

**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**

Monday, December 2, 2019, 6:30 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

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.

Applicant:	Shiloh Limited Liability Company
Project Address:	22 Harding Terrace
Zoning District:	Map 97, Lot 43, in a Single Residence B Zoning
Legal Notice:	The Zoning Board of Appeals for the Town of Dedham, Massachusetts, will hold a public hearing in the Town Hall Office Building, Lower Conference Room 26 Bryant Street, Dedham, MA at <u>7:00 p.m., Wednesday, October 16, 2019 at 7:00 pm on the application of, of 20 Whitney Drive, Sherborn, MA.</u> The Applicant, requests a Special Permit to construct 3 rd floor dormers; proposed dormers would be an intensification of pre-existing nonconforming front yard setback (20.1 ft.) and side yard setbacks (3.5 ft and 6 ft.), where 25 ft. is required for a front yard setback and 10 ft. is required for side yard setback.

Section of Zoning Bylaw:	<i>Town of Dedham Zoning Bylaw Sections 3.3, 4.1, 9.2 and 9.3.</i>
Representatives:	

The application had been continued twice, once from the original date of October 16, 2019, and then again at the November 20, 2019 meeting. At the November meeting, Chairman McGrail had asked the applicant and the direct abutter to please find a time to meet and see if they could come to an agreement as to the project. The Board had agreed to meet earlier than the originally planned December meeting in order to accommodate this applicant.

Manning Dafnus from Shiloh LLC was in attendance for the proposal. He stated that he had met with the applicant as the Board had requested. Unfortunately, the two parties had not been able to come to an agreement on the proposal. The applicant said he had spoken with his engineer and they may be able to decrease the height of the top floor by one foot, but the applicants still felt that would be an encumbrance on their privacy. He had submitted two letters of support for the proposal. One from 38 Harding Terrace, and one from 20 Harding Terrace. Chairman McGrail asked the applicant owned the property, and the reply was yes.

Mr. Leo Sweeney of 26 Harding Terrace stated that he had spoken with the owner of 20 Harding Terrace, and he thought he was opposed to the project. Chairman McGrail read the letter from Mr. Robert Williams, which was in support of the project. It did state that he was in support of the rehabilitation and expansion of the project.

Mr. and Mrs. Sweeney stated they had asked the applicant if they could install a front porch in lieu of a third floor. The applicant spoke to this and explained that it would not be in his financial best interest to not have the third floor built.

Chairman McGrail explained the appeal process if the project did not receive a favorable vote. He further explained the process of withdrawing without prejudice. He then asked the Board if they could weigh in on their current status to approve or not approve the project, *before* an actual vote was taken. Mr. Jacobsen was leaning to voting no because he sympathized with the abutters and their privacy. Mr. Scott Steeves said he agreed with Mr. Jacobsen and was leaning towards a no vote as well. Chairman McGrail stated he was as well, but he wished to explain it was no reflection on the applicant at all. He respected the applicant, and knew he was trying to do a good thing by rehabilitating the property. However, he had to side with the abutter given that they lived at the property and would have their privacy infringed upon. He then asked the applicant how he would like to proceed.

Sara Rosenthal wished to ask the applicant why he did not want to expand either forward or backwards on the property, was it because of the foundation and structural issues? The applicant replied that it was both structural issues and limited space on both sides. He

stated the front yard was already very tiny, and the back yard was not very big either. You would not be able to add an extra bedroom.

The applicant stated that he wished to withdraw without prejudice.

Scott Steeves made a motion to allow the applicant to withdraw without prejudice. The motion was seconded by Greg Jacobsen, and all agreed, 5-0.

The meeting was adjourned at 6:45 pm.