

**TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS**



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Members

Scott M. Steeves, Chair
Sara Rosenthal, AIA, LEED AP, Vice Chair
J. Gregory Jacobsen
Jason L. Mammone, P.E.
Tom Ryan, Esquire

ASSOCIATE MEMBERS

George Panagopoulos
Andrew Pepoli

**ZONING BOARD OF APPEALS
MINUTES**

Wednesday, September 16, 2020

Present: Scott M. Steeves, Chair
Sara Rosenthal, AIA, LEED AP, NCARB, Vice Chair
J. Gregory Jacobsen
Jason L. Mammone, P.E.
Andrew Pepoli, Associate Member
Tom Ryan, Esq., Member (arrived after first application)

Not Present: Acting Member, George Panagopoulos

Staff: Jeremy Rosenberger, Town Planner
Jennifer Doherty, Administrative Assistant
Michelle Tinger, Community Planning and Engagement Specialist

The Chairman opened the meeting by reading the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Town of Dedham's Zoning Board of Appeals is being conducted via remote participation by video meeting. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings

as provided for in the Order. A reminder that persons who would like to listen to this meeting while in progress may do so by dialing toll-free, 1-844-875-7777. The access code is 93059990691. Again, the toll-free number is 1-844-875-7777. The access code is 93059990691. The meeting was also being recorded and streaming live on Facebook. The Chairman then reviewed video procedures and policy.

The Chairman then asked for a roll call of the attendees. In attendance on the conference call were:

Vice Chair, Sara Rosenthal

Member, Jason Mammone

Member, Gregory Jacobsen

Associate Member, Andrew Pepoli

Chairman, Scott Steeves

Planning Director, Town of Dedham: Jeremy Rosenberger

Planning Administrative Assistant: Jennifer Doherty

Community Planning and Engagement specialist for the Town of Dedham: Michelle Tinger

The Chairman continued with the first applicant:

134 Crane Street – Martha Pantoja

Applicant:	Martha Pantoja
Project Address:	134 Crane Street
Zoning District, Map/Lot:	General Residence (GR)/ Map 156, Lot 68
Legal Notice:	Requests a Special Permit for a two-story rear addition to the existing single-family dwelling; addition would intensify the pre-existing nonconforming left side yard setback. The 7,200 sq. ft. property is located at 134 Crane Street, Dedham, MA.
Section of Zoning Bylaw:	<i>Dedham Zoning By-Law Section 3.3, 9.2, 9.3 and Table 2</i>

Ms. Pantoja was in attendance on the call for her project. She explained that they wanted to create more bedroom space on the second floor and an eat in kitchen to accommodate her larger family during the pandemic.

Mr. Pepoli stated that the project seemed to be already under construction, and he was curious why that was. Planning Director Jeremy Rosenberger stated that the Building Department had indeed visited the property because they were notified that construction was occurring without a permit. A stop work order was issued and they were told that they must obtain the proper permits and a Special Permit was also necessary from the Zoning Board of Appeals.

Jason Mammone asked if there was a way to know if the construction that has already been performed was satisfactory and to code. Mr. Rosenberger explained that the Building Inspector, Ken Cimen was looking at the plans and the construction. Mr. Mammone wished to know if there was any deviation from the plans necessary in order to meet building codes and receive permits. Ms. Pantoja explained that a change had been made to the soffit and this had been noted in the plans.

Chairman Steeves asked if her contractor had not informed her that building permits were necessary for this work. She explained that her cousin is the contractor. He was asking for forgiveness as they did not have a lot of money to perform the work, and they should have gone to the building department first. He apologized and promised that they would do everything correctly from here on out.

Chairman Steeves asked if there were any more questions from the board, or any members of the public who wished to speak. There were none. Gregory Jacobsen made a motion to approve a Special Permit with the condition that the contractor was qualified to perform the work. The motion was seconded by Sara Rosenthal and a roll call vote was taken.

Sara Rosenthal – yes
Greg Jacobsen – yes
Andrew Pepoli – yes
Jason Mammone – yes
Scott Steeves – yes

Motion passes 5-0, unanimous.

Member Tom Ryan joined the video call at this time.

215 Milton Street

Applicant:	ASPI Motor Cars (Louis Tedeschi)
Project Address:	215 Milton Street
Zoning District, Map/Lot:	Limited Manufacturing Zoning District (LMA), Map 129/Lot 38
Legal Notice:	Requests a waiver for an internally illuminated 59 sq. ft. wall sign; internal illumination is not permitted. The 11,294 sq. ft. property is located at 215 Milton Street, Dedham, MA.
Section of Zoning Bylaw:	<i>Dedham Sign Code Section 237-18</i>

Fred Hunter from Hunter Signs was on the video call representing Mr. Louis Tedeschi. Mr. Hunter explained that the new sign was the same as the existing sign with a few differences. It was a new logo, slightly smaller, and did not have neon. The new sign used low voltage LED lights instead.

Greg Jacobsen asked how long the signs would be lit and would they be turned off at a reasonable hour. Mr. Hunter explained that the current sign was on a timer to go on at dusk and off at dawn. He was certain the hours could be adjusted to whatever the board thought was reasonable. The board typically asked for lights to be turned on one hour prior to a business opening and turned off one hour after closing time. Mr. Hunter said that would not be a problem.

The Chairman asked if there were any comments from the public and there were none. A motion was made by Sara Rosenthal to approve the application with the conditions that the lights would be turned on one hour prior to opening time and turned off one after closing time. The motion was seconded by Greg Jacobsen. A roll call vote was taken.

Sara Rosenthal – yes
Jason Mammone – yes
Greg Jacobsen – yes
Tom Ryan – yes
Scott Steeves – yes

Motion passes with conditions, 5-0, unanimous.

259 Elm Street

Applicant:	Tim Kasher/Chatham Lodging Trust
Project Address:	259 Elm Street
Zoning District, Map/Lot:	Research, Development and Office (RDO), Map 162/Lot 5
Legal Notice:	Requests waivers from provisions of the Dedham Sign Code to replace two (2) existing two wall signs and install two (2) +/- 74 sq. ft. illuminated wall signs and replace two (2) existing monument signs and install two (2) +/- 18.3 sq. ft. illuminated monument signs; proposed signage exceeds allowable total signage area, wall signs above the roof line and/or 25 ft. above grade are not permitted and only one freestanding sign is allowed. The 95,832 sq. ft. property is located at 259 Elm Street, Dedham, MA.
Section of Zoning Bylaw:	<i>Town of Dedham Sign Code Section 237-19 and Table 2.</i>

Mr. Tim Kasher and Rich Pretorius were in attendance for the project, which was a Residence Inn by Marriott. Mr. Pretorius explained that they were replacing existing signs with new logo signs. The monument sign on the street would also be replaced with a new logo sign. The signs at the walls needed to be visible from the street, which was one reason for the waiver. In addition, the total signage exceeded the allowable. The billboard was not to be touched. Mr. Kasher explained that the logo brands needed to be updated per the Marriott hotel chain.

Mr. Mammone asked if the current signage on the site exceeded what was allowable. They explained that yes, it had exceeded signage already and a variance had been issued previously for this. He asked if we knew how much it exceeded the allowable in percentages. Mr. Rosenberger gave the amount of square footage the signs would be using on the property, and this was acceptable to Mr. Mammone.

The Chairman asked if there were any members of the public who wished to speak and there were not. A motion was made by Greg Jacobsen to approve the application. The motion was seconded by Sara Rosenthal and a roll call vote was taken.

- Sara Rosenthal – yes
- Jason Mammone – yes
- Greg Jacobsen – yes
- Tom Ryan – yes
- Scott Steeves – yes

The motion passes unanimously, 5-0.

225 Schoolmaster Lane

Applicant:	David G. Newman
Project Address:	225 Schoolmaster Lane
Zoning District, Map/Lot:	Single Residence A Zoning District (SRA). Map/Lot 31-13
Legal Notice:	Requests a Special Permit to construct an attached two-car garage with living space above; proposed additional automobile garages would provide five (5) total on property where up to three (3) automobile garages are permitted. The 113,910 sq. ft. property is located at 225 Schoolmaster Lane, Dedham, MA.
Section of Zoning Bylaw:	<i>Dedham Zoning By-Law Section 3.1, 9.2, 9.3 and Table 1.</i>

Mr. Newman was on the video call for the application. He explained that the three-car garage that presently exists is quite far from the house and it is also very dark at night so they were concerned about safety. In addition their 90 year old father was mobility impaired and would be moving in with him, they wished to have the garage closer to the house to get him in and out. Lastly, the weather was an issue, and this also prompted them to want a garage closer to the house.

Chairman Steeves asked if there were any questions from the board and there were not. He asked if there were any questions from the public and there were not. A motion was made by Sara Rosenthal to approve the Special Permit as proposed. The motion was seconded by Greg Jacobsen and a roll call vote was taken.

Sara Rosenthal – yes
Jason Mammone – yes
Greg Jacobsen – yes
Tom Ryan – yes
Scott Steeves – yes

The motion passes unanimously, 5-0.

386 Highland Street

Applicant:	Dermot Power
Project Address:	386 Highland Street
Zoning District, Map/Lot:	Single Residence Zoning District (SRB), Map 46/Lot 135

Legal Notice:	Requests a Special Permit for a two-story side addition to the existing single-family dwelling; addition would intensify the pre-existing nonconforming front yard setback. The 8,049.5 sq. ft. property is located at 386 Highland Street, Dedham, MA.
Section of Zoning Bylaw:	<i>Dedham Zoning By-Law Section 3.3, 9.2, 9.3 and Table 2</i>

Mr. Dermott Power was on the video call for the project. He explained that the addition he was proposing was to make more room for his family, as his current house was a little small for all of them.

The Chairman asked if there were any questions from the board and there were none. He asked if there were any questions from the public, and there were not. A motion was made by Gregory Jacobsen to approve the proposal and seconded by Sara Rosenthal. A roll call vote was taken.

Sara Rosenthal – yes
 Jason Mammone – yes
 Greg Jacobsen – yes
 Tom Ryan – yes
 Scott Steeves – yes

The motion passes unanimously, 5-0.

Fall Town Meeting 2020 Zoning Articles

Planning Director Jeremy Rosenberger explained that the Planning Board had put forth five Zoning Articles that were set to be before Town Meeting for approval. These had been distributed to the board prior to the meeting. He continued that these were originally slated to be at the Spring Town Meeting, but due to the ongoing pandemic had been moved to the Fall Town Meeting which was now slated for November. He specifically wanted them to be aware of the one that would allow an extension for Special Permits to be three years instead of one year. This would bring it in line with the State standards that allow for three years. He also gave brief explanations of the other Zoning Articles being proposed.

In relation to the affordable housing bylaw, Mr. Greg Jacobsen asked how the payment in lieu would help us maintain the 10% threshold. Mr. Rosenberger explained that we would not see an increase to the affordable housing in the small projects. It was when you got a very large project, like a large-scale building, that you needed to consider the threshold. The money in a fund could be used to build some more units.

Mr. Jacobsen then asked who would keep track of the affordable units? Mr. Rosenberger explained that the developer had to submit with the State how many units were affordable and subject to standards of the State. Mr. Jacobsen then asked if he knew how many affordable units we currently had in Dedham. Mr. Rosenberger stated he believed it was currently a little over 1,000 units and we were at 11% SHI (inventory).

Mr. Pepoli had a question regarding the dimensional requirements by law. He asked how they were going to administer the setback requirements. Mr. Rosenberger said the Planning Board had also been discussing this exact question. The projects would be discretionary, so the Planning Board could determine on a case-by-case basis what the setback will be, so it was not necessary to determine it in the language of the by law.

Chairman Steeves asked how everyone felt about supporting the Special Permit extension by law. Sara Rosenthal was in favor of it as she stated they had seen a couple of applications come back for extensions just in the time she had been on the board. Chairman Steeves felt they could definitely be in favor of supporting the by law. There were no objections.

Minutes

A motion was made by Greg Jacobsen to approve the minutes of June 17, 2020 and seconded by Sara Rosenthal. A roll call vote was taken.

Sara Rosenthal – yes
Jason Mammone – yes
Greg Jacobsen – yes
Andrew Pepoli – yes
Scott Steeves – yes

The motion passes unanimously, 5-0.

A motion was made by Greg Jacobsen to approve the July 15, 2020 meeting minutes. The motion was seconded by Sara Rosenthal. A roll call vote was taken.

Sara Rosenthal – yes
Jason Mammone – yes
Greg Jacobsen – yes
Andrew Pepoli – yes
Scott Steeves – yes

The motion passes unanimously, 5-0.

A motion was made by Greg Jacobsen to adjourn the meeting. The motion was seconded by Sara Rosenthal and a roll call vote was taken.

Sara Rosenthal – yes

Jason Mammone – yes
Greg Jacobsen – yes
Andrew Pepoli – yes
Scott Steeves – yes

The motion passes unanimously, 5-0. The meeting was adjourned at 8:00 pm.