

**TOWN OF DEDHAM  
COMMONWEALTH OF MASSACHUSETTS**

James F. McGrail, Chair  
 J. Gregory Jacobsen, Vice Chair  
 Scott M. Steeves  
 Jason L. Mammone, P.E.  
 Sara Rosenthal, AIA, LEED AP, NCARB



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**ZONING BOARD OF APPEALS  
MINUTES**

**Wednesday, September 18, 2019, 7:00 pm, Lower Conference Room**

Present: James F. McGrail, Chair  
 J. Gregory Jacobsen, Vice Chair  
 Scott M. Steeves  
 Jason L. Mammone, P.E.  
 Sara Rosenthal, AIA, LEED AP, NCARB  
 George Panagopoulos, Associate Member  
 Andrew Pepoli, Associate Member

Staff: Jeremy Rosenberger, Town Planner  
 Jennifer Doherty, Administrative Assistant

The meeting was brought to order at 7:00 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.

<b>Applicant:</b>	Marc-Danie Nazaire
<b>Project Address:</b>	170 Colburn Street, Dedham, MA
<b>Zoning District:</b>	SRB
<b>Legal Notice:</b>	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).
<b>Section of Zoning Bylaw:</b>	<i>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&amp;10.</i>
<b>Representatives:</b>	Keith P. Hampe

The application had been continued from the previous meeting of August 15, 2019. The Chairman explained which members of the Board would be voting on the application given who had been present and whom had not at the previous hearing.

Attorney Hampe reminded the Board of past proceedings regarding the applicant. He indicated that his client would be living at the property with her family. Should the accessory dwelling be granted, the applicant's mother and father would live there. She has not presently moved into the property because she is awaiting approval from the Board and the Building Department for the accessory dwelling. In relation to matters that were raised by the neighbors, Attorney Hampe indicated that she is willing to make many concessions to appease the neighbors. Parking area would be extended to allow five cars, and area on Emmet Street would be paved. The Applicant would be owner invested once she lived there. The Applicant's parents would be living in the accessory dwelling. The pool has been removed and there is no longer a danger. Neighborhood intact, it would remain a single-family home if the application was granted, because it is an accessory dwelling and would cease to be if the property were sold or used for any other purpose. There were no adverse effects of the petition and Attorney Hampe felt it should therefore be granted.

The Chairman asked if there was anyone from the audience who wished to speak regarding the application. Rebecca Wilder, 172 Colburn Street- when she was here in June, she was looking for a two family, she was skeptical that the applicant would be moving in, and she was also very concerned with the lack of parking, and the lack of sidewalks. She felt they were short on square footage and they did not meet the requirements. She also felt she had not been notified of the meeting on that night. Chairman McGrail explained that legally notice was given for the initial hearing, but not given for continuance. Tonight, was a continuance and that is why she had not received a notice postcard. However, notices of the meeting with the agenda are always posted in the Dedham Times, and on the Town website, as well as posted at Town Hall. He also discussed with the questioner that the parking as it related to the number of people potentially would be the same if someone else lived there, and the safety hazards would be the same as well.

Bruce Lovely, 17 Emmet Ave – Raised the issue of snow removal as he was concerned where she would be putting it. He stated there were wetlands in the area. He was concerned she would be putting snow on her neighbor's lot and causing a lot of extra melting occurring if she needed to shovel the driveway. The Applicant's attorney stated that with the pool now gone there was plenty of space to put extra snow removal.

Enis Mattozzi, 20 Emmet Ave – She was concerned about the parking. She felt it was bad enough on Emmet Avenue already, and she wanted them to look at the terrain.

Charlie Kruger, 11 Stafford St – He stated this has been going on for three years, and no one has been living there. He felt there was no trust there, and he was concerned about her renting the accessory dwelling out regardless of the bylaws. He felt it was a matter of trust.

Rita Mae Cushman, 121 Garfield Road – She agreed with Mr. Kruger that there was no trust there. She found it strange that the applicant had owned the house for three years and done nothing with it.

Attorney Hampe explained that his client had not moved in yet because she has not been allowed to start construction yet and she wished her parents to move in with her into the accessory dwelling. Conditions would be set upon the applicant and therefore they were not sure what the trust issue was. Chairman McGrail stated that he had no reason not to trust the applicant, he felt perhaps the words Mr. Kruger meant were “goodwill” instead of “trust”. He stated the goodwill had not been built up with the neighborhood given that she had owned the property for three years and has not made any improvements. The neighborhood would like the opportunity to get to know the applicant better and establish some goodwill to advance everyone’s interest. Attorney Hampe stated she was trying to exhibit goodwill, and one example of that was increasing the driveway to remove the parking from Emmett Avenue. She did not have to do that, she could legally park cars on the street, but she knew that was a concern of the neighbors. The Applicant explained that she rented the house for about six months, she then got sick and so she delayed her plans to move in. When she was feeling better, she then resumed her plans and started renovations and the ZBA process.

Mr. Jacobsen asked how many vehicles she would be storing there. The applicant replied three. He then asked Mr. Mammone if she were to put in a driveway there would they need to get approval for a curb cut? Mr. Mammone replied that they would need to request a curb cut through the DPW. There was presently a sidewalk that they would need to go over so yes, they would need to request relief from the DPW.

Chairman McGrail explained that he was unsure how the Board was going to vote, they could vote and if the vote was denied, the applicant would have to wait an additional two years before she could reapply. If the applicant withdrew without prejudice, then she could return within a month with the same application. He thought perhaps she should work on improving goodwill in the community. Attorney Hampe asked if he could have a minute to discuss the options with his client. In the interest of maximizing time, they continued the application until later in the evening and moved on to the next application.

<b>Applicant:</b>	Thomas and Linda Casey
<b>Project Address:</b>	13-15 Sherwood Street, Dedham, MA
<b>Zoning District:</b>	SRB, Map and Lots 114-7-1 & 114-7-2.
<b>Legal Notice:</b>	The Applicants, Thomas and Linda Casey, requests a Special Permit to construct an addition (which complies with all setbacks) to a pre-existing nonconforming residential dwelling with an existing side yard setback of 3 ft. on a lot with 50 ft. of frontage occupied by two residential dwellings (i.e. extend, alter, and change a nonconforming structure and use).
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Bylaw Sections 3.3; 4.7; 9.2; 9.3; 10, and Table 2.</i>
<b>Representatives:</b>	Peter Zahka, Esquire

Chairman McGrail explained that all five regular members of the Board would be voting on this application. Attorney Zahka was representing the application. The property currently had dual addresses and are currently nonconforming in several respects. The applicant requests to put an addition onto the property, such special permits required to extend, alter, and change a nonconforming structure and use on a nonconforming lot: an addition to an existing residential dwelling with a side yard setback of three (3) feet on a lot with 50 feet of frontage occupied by two residential dwellings. The Attorney explained that were it not for the two buildings, they would not need to come and ask for a Special Permit to do this work. They also submitted a petition in support of the application signed by twelve (12) neighbors.

Mr. Mammone asked if a condition could be made as part of the decision that the applicant provide a copy of the plans by a certified land surveyor, the copy they had provided was from an engineer only. Matthew Sheehan of 13 Sherwood and, Barbara Casey of 13 Sherwood came forward on the application. Attorney Zahka stated that they had no issue with submitting plans from a certified land surveyor. Chairman McGrail asked if there were any questions from the audience and there was a gentleman who wished to speak.

Stanley Baker at Hanson street was an abutter to the rear of the property. He expressed concern over some of the surveyors that had been out there. He had no objection to the proposal; he was just not sure who the surveyors had been doing work for and he wanted to make sure they were there on behalf of the applicant. Mr. Sheehan introduced himself and family to the abutter. The applicants had been the only people surveying the property as far as they knew.

Mr. Jacobsen made a motion to accept the proposal as proposed with the condition that a certified plot plan from a land surveyor be submitted to the Planning and Zoning department. The motion was seconded by Scott Steeves, and all voted in favor, 5-0. Unanimous in favor.

**The Board then returned to the previous application of 170 Colburn Street.**

Attorney Hampe indicated that his client would like to withdraw her application without prejudice. A motion to accept the request was made by Mr. Gregory Jacobsen, and the motion was seconded by Mr. Scott Steeves. The motion was accepted 4-0, and the application will be withdrawn without prejudice.

<b>Applicant:</b>	Matthew Jasset
<b>Project Address:</b>	124 Milton Street, Dedham, MA
<b>Zoning District:</b>	Limited Manufacturing, LMA, Map and Lot 113-40.
<b>Legal Notice:</b>	The Applicant seeks to be allowed a Special Permit and Variances as required to reconstruct a recently demolished nonconforming two-family house with a new two-family house with a side yard setback pf 11.3 feet and a floor area ratio of 0.45.
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Zoning Bylaw Sections 3.3.2; 3.3.7; 9.2; 9.3, Table 1, and Table 2.</i>

Matthew Jasset of 115 Milton Street, Dedham, MA was in attendance for the above application. The applicant had been before the Zoning Board of Appeals a year ago and he unfortunately misunderstood and thought that his permit was good for two years. However, it was only good for one year and he had missed the deadline to get his building permit. Therefore, he was back in front of the board asking for the exact same relief that had previously been granted. Nothing had changed with the application; it was the same. For the benefit of the newest ZBA member, Sara Rosenthal, who had not sat on the application previously, the applicant gave a summary of the project. There were no questions from the board.

Mr. Steeves made a motion to approve the application as presented, and the motion was seconded by Mr. Jacobsen. All were in favor, 5-0, unanimous approval.

<b>Applicant:</b>	Elie on Bridge Street, LLC
<b>Project Address:</b>	22 Bridge Street, Dedham, MA 02026
<b>Zoning District:</b>	General Business (GB), Map and Lot 14-51.
<b>Legal Notice:</b>	The Applicant requests a Special Permit and/or Variances necessary to construct an approximate 243 sq. ft. (5'4" x 45'6") addition to a preexisting nonconforming gasoline service station for purposes of enclosing existing oil tanks and general storage (i.e. an extension, alteration, and enlargement of a pre-existing nonconforming structure and use) as requested by the Conservation Commission.
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Bylaws 3.1.3; 3.3.2; 3.3.3; 9.2.2; 9.3; 10; and Table 1.</i>
<b>Representatives:</b>	Peter Zahka, Esquire

Attorney Zahka was in attendance for the applicant, as was the owner and applicant, Eddie Lakkis. Outside of the rear of the property (which operated as a gas station) stood two oil tanks. They had existed there when the property was purchased. There had been an order of conditions issued to enclose these two oil/fuel tanks. They wished for the enclosure to have a roof. In addition to having the enclosure inhabit the oil/fuel tanks they would like to use this "shed" for storage as well.

Mr. Jacobsen asked how long the two tanks had been on the property. The answer was they had been there since the present owner bought the property, they pre-existed him. Mr. Jacobsen asked what brought the Conservation Commission out to the property in the first place. His client went to do some renovations and during that process the ConCom saw the tanks and wanted the applicant to enclose them. The back of the property, where the tanks are, sits adjacent to the Charles River. The Chairman asked if anyone was in attendance

for the applicant. The manager of the station, John Milewski identified himself. He explained that previously the tanks had been single wall storage tanks, but since had been upgraded to double wall tanks which still required an enclosure. There were no further questions.

Mr. Jacobsen made a motion to approve the application as presented. The motion was seconded by Mr. Mammone. All were in favor, 5-0, unanimous.

<b>Applicant:</b>	Erin McGowan
<b>Project Address:</b>	205 Bonham Road, Dedham, MA
<b>Zoning District:</b>	Single Residence B, Map and Lot 182/6
<b>Legal Notice:</b>	The applicant requests a Special Permit to be allowed to construct a +/- 869 gross sq. ft. accessory dwelling unit in accordance with Town of Dedham Zoning By-law 7.7, and a Waiver and/or Variance to be allowed the accessory dwelling unit provide an additional entrance on the front of the dwelling.
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Bylaws: Section 3.1 (Table 1), 7.7, 9.2 and 9.3.</i>

Mrs. McGowan was in attendance with her mother. She explained that her father recently had a stroke and it was necessary for her parents to move in with her family to help them. They needed an additional entrance to accommodate her father's wheelchair. The accessory dwelling would also accommodate his wheelchair. There were no questions from the board or the audience. The applicant had submitted a petition with signatures from neighbors in support of the proposal.

A motion was made by Scott Steeves to accept the proposal as presented. The motion was seconded by Mr. Jacobsen, and all were in favor, 5-0. Unanimous.

<b>Applicant:</b>	DAA Restaurant Group
<b>Project Address:</b>	320 Washington Street, Dedham, MA
<b>Zoning District:</b>	Central Business (CB), Map and Lot 93/118.
<b>Legal Notice:</b>	The Applicant, DAA Restaurant Group, LLC, of 3 Hill Park Terrace, Randolph , MA 02368 seeks to be allowed such Special Permits as required for conducting, operating, and maintaining an approximate 1,100 sq. ft. restaurant (i.e., a use requiring a common victuallar permit) with seating for approximately ten (10) patrons utilizing the existing parking (8 spaces) for the entire building at 320 Washington Street.
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Bylaw Sections 9.2, 9.3, Table 1, Table 2, and Table 3(d).</i>

<b>Representatives:</b>	Peter A. Zahka, Esquire
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Peter Zahka, Esquire was in attendance for the applicants as they were seeking approval to have 10 eat in bar stools inside the establishment to service lunchtime customers in the area. They were also looking for a variance for eight (8) parking spaces for the entire building area known as 320 Washington Street. Mr. Mammone asked if they had talked with the Board of Health, and the answer was yes, they had been in touch with the Board of Health. There are two (2) existing grease traps identified on the site. There were no other questions. Mr. Jacobsen made a motion to approve the proposal as presented. The motion was seconded by Mr. Mammone, and all agreed 5-0. Unanimous.

<b>Applicant:</b>	James and Susan Fay
<b>Project Address:</b>	14 Church Street, Dedham, MA
<b>Zoning District:</b>	Single Residence B (SRB), Map and Lot 108-37.
<b>Legal Notice:</b>	The Applicants request a Special Permit and Variances to be allowed to change the existing occupancy from a mixed nonconforming use of two dwelling units a real estate office to a less intensive nonconforming use two family dwelling; to reconstruct and extend the existing nonconforming structure to increase the maximum lot coverage from 40 percent to 41 percent rather than the required 30 percent; and to reconstruct and extend the existing structure with a side yard of 4 ft rather than the required 10 ft and having a greater volume than the existing nonconforming structure.
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Bylaw Sections 3.3.2; 3.3.3; 3.3.4; Section 4.1, Table 2.</i>
<b>Representatives:</b>	Edward J. Richardson, Esquire

Attorney Richardson was in attendance for the applicant, along with Mr. James Fay, owner. They submitted a petition in favor of the proposal signed by several neighbors. They applicant also included a letter from the historic district that was in favor of the proposal. They proposed removing the real estate office that was currently in the location and reconstructing the addition that already existed. The footprint would not be increased. Mr. Mammone asked if there

was already an addition in place? The answer was yes, the addition already existed and was being reconstructed as part of this proposal. It would not be any closer to the existing sideline. Chairman McGrail asked if there was anyone from the audience who wished to speak.

Mr. Graham Briggs, of 45 Hoover Street, Needham, MA owned and rented out 12 Church Street, a direct abutter. He wished to speak in favor of the project as it eliminated the only commercial entity and made the street fully residential. He was also in favor of the project as the owners were improving the property and that would also enhance the value of his property. There were no others who wished to speak.

A motion was made by Mr. Scott Steeves to approve the project as proposed. The motion was seconded by Mr. Jacobsen, and all were in favor 5-0. Unanimous.

<b>Applicant:</b>	Washington 850, LLC
<b>Project Address:</b>	850-888 Washington Street, Dedham, MA
<b>Zoning District:</b>	Research and Development (RDO) Zoning District, Map and Lots 148/30, 148/33, 148/34, 148/41, 148/29A, and 148/35.
<b>Legal Notice:</b>	The Applicant seeks to be allowed waivers from the Dedham Sign Code for six (6) new wall signs with heights of in excess of 25 feet (i.e. 33', 33', 43'9", 45'5", 29'1", and 28'9") which are higher than the roof line, for a new third free standing sign, and for a total sign area for free-standing signs of 166 square feet.
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Sign Code Sections 237-4, 19, 29, 30, Table 1, and Table 2.</i>
<b>Representatives:</b>	Peter A. Zahka, Esquire

The Applicant was represented by Peter A. Zahka, II, Esq., 12 School Street, Dedham, MA. Also present on behalf of Applicant was Gregory Salvatore, Manager of Washington 850, LLC, and Bart Steele, of Viewpoint Signs. Attorney Zahka explained the Subject Property contains approximately 280,823 square feet of land and has over 900 feet of frontage on Washington Street and Elm Street. The property could have by right a total sign area of 1800 sq.ft and they are proposing 500 sq. ft of sign area when the old signs are taken out and the new ones installed. There are two existing pylon signs for the Bank of America that would be remaining. The property is treated as one lot as there is one



parking lot that serves the entire premises. He further explained the signs in detail as presented in the application. These are to be halo lit signs like the Dedham Savings Bank. Attorney Zahka explained the heights for the signs. He also explained that they had been before the Design Review Board and they had unanimously voted in favor of supporting the signs and the waivers.

Chairman McGrail asked what they planned on proposing for when the signs should be turned off at night. The Applicant agreed to turn them off at 9:00 P.M. There were no questions from the Board.

Mrs. Elaine Moriarty of 37 Anthony Lane was in attendance and had questions as to what the signs would look like. The applicant showed her the proposal. They also explained the halo lighting to her, which was a subtle light that crept out from behind the sign. After hearing more about the proposal and seeing exactly where the signs would be and what the lighting would be like, she was satisfied with the proposal and did not object.

Gregory Jacobsen made a motion to approve the application and waivers as presented. The motion was seconded by Scott Steeves, and all were in favor, 5-0. Unanimous. Said waivers are granted on the condition that illumination of all signs at the Subject Property shall be shut-off no later than 9:00 P.M.

<b>Applicant:</b>	Nesti Ropi
<b>Project Address:</b>	27-29-31 Curve Street, Dedham, MA
<b>Zoning District:</b>	Single Residence B (SRB) Zoning District, Map and Lot 96/74
<b>Legal Notice:</b>	The Applicant requests a Special Permit to be allowed to convert the existing nonconforming mixed-use building containing four dwelling units and an auto parts storage room accessory to an automobile repair garage to a nonconforming five-unit residential building.
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Bylaw Section 3.3.2 (2).</i>
<b>Representatives:</b>	Edward J. Richardson, Esquire

Attorney Richardson was in attendance for the applicant. Previously the building had been used as four apartments and one was being used for an office and parts storage for the garage. This application had nothing to do with the garage. The main building was to be considered only. The applicant wished to convert the additional storage space to an apartment, making five apartments instead of four.

Chairman McGrail asked what was being done with the garage. Attorney Richardson said the applicant had not decided yet and he did not know. Chairman McGrail then asked if any decision the Board made for the apartment building had any impact on the garage area, and the answer was no. Chairman McGrail asked that the language surrounding the garage be removed from the application and the motion since the application before the Board did not involve the garage in any way. Attorney Richardson agreed to that.

Mr. Steeves had a question regarding the garage. He asked if there were any plans at all for it. Attorney Richardson said the applicant did have some ideas. Since the property was in the arts overlay district, if an artist were to live in the building portion of the property there would be a possibility that the garage could be converted to an artist's studio by right of the zoning laws. However, they were not at that point and still did not have plans for the space. The other possibility was to use it as a parking garage for the building. Mr. Steeves would like to see it used for parking so they could take some cars off the street.

Chairman McGrail asked if there were any questions from the audience, and Mr. David Over-  
sen of 30 Curve Street wished to speak. He stated that the applicant had never petitioned the neighborhood as to their views. He was very concerned about the parking situation as it was already difficult, adding another residential unit was going to add to the problem. Chairman McGrail thought it would be beneficial if the applicant went back and spoke with neighbors and tried to mitigate some of the parking issues, and then come back for the October meeting.

A motion was made by Scott Steeves to continue the application to the October 16, 2019 meeting at 7:00 pm. Gregory Jacobsen seconded the motion, and all agreed, 5-0. Unanimous.

<b>Applicant:</b>	Bryan J. Wood
<b>Project Address:</b>	40 Walnut Street, Dedham
<b>Zoning District:</b>	General Residence (GR) Zoning District, Map and Lot 112/115
<b>Legal Notice:</b>	The Applicant, Bryan J. Wood of 31 Benjamin St., Dedham, MA, seeks to be allowed such Special Permits and/or Variances required for the voluntary demolition of a nonconforming two-family dwelling and reconstruction of the same on the same footprint as the existing house, but with an increase in volume and area on a nonconforming lot occupied by two residential dwellings.
<b>Section of Zoning Bylaw:</b>	<i>Town of Dedham Bylaw Section 3.3, 4.7, 9.2, 9.3, 10, Table 2.</i>
<b>Representatives:</b>	Peter A. Zahka, Esquire

Attorney Zahka was in attendance along with the applicant, Bryan J. Wood. Attorney Zahka explained that from the Assessors map the address was 40 Walnut, but the address was commonly known as 42 Walnut. He stated that currently on the property is a two-family dwelling and a single-family dwelling. Both dwellings were on the same lot. The applicant wished to demolish the existing two family as it was in disrepair and build a house in the same footprint. He would not be increasing the number of dwelling units, it would just be a new two-family dwelling. Chairman McGrail asked if there were questions from the Board and Mr. Jacobsen asked what the applicants plans were for the single-family house. The applicant replied only to re-side the house so it looked a little better.

Chairman McGrail then asked if there were questions from the audience. Donna Ramondi of 68 Macomber Terrace stated that the tenants that the applicant had there had previously had police raids, there had been drug users and needles left around, there was a lot of junk in the yard, televisions, mattresses, and a lot of debris. She was very concerned about the state of the property and the people that the applicant rented to.

Colleen Leary-Gilman of 31 Walnut Street also spoke. She stated she had seen squatters in the front dilapidated house, and children which she had called DCF on as she was obligated to do so since she was a social worker. She felt there were definitely squatters.

Chairman McGrail asked how the applicant felt about making it a condition of the proposal that the property be cleaned up.

William Brobst of 28 & 30 Myrtle Street stated he had talked to Mr. Wood and he was fine with the proposal, but he did express his concerns to the applicant about keeping the area clean. He agreed with conditions being put on the application.

Mr. Jacobsen made a motion to approve the proposal with the condition that the applicant would clean up the property and keep it clean. Mr. Steeves seconded the motion, and all agreed, 5-0. Unanimous.

There were no minutes to be reviewed.

Mr. Jacobsen made a motion to adjourn the meeting, and Mr. Steeves seconded motion, all were in favor 5-0. The meeting was adjourned at 8:47 pm.