

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

Members

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



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Jeremy Rosenberger

Assistant Town Planner
Michelle Tinger

Associate Members

Norman Vigil, Esquire
Allen MacDuffie

ZONING BOARD OF APPEALS
MINUTES

Wednesday, April 20, 2022, 7:00 p.m.
Dedham Town Hall

Present: Sara Rosenthal, AIA, LEED AP, NCARB, Vice Chair
J. Gregory Jacobsen
Tom Ryan, Esq., Member
Jason L. Mammone, P.E.
Norman Vigil, Esquire, Associate Member
Allen MacDuffie, Associate Member

Regrets: Scott Steeves, Chair

Staff: Michelle Tinger, Community Planning and Engagement Specialist
Jennifer Doherty, Administrative Assistant

The meeting began at **7:00 pm** on the night of **Wednesday, April 20, 2022**. The Vice Chair conducted roll call in the Chair's absence:

Sara Rosenthal
J. Gregory Jacobsen
Jason Mammone
Tom Ryan
Norman Vigil
Allen MacDuffie

The Chair called the meeting to order.

69 Elmwood Avenue

Applicant:	James C. and Sharon B. Goff (Representative: Kevin Hampe, Esq.)
Project Address:	69 Elmwood Avenue
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District, Map 153, Lot 83
Legal Notice:	Request for a Special Permit and/or Variance for a +/- 32 sq. ft. covered porch with a front yard setback of 20.7 ft. (25 ft. required).
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Section 2, 3.3(C), 3.3(D), 9.2, 9.3, and Table 2.

Attorney Keith Hampe and James and Sharon Goff were present representing the application. The Goff's plan to add a second floor on their home. The renovation includes adding an enclosed 32-square-foot front porch, which would intensify the non-conforming setback from the existing 24.7 feet to 20.7 feet. Mr. Hampe mentioned that the porch would be an improvement to the aesthetics of the house and would not disturb other properties in the neighborhood.

The Chair asked if any board members wished to speak. Jason Mammone asked if there were any plans to alter the shed on the property, to which Mr. Goff responded that there were none currently. The Chair then asked if there were any members of the public wishing to speak, and there were none.

A motion was made by Greg Jacobsen and seconded by Tom Ryan to approve the Special Permit. A roll call vote was taken.

Greg Jacobsen – yes

Jason Mammone – yes

Tom Ryan – yes

Norman Vigil – yes

Sara Rosenthal – yes

The motion passed unanimously, 5-0.

80 Chestnut Street

Applicant:	Jim Ray and Natalie Jensen (Representative: Mollie Moran)
Project Address:	80 Chestnut Street
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District, Map 106, Lot 6
Legal Notice:	Request for a Variance and/or Special Permit to construct a covered porch on the left side of the existing house; proposed project would intensify the pre-existing left side yard setback (7.2 ft provided, 10 ft. required).
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 3.3(D), and Table 2

Mollie Moran and Jim Ray were present representing the application. The project includes adding a covered side porch. Ms. Moran explained that the left side setback is 7.2 feet at its narrowest point and the porch would taper to 7.4 feet at its widest point. The applicant would also remove another side porch on the property which currently provides only about 6 feet of setback. The Chair mentioned that there were five abutters in support of the application.

The Chair asked if any board members wished to speak, and there were none. The Chair then asked if there were any members of the public wishing to speak, and there were none.

A motion was made by Greg Jacobsen and seconded by Tom Ryan to approve the Special Permit. A roll call vote was taken.

Greg Jacobsen – yes

Jason Mammone – yes

Tom Ryan – yes

Norman Vigil – yes

Sara Rosenthal – yes

The motion passed unanimously, 5-0.

59 Bayard Street

Applicant:	Martin Grealish, Phoenix Holdings LLC (Representative: Mollie Moran)
Project Address:	59 Bayard Street
Zoning District, Map/Lot:	General Residence (GR) Zoning District, Map 7, Lot 73
Legal Notice:	Requests for a Variance and/or Special Permit to increase the existing living space by 430 sq. ft. (675 sq. ft. existing); proposed project would intensify the pre-existing nonconforming right yard setback (2.6 ft. proposed, 10 ft. required) and intensify the pre-existing nonconforming rear yard setback (8.9 ft. proposed, 20 ft. required), and for the construction of retaining walls that exceed 4 ft. in height.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 3.3(D), 6.5(B), and Table 2.

Mollie Moran and Martin Grealish were present representing the application. The applicant is remodeling his home and requests a variance that will extend the home's footprint along the existing non-conforming rear 8.9-foot setback and would intensify the non-conforming right setback to 2.6 feet (from 2.8 feet) at its narrowest point to construct a second-floor loft. The applicant also requests a Special Permit which would create a retaining wall to connect a garage to the street level on Vine Rock Road, with an estimate of 10 feet at its maximum height. The garage and retaining walls are desired because the home is on a steep slope and is currently only accessible from the street via a long wooden staircase. The front door is approximately 20 feet above street level.

The Chair asked if any board members wished to speak. Jason Mammone asked for clarification on the dimensions of the requested setbacks because the advertised dimensions did not seem to match the dimensions on the plan. The right setback was confirmed to be 2.6 feet (the 2.4 feet mentioned in the plan is an uncovered deck) and the proposed rear extension would be set back 8.9 feet (the existing setback is 8.4 feet at its narrowest point). Jason, who is also the Town Engineer, took issue with the retaining wall plans because they extend into the right of way. He had no problems with the concept of the wall but the fact that heights were not finalized, and the Building Department had not been involved in the process thus far. A distinction was made between the special permit (the retaining wall) and the variance (the setback dimensions) requested. Sara Rosenthal asked if these should be separated, and if there were any parameters on the retaining wall that

could allow the two to be considered together. Mr., Mammone responded again that the concept of retaining walls over 4 feet was not an issue on the ZBA’s end, but the applicant will need to address the issue of the wall extending into the right of way in the next steps. The Chair then asked if there were any members of the public wishing to speak, and there were none.

A motion was made by Greg Jacobsen and seconded by Tom Ryan to approve the Special Permit. A roll call vote was taken.

Greg Jacobsen – yes

Jason Mammone – yes

Tom Ryan – yes

Norman Vigil – yes

Sara Rosenthal – yes

The motion passed unanimously, 5-0.

Jason Mammone recused himself from the following agenda item. Voting in his place on the item is Associate Member Allen MacDuffie.

55 Creston Avenue (continued from March 16, 2022)

Applicant:	Mary Ellen McDonough and Michael Cummings (Representative: Keith Hampe, Esq.)
Project Address:	55 Creston Avenue
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District, Map 178, Lot 32
Legal Notice:	Request for variances necessary to establish a buildable lot; proposed new lot would not meet required minimum lot frontage (75 ft. provided, 95 ft. required) and minimum lot area (+/- 7,500 sq. ft. provided, 12,500 sq. ft. required).
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Section 9.2, 9.3, Table 2.

Mary Ellen McDonough and Keith Hampe were present representing the application. The applicants are seeking to build a single-family home on a lot that they purchased in the fall of 2021. Ms. McDonough recapped points from her presentation at last month’s

meeting, noting that the lot is larger than the vast majority of lots on both the street and in the neighborhood generally and that the proposed structure conforms to all setback requirements. She also recognized that the next step was to go before the Conservation Commission for a stormwater management permit, and that this process made sure that the lot and abutting lots would have a net zero stormwater impact.

Allen MacDuffie raised concerns about the nature of the variance as he did in the previous meeting. There is nothing about the soil, topography, or shape of the lot that gives reason for the lot to be exempt from zoning bylaws. There is no financial hardship on the applicant because she can sell the property today for equal or lesser value than she purchased it for. Ms. McDonough was under the impression that soil and topography would only affect setbacks and not the determination whether the lot was buildable, to which Mr. MacDuffie responded that this was not the case.

The Chair then asked if there were any members of the public wishing to speak.

Kevin Hallissey of 26 Winfield Street expressed concerns about flooding in the area. There are nearby wetlands on both sides of the neighborhood (Wigwam Pond watershed on one side, Blue Hills on the other) and it is clear based on experience that the neighborhood has problems during storms. He mentioned that while the lot was relatively large for the neighborhood, the footprint of the house is almost double the average size of the house in the neighborhood. Mr. Hallissey also mentioned how the home would be uncomfortably close to an abutter's pool.

James Pezzone of 62 Alpena Ave viewed the lot to be inadequate for building a home.

Sabrina Ferhani of 55 Alpena Ave echoed flooding concerns and felt the colonial-style home would not fit in such a small lot nor within the neighborhood.

Robert Tedesco of 32 Winfield Street asked when water comes into abutting yards who in the Town neighbors should consult. Tom Ryan responded that it seemed like the whole neighborhood is against this proposed lot and mentioned that property owners do have certain rights to use their property at their pleasure. He felt the concerns of neighbors, however, were valid.

Nancy Hallissey of 26 Winfield Street mentioned that this project is an investment opportunity and is not the applicant's home nor ever will be, so this is not the same type of project like the one Mr. Ryan presented that would improve the owner's enjoyment of their property.

Sara Rosenthal understood the arguments and frustrations of both abutters and the applicant and imagined that this lot would likely have to go through a very tough process with the Conservation Commission if the variance were approved tonight.

A motion was made by Norman Vigil to approve the variance. This was seconded by Tom Ryan, and a roll call vote was taken.

Greg Jacobsen – no

Tom Ryan – no

Norman Vigil – yes

Allen MacDuffie – no

Sara Rosenthal – yes

The motion failed, 3-2.

Minutes

A motion was made by Greg Jacobsen to approve the minutes of March 16, 2022. The motion was seconded by Norman Vigil and a roll call vote was taken.

Greg Jacobsen – yes

Allen MacDuffie – yes

Tom Ryan – yes

Norman Vigil – yes

Sara Rosenthal – yes

The motion passed unanimously, 5-0.

Old Business/New Business

At the next meeting on May 18th, the Board will select a new Chair and Vice Chair.

Adjournment

A motion was made by Greg Jacobsen to adjourn the meeting at 8:18pm, and the motion was seconded by Norman Vigil. A roll call vote was taken, all agreed, and the meeting was adjourned.

