

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, March 6, 2019, 7 p.m., Lower Conference Room

Present: James F. McGrail, Chair
Gregory Jacobsen, Vice Chair
Scott M. Steeves
Jason L. Mammone, P.E.

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. Member E. Patrick Maguire, LEED AP, and both associates were unable to attend the meeting. 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: 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: *Town of Dedham Zoning Bylaw Sections 7.2.1 and 3.3.3, and Massachusetts General Laws Chapter 40A, Section 11*

Mr. Kevin F. Hampe, Esquire was in attendance as legal representative to the Applicant, Mr. Genci Pence, who was also in attendance. Mr. Hampe handed out updated copies of the renderings to the Board. He explained that the project in now a single family bungalow in the Single Residence B district, was purchased at a foreclosure sale in 2018, but is in a state of disrepair. The Applicant is asking for a Special Permit to alter, enlarge, and change the dwelling to a duplex, two-family style house. At present there are three other buildings on the property that are in complete disrepair, the applicant will be taking these down and removing them from the site.

The applicant spoke to the Board and explained that there are four people in his family that would be living there. He understood from the last meeting that one of the neighbors was concerned about parking on the street from this dwelling, they did not wish to have an excess of on street parking from a two family house of this size. Mr. Pence and Mr. Hampe explained that the proposal included two garages at the back of the property, which would produce a total of six parking spaces. Therefore there would be no on street parking necessary. It was asked how many cars total the applicant himself had, and he answered two for himself, plus one for his wife, so they had three cars themselves.

Mr. McGrail asked if they were tearing the house down and moving it to the new location shown on the plot proposal, and they answered, no they were just moving the house. At the previous ZBA one of the abutters had been concerned about the structure being too close to her property. With the house being moved, it would be further away from her property line, and therefore making her more content with the project.

Jason Mammone mentioned that the scale of the outlying buildings looked different on the plan than on the GIS sheets. It was explained that those particular buildings were being removed. Mr. Mammone also asked about the height of the proposed structure. A discussion ensued as to the final height. It was determined that the applicant should return for the next Zoning Board of Appeals meeting with final plans for the structure that included the exact height measurements. Mr. McGrail explained that there concern was that the house should be within the same character as the neighboring houses, including the height. He indicated that renderings could be deceiving and they required the exact height measurements before taking vote. Mr. Steeves asked if there was a basement on the property, and there was not, just a concrete slab.

Mr. Steeves made a motion to continue the hearing until the next meeting on March 20, 2019. The motion was seconded by Mr. Jacobsen, and all were in favor. Unanimous 4-0.

Applicant: Brett Browchuk
Project Address: 725 High Street, Dedham, MA
Zoning District: Single Residence B, Aquifer Protection Overlay District
Representative(s):

- John David Sharp, Architect
- Mrs. Jacquelyn Browchuk

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 non-conforming with respect to the side setback. The garage is 6.17 feet from the side property line.

Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Sections 3.3.4 and 4.1, Table of Dimensional Requirements*

Mr. David Sharp, Architect for the project, and Mrs. Jacquelyn Browchuk were in attendance. Mr. Sharp detailed the project to the Board members explaining there was presently a two car garage that was detached from the house, and the owners wished to renovate this, create a mudroom there, and then add a connecting breezeway from the garage to the house to provide cover during bad weather conditions. He explained that this renovation was not to change the character of the house or its' surroundings in any way, and was instead intended for functional use only.

A question was asked as to the location of this breezeway and the applicant showed the Board on the plans where it would be situated. The applicant also explained that this "breezeway" structure would be transparent in construction and therefore would not hinder any sight lines.

Mr. McGrail asked if there were any questions from the audience and there were not. He then asked if there were questions from the Board. Mr. Jason Mammone asked the distance of the setback from the side yard. The architect replied it was 6.9 feet.

Mr. Steeves made a motion to grant a variance for a 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 the basement area of the home. The proposed structure will become non-conforming with respect to the side yard setback. The garage is 6.17 feet from the side property line. The motion was seconded by Greg Jacobsen, and the motion passed with a unanimous vote of 4-0 in favor.

Applicant: Joseph P. Gatto and Cynthia A. Gatto
Project Address: 68 Stoughton Road, Dedham, MA

Applicant Representative(s): Peter A. Zahka, Esquire, 12 School Street, Dedham

Legal Notice: The Zoning Board of Appeals for the Town of Dedham, Massachusetts, will hold a public hearing in the

Lower Conference Room of the Town Office Building, 26 Bryant Street, Dedham, MA on Wednesday, March 6, 2019, at 7:00 p.m., on the petition of 68 Stoughton Road, Dedham, MA. The Applicant, Joseph P. Gatto, Cynthia A. Gatto, and Joseph N. Gatto, seeks an appeal of the Dedham Building Commission's determination of the proposed addition (including second kitchen) to the real estate at 68 Stoughton Road, Dedham, MA converts said dwelling into a two family home and for a determination that said dwelling with the proposed addition is a single family home.

Section of Zoning Bylaw : *Town of Dedham Zoning By-Law Section 9.2.2; Table I.*

At 7:15 p.m., the Chairman called for the hearing on the petition of Joseph P. Gatto, Cynthia A. Gatto, and Joseph N. Gatto, of 68 Stoughton Road, Dedham, MA (hereinafter referred to collectively as the "Applicants"). Applicants appeal the Dedham Building Commission's determination that the proposed addition (including second kitchen) to the real estate at 68 Stoughton Road, Dedham, MA, converts said dwelling into a two-family home and for a determination that said dwelling with the proposed addition is a single-family home. The property is located at 68 Stoughton Road, Dedham, MA, and is in the Single Residence B (SRB) Zoning District. *Town of Dedham Zoning By-Law Section 9.2.2; Board of Appeals Powers, Section 10 Determinations, and Table I.* Applicants were represented by Peter A. Zahka, II, Esq., 12 School Street, Dedham, MA. Also present on behalf of Applicants were Joseph P. Gatto and Joseph N. Gatto. Attorney Zahka had previously submitted plot plans of the Subject Property (existing and proposed), architectural plans and drawings (including floor plans and elevations), and photographs of the existing dwelling. At the hearing Applicants were afforded an opportunity to make a full presentation.

Chairman McGrail expressed that his primary concern was not with the second kitchen, but rather with the door that goes out to the deck. Some discussion ensued as to the door and how to make sure this door was not used as an additional entrance. It was agreed that this would be added as a condition to final decision.

No one appeared in opposition to the requested relief. Applicants submitted a petition signed by all direct abutters on Stoughton Road, as well as those directly across the street from the Subject Property, indicating their support for the requested relief.

Upon motion duly made by Scott Steeves and seconded by Gregory Jacobsen, the ZBA voted unanimously (4-0) to reverse the determination of Dedham Building Department and to make a determination that the dwelling with proposed addition (including the second kitchen) located at 68 Stoughton Road, Dedham, MA is a single-family dwelling upon the following terms and conditions:

1. The door from the rear left bedroom (shown as Bedroom 4 on the submitted floor plans) shall lead only to a rear deck or porch which is fully enclosed via a banister or similar railing system (i.e., does not provide access to the back yard) or (at Applicants' option) in the alternative is eliminated.

2. No door or other physical barrier shall be erected in the hall between the dining room and living room shown on the submitted floor plans.

The ZBA recognizes that the determination as to the number of dwelling units in any structure must be made on a case by case basis. Therefore, it is the intent that this decision and the determination herein be limited to the Subject Property.

Applicant: Elizabeth and Francis Gerard Murphy, III
Project Address: 87 Richards Street, Dedham, MA

Legal Notice: The Zoning Board of Appeals for the Town of Dedham, Massachusetts, will hold a public hearing in the Lower Conference Room of the Town Office Building, 26 Bryant Street, Dedham, MA at **7:00 p.m., Wednesday, March 20, 2019, on the petition of 87 Richards Street, Dedham, MA.** The Applicant, Elizabeth and Francis Gerard Murphy III, seeks to be allowed a Special Permit for a side stair encroachment of the roof over the side steps, and a waiver from the total impervious area requirements within the Aquifer Protection Overlay District.

Section of Zoning Bylaw : *Town of Dedham Zoning By-Law Sections 4.3.2 and 8.2.7.5.*

Elizabeth and Francis Gerard Murphy were in attendance for the Zoning Board of Appeals meeting and represented themselves. They explained to the Board that they wished to put an addition onto their house which would include a side staircase with the roof

over it. This roof over the side staircase would require them to get a Special Permit allowing for a smaller side yard setback than was currently allowed under the Town of Dedham Bylaws. The Chairman, Jim McGrail explained that the notice in the paper, the legal notice, and the accompanying items did not clearly indicate the exact dimensions of relief that were being requested. They could see from the certified plot plan, and the renderings for the addition what the exact measurements were, however they needed to be clearly advertised in the paper, in the legal notice to the abutters, and for the purposes of open meeting law.

The applicant was asked to please redo their application to state the precise measurements, and they could return at the next meeting on March 20, 2019. A motion was made by Scott Steeves and seconded by Gregory Jacobsen to close this application and hear the applicants with their new application on March 20, 2019. The Board voted unanimously in favor (4-0).

Review of Minutes

Mr. Steeves moved to approve the minutes of January 16, 2019, seconded by Gregory Jacobsen. The vote was unanimous at 4-0 and the minutes will enter public record.

Announcements

Chairman McGrail announced that E. Patrick Maguire, LEED AP had called him to indicate he would be resigning from the Zoning Board of Appeals effective immediately as his business had him traveling frequently and he could no longer dedicate enough time to the Board. Therefore his seat would be open. He will be checking with Nancy Baker of the Town Manager's office as to advertising this vacancy and having a new member appointed.

A motion was made by Greg Jacobsen to adjourn the meeting at 8:00 pm, this was seconded by Scott Steeves, and all were in favor (4-0).