would like to hear from the neighbors who were present for the hearing, and Mr. Hampe agreed.

Chris Hoban, 25 Maverick Street: His concerns are twofold. He is concerned about the size and the fact that it would be a two-family dwelling in a pre-existing single family dwelling. With regard to the size, he felt that it is an exorbitant increase over the existing structure. This is not just in the physical footprint of the land, but also in height. It is proposed to be nearly 40 feet tall, which would be the largest building in the area and would tower over everything. He felt that it would be an eyesore and an oddity, and would not keep with the existing character of the neighborhood. He does not believe that it is necessary for the building to be a two-family since there are others on the street. He said there are problems on the street with cars parked all over the road all the time. He knows that the applicant says there will be six spaces, but he did not think this was sufficient. He was concerned about children walking to school and blocking the sidewalk. He feels that this will be detrimental to the neighborhood and was strongly against it.

Lorraine Botaish, 15 Maverick Street: She lives next door. Because it is going to be a huge house, she will not be able to see from her window. She said the proposed house is too big for the property.

Mr. McGrail said these comments are in the record. The hearing will be continued to February 27, 2019. Mr. Hoban and Mrs. Botaish do not need to return, but are welcome to do so at the next meeting.

Mr. Steeves moved to continue the hearing to February 27, 2019, seconded by Mr. Panagopoulos. The vote was unanimous at 4-0.

Applicant: Collis, LLC  
Project Address: 219 Lowder Street, Dedham, MA  
Zoning District: Single Residence B, Aquifer Protection Overlay District  
Representative(s): Peter A. Zahka II, Esq., 12 School Street, Dedham, MA  
Greg Carlevale, 242 Lowder Street, Dedham, MA  
Scott Henderson, P.E., P.O. Box 626, Lexington, MA  
Petition: To be allowed Special Permits for retaining walls in excess of four feet in height (ten feet proposed), and for impervious surface in excess of 25% (27% proposed).  
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Sections 6.5.2, 8.2, 9.3*

The property, which is on the corner of Lowder Street and Wampatuck Road, contains just shy of 65,000 square feet of land. It has approximately 276 feet of frontage on Lowder Street and over 301 feet of frontage on Wampatuck Road. The property is occupied by a single family dwelling and is in the Single Residence B zoning district and the Aquifer Protection Overlay District. The applicant is proposing a Planned Residential Development that is being permitted by the Planning Board. It is not a Special Permit process with them, so they are before the Zoning Board of Appeals for Special Permits. The proposal is to demolish the existing single family dwelling and construct a single building containing seven residential dwellings, the majority of which will be two bedrooms and range in size from 1,750 and 2,200 square feet. There will be 21 parking spaces serving the dwelling, 17 of which would be under the building.

The first step for a Planned Residential Project is to present a concept plan for review and approval by the Planning Board; they have done that. The Planning Board recommended it to Town Meeting, and it was approved. They are now before the Planning Board for a detailed plan; the hearing will begin next week. It will be peer reviewed at that point. The applicant has met with the neighbors in the area, and has the support of the vast majority of them. Mr. Zahka explained the Planned Residential Development process in detail, and noted that 20% of the site must be preserved as open space. This is on the plans and will be discussed with the Planning Board. In the Aquifer Protection Overlay District, you must limit impervious surface. That has been accomplished.

*Mr. Henderson spoke very softly, and some of his testimony could not be heard.* Mr. Henderson described the Planned Residential Development building and its location. It will appear to be a large single family home. There will be plantings along the sides of the site. Access to the site is from Wampatuck Road. There is a one-way access loop. One of the main components of making the project work is that they will have an underground 17-space parking garage. This requires the driveway to go downhill 5½ feet from the existing grade. This is the only real change to the grade. If they do not have retaining walls, the site will drain down into the garage. Not much will be seen from the road. He showed an aerial view from the corner of Lowder and Wampatuck. The retaining wall is 9½ to 10 feet up against the building; this is the tallest, and they are looking at ways to reduce it. Only 5-6 feet will be seen from the road, and it gets shorter as it gets closer to the road. As it curves away, the line of sight becomes more limited, and you have to stand in the driveway to see it. The wall on the street will stay with the exception of the driveway.

They are trying to minimize the pervious surface as much as possible by having 17 parking spaces underground. Outside of the building footprint, the main paved areas will be the driveway and an ADA compliant walkway. This would be about 27% lot coverage, or about 1,300



square feet above the allowed. They are going through a major stormwater management permitting process with the Conservation Commission, and their stormwater regulations require that post-redevelopment, rates and volumes of run-off on the site are at or below the existing conditions. They have gone beyond that intentionally because they are in the Aquifer Protection Overlay District, and they are pursuing a Special Permit for the lot coverage. Instead of just a slight reduction, there is a 92% reduction in run-off volume for a two-year storm, so almost everything on the site post-development will be captured due to seriously oversized infiltration systems. For the 100-year storm, they would have a 10% reduction in rate and 28% reduction in volume; they only need to have 1% of each of those (*unintelligible because Mr. Henderson spoke too softly and trailed off.*) They meet all stormwater regulations for treatment. Run-off from paved surfaces will be reviewed by the Conservation Commission. Everything that is captured and infiltrated (*unintelligible*). They could in theory make more driving surfaces permeable, but they are harder to maintain (*unintelligible*).

Mr. Mammone wanted to know what kind of retaining wall they would use. Mr. Henderson said it will be block. Mr. Carlevale said that most likely the block will have a course of stone. Mr. Mammone asked if anything had changed on the plan. Mr. Henderson said no.

There was no comment from the audience.

Mr. Zahka and Mr. Carlevale were aware that an approval would require a unanimous vote by the Board, and chose to go forward.

Mr. Steeves moved that Collis, LLC, be granted Special Permits for retaining walls in excess of four feet in height (ten feet proposed), and for impervious surface in excess of 25% (27% proposed). Mr. Panagopoulos seconded the motion. The vote was unanimous at 4-0.

### **Review of Minutes**

Mr. Steeves moved to approve the minutes of December 19, 2018, seconded by Mr. Panagopoulos. The vote was unanimous at 4-0.

### **Announcements**

Mr. McGrail said that the Town is in the process of hiring a new planning director, and has formed a committee to be made up of a member of the Board of Selectmen, a member of the Planning Board, and a member of the Zoning Board of Appeals, and possibly one other. The chair of each board will designate its representative. Mr. McGrail offered to serve on the committee, and the Board unanimously agreed to this.

Nancy Baker, Assistant Town Manager, has sent an e-mail saying that some of the members of the Zoning Board of Appeals have expired. The members affected are the civil engineer (Mr. Mammone), the architect (Mr. Maguire), and the construction member (Mr. Steeves). If these members are still interested in serving on the Board, a letter/application must be submitted to her by February 25, 2018. Mr. Panagopoulos must also submit a letter/application on a yearly basis. Mr. McGrail will speak with Mr. Maguire. He is unaware of anyone new who wants to serve on the Board.

Mr. Steeves moved to adjourn, seconded by Mr. Panagopoulos. The vote was unanimous at 4-0.

