

**TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS**

James F. McGrail, Chair
J. Gregory Jacobsen, Vice Chair
Scott M. Steeves
Jason L. Mammone, P.E.
George Panagopoulos, Associate Member
Andrew Pepoli, Associate Member



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**ZONING BOARD OF APPEALS
MINUTES**

Thursday, August 15, 2019, 7:30 pm, Lower Conference Room

Present: James F. McGrail, Chair
Gregory Jacobsen, Vice Chair
Scott M. Steeves
Andrew Pepoli

Staff: Jennifer Doherty, Administrative Assistant

The meeting was brought to order at 7:30 pm. 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. The hearings were advertised in *The Dedham Times* as required, and notices to abutters within 300 feet of each property were sent.

Applicant: Town of Needham Select Board
Project Address: West Street, Dedham, MA Parcel 101-01
Zoning District: Single Residence A (SRA)
Legal Notice: The Applicant requests a Special Permit authorizing a governmental use pursuant to Section 3.1.6.B.5; a special permit authorizing a tower height in excess of 85' pursuant to Section 4.2.4; and a variance of the 50' height limit for antennas contained in Section 4.2.3.
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Section 3.1.6.B.5, Section 4.2.4, and Section 4.2.3.*
Representatives: Representative Christopher H. Heep, Esquire

This was a continuation from a previous hearing on July 17, 2019. Attorney Chis Heap was in attendance for the applicant. He explained that since they were last before the board, they had been working on a Memorandum of Agreement between the two towns, Needham and Dedham, and a draft of this document had been presented to all board members. It will be a partnership between the two towns with space on the tower for Dedham's Police and Fire Department's needs. The agreement was not signed as of the date of this meeting but was almost complete with no outstanding issues.

Chairman McGrail asked if there were questions from the board and Andrew Pepoli asked why the agreement had been set for a 25-year period, and Attorney Heap believed it was a provision the Town of Dedham's attorney had asked for. It may have been related to a municipal contract concern that required towns not to enter a contract for longer than 25 years, however he was not certain. He will look into it and was amenable to changing that provision if the Town of Dedham required it.

Chairman McGrail mentioned that Chief Spillane had sent a letter to the Zoning Board in support of this tower, and that Chief D'Entremont had also weighed in as supporting the tower. They both indicated that this tower would be very beneficial to their needs.

Charlie Kruger of Stafford St. had a question as to would the town be charged for using the towers at any time, could Needham come back and ask for payment? The answer was no, there was never any rent that would be charged to the Town of Dedham. Mr. Kruger than asked what they were putting on the tower? Attorney Heap explained that this was not for commercial purposes, the tower was for fire and safety purposed only and only the two towns and possibly Norfolk Corrections would be putting equipment on here. Mr. McGrail asked if the Town of Needham would be opposed to adding language stating that The Town of Dedham would never be charged for use of the Tower. They would not be opposed but the attorney also noted that language to that affect was already in Section 4 of the Draft agreement.

Gregory Jacobsen made a motion to approve the application subject to the Town of Dedham and the Town of Needham entering into a memorandum of agreement for the tower, and with the condition that the Town of Dedham will not incur costs related to the tower. The motion was seconded by Scott Steeves and all agreed. 4-0, unanimous.

Applicant: Georgina Erase
Project Address: 45 Thomas Street, Dedham, MA
Zoning District: Single Residence B (SRB)
Legal Notice: The Applicant requests a Special Permit to extend a non-conforming structure by adding a second-floor addition to a current single-story home. In addition, to be allowed a Variance for a side yard setback of 5 feet instead of the required 10 feet. Finally, to be allowed a Special Permit to occupy a trailer located on the subject property as residential dwelling until the subject property receives a Certificate of Occupancy from the Town of Dedham Building Inspector.
Section of Zoning Bylaw: *Town of Dedham Zoning Bylaw Sections 3.3.3, 3.3.4, 3.3.5, Sec. 4.1, Table 2, and Sec 3.2.1.*
Representatives: Keith P. Hampe, Esquire

Attorney Keith Hampe was representing the applicant, Georgina Erase. Attorney Hampe explained that the applicant run into issues with her contractor while he was renovating. The contractor had damaged the property to such an extent that the Building Commissioner had deemed the property uninhabitable. The applicant was therefore asking to raise the height of the second floor. As they were changing an already non-conforming structure, they needed to request the variance. In addition, the Applicant was asking for a Special Permit to occupy a trailer as a dwelling while the work was being done to her house to lessen the financial burden of finding additional housing.

Chairman McGrail stated that there had been precedence for trailers to be granted status to be used as dwellings in the past, such as when a house fire has occurred. It would not be the first time this has been requested.

Chairman McGrail asked if there were any questions from the audience. Charlie Kruger of Stratford Lane asked about the septic system for the property. Ms. Erase stated that the septic was intact, and the trailer would be hooking up to the existing septic of the house.

Mr. Scott Steeves asked how long did they feel the occupancy status would need to be in effect? And Chairman McGrail felt the Special Permit could be tied to the Certificate of Occupancy so that it would run concurrently.

Chairman McGrail asked if anyone else had questions, and Brian Todd of 51 Thomas Street wished to be heard. He asked if the attorney could explain the five feet setback rule. Attorney Hampe explained that the 5.47 current is from the end of the easement to the house. In the current condition there is no siding and no exterior wall, to accommodate anything that would be put on the house, they did not want to be exceeding anything. They do not intent to alter the footprint of the house. A copy for the plans was given to Mr. Todd. Mr. Todd expressed his concern about rodents, and he thought there were cars being sold on the property. It was explained that some of the area was protected under wetlands, and her husband was away so the lawn had been neglected for a time. However, she just hired someone to mow the lawn and that would help with the rodents. In addition, the cars that were being sold were friends of her husband's and that would no longer be occurring.

Scott Steeves made a motion to approve the proposal as presented, and in addition to grant a Special Permit for a trailer until the applicant receives a certificate of occupancy. The motion was seconded by Greg Jacobsen, and all agreed. Motion passed 4-0, unanimous.

Applicant:	Matthew Thompson
Project Address:	26 Woodlawn Street, Dedham, MA
Zoning District:	General Residence (GR)
Legal Notice:	The Applicant seeks a special permit to construct a 12' x 28' second-story dormer within the existing building footprint; dwelling is pre-existing nonconforming with regard to the right-side yard setback (6 ft. provided; 10 ft. required). The property is located at 26 Woodlawn Street, Dedham, MA, Map 7 Lot 122.
Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 3.3, 4.1-Table 2, 9.2 and 9.3.</i>

Matthew Thompson was in attendance along with his contractor Lester Wait. The property on Woodlawn street had been vacant for 22 years and was in disarray. He planned on restoring the house and were looking to go up only. A petition in favor of the renovation had been signed by nine (9) neighbors, including the abutter directly across from the property.

Greg Jacobsen made a motion to approve the proposal as presented. The motion was seconded by Scott Steeves, and voted unanimously in favor, 4-0.

Applicant: Marc-Danie Nazaire
Project Address: 170 Colburn Street, Dedham, MA
Zoning District: SRB
Legal Notice: The applicant requests a Special Permit to be allowed to convert 500 sq. ft. of existing commercial space into an accessory dwelling unit in accordance with Town of Dedham Zoning Bylaw 7.7, and a Variance to allowed the accessory dwelling unit to exist on a lot having 8,000 sq. ft., instead of the required 13,750 sq. ft. in a Single Residence B Zone (SRB).
Section of Zoning Bylaw: *Town of Dedham Bylaws: Section 7.7, Special Residential Regulations, and Table 1, Section 9.3, Special Permits, and M.G.L. Ch.40A, 9&10.*
Representatives: Keith P. Hampe

Chairman McGrail explained that because they only had four members in attendance for the board that evening, a unanimous vote would be necessary to pass any motion. Keith Hampe, Esquire was representing the applicant, and he stated he understood Chairman McGrail's explanation.

Attorney Hampe explained that they had been before the board previously requesting a two-family dwelling, however they had withdrawn that application and were now requesting an accessory dwelling. He explained the issues that had been raised by neighbors at the previous meeting. In response to these concerns the applicant had made certain changes. She was requesting an accessory dwelling unit instead of a two-family, she had closed the pool, she would be living at the property and is willing to extend the current parking lot to address parking issues. Mr. Jacobsen asked how many people would be living there is the proposal is approved. Mr. Hampe answered you could have 11-12 people living there by right due to the bedrooms, but there would be seven (7) people in the main house and her parents in the accessory dwelling is permitted two (2) so nine (9) total. The seven in the main house were mostly children so the total number of cars is expected to be three (3). Scott Steeves had a question as to the commercial part of the property. The applicant responded that they had gutted the commercial space, the store was gone, and currently it was just one big room (this was the proposal for the accessory dwelling). Chairman McGrail asked if there were questions from the audience. There were.

_____ asked if there were professional contractors overseeing the construction and she indicated it was critical that the applicant take an active part in overseeing the construction. Attorney Hampe explained that as the applicant would be living on site, she would be overseeing the work.

Charlie Kruger of Stafford Street stated that the accessory dwelling bylaw stated that you must live at the property. Chairman McGrail explained that it would be part of the conditions if granted. It was explained that the proposal was for family to live in the accessory dwelling. The Chairman felt that what she was the applicant was proposing this time was vastly different that what had been proposed last time. Mr. Kruger stated that he felt the neighbors wished to have single family homes in this area, and Mr. McGrail replied it still would be a single-family home. Mr. Kruger felt the accessory dwelling was still a rental unit, and Mr. McGrail said they need to come back every two years to have it reinstated as an accessory dwelling. They respectfully disagreed. Attorney Hampe addressed the concerns of Mr. Kruger, he explained that the accessory dwelling could only exist as long as she lived at the property. It was non-transferable and had conditions attached. At any time if the conditions were not being met, the building commissioner could shut it down at any time. She is going to be a part of the neighborhood as well, and she was going to be invested in it.

Janet, Emmet Avenue, had concerns about the 500 sq. ft into a living area. The plans were given to her to review. Attorney Hampe said they did not wish to extend the footprint. Janet further expressed her concerns that when the house was first bought the intention had been to make it a rooming house. Attorney Hampe explained that they had never submitted any proposal to this affect, and he was unaware of any intention of this sort. She said that was the rumor and he thanked her for coming to hear the truth instead of relying on rumors.

Chairman McGrail wished to extend the hearing until there was a fifth member present on the board. A motion was made by Greg Jacobsen to continue the hearing until the September 18, 2019 meeting at 7:00 pm. The motion was seconded by Scott Steeves and all agreed, 4-0, unanimous.

A motion was made by Greg Jacobsen to approve the minutes of July 17, 2019 and the motion was seconded by Scott Steeves, all agreed, 4-0. Chairman McGrail reviewed the applications quickly for the benefit of the Town Planner, Jeremy Rosenberger, who had entered late due to being at the meeting of the Select Board. Mr. Rosenberger informed the board that the Select

Board had just appointed a 5th member to the Zoning Board of Appeals, Sara Rosenthal, to fill the architect's position.

A motion was made by Scott Steeves to adjourn the meeting and the motion was seconded by Gregory Jacobsen. All agreed, 4-0. The meeting was adjourned at 8:15 p.m.