



TOWN OF DEDHAM  
COMMONWEALTH OF MASSACHUSETTS  
ZONING BOARD OF APPEALS



Members

James F. McGrail, Esq., Chair  
J. Gregory Jacobsen, Vice Chair  
Scott M. Steeves  
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®  
Jason L. Mammone, P.E.

Dedham Town Hall  
26 Bryant Street  
Dedham, MA 02026-4458  
Phone: 781-751-9242

Susan Webster  
Administrative Assistant  
[swebster@dedham-ma.gov](mailto:swebster@dedham-ma.gov)

Associate Members

Jared F. Nokes, J.D.  
Jessica L. Porter

MEETING MINUTES

Wednesday, March 21, 2018, 7:00 p.m., Lower Conference Room

**Present:** James F. McGrail, Esq., Chair  
J. Gregory Jacobsen, Vice Chair  
Scott M. Steeves  
Jason L. Mammone, P.E.  
Jared F. Nokes, J.D.  
Jessica L. Porter

**Staff:** Susan Webster, Administrative Assistant

Mr. McGrail called the meeting to order at 7:00 p.m. The plans, documents, studies, etc., referred to are incorporated as part of the public record, and are on file in the Planning and Zoning office. In addition, the legal notice for each hearing was read into the record. Abutters within 300 feet of the subject property were notified of each hearing. The hearings for this meeting of the ZBA were duly advertised in *The Dedham Times* in accordance with the requirements of MGL Chapter 40A, Section 11. In the absence of Member E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Mr. McGrail appointed Associate Member Jared F. Nokes, J.D., to sit in his stead. In addition, Mr. McGrail recused himself from the final hearing (Horse Thieves Tavern, 574-585 High Street) due to a professional relationship with the Applicant. Associate Member Jessica L. Porter was appointed to sit in his stead for that hearing.

**Applicant** John Radley  
**Property Address** 15 Liberty Lane, Dedham, MA  
**Property Owner/Address** John Radley, 15 Liberty Lane, Dedham, MA  
**Zoning District** Single Residence B  
**Map and Lot** 60/6  
**Application Date** February 14, 2018  
**Representative** John Radley, owner

**Legal Notice** The applicant seeks to be allowed a one-and-a-half foot front yard setback instead of the required 25 feet to demolish a the front of a single family dwelling and reconstruct a two-and-a-half story addition to the existing single family dwelling.

*Town of Dedham Zoning Bylaw Section 4.1 Table of Dimensional Requirements*

**Section of Zoning Bylaw** Section 4.1, Table of Dimensional Requirements

**Present and Voting** James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.

Mr. Radley said that his two-family dwelling is two feet from the property line. He would like to demolish the one-story portion of his home and construct a new 28' x 24' foundation to build a two-and-a-half foot story addition. This addition will actually be 15 feet from the property line; there was a misunderstanding on the legal ad, but Mr. McGrail said this is fine. Mr. Radley said this will reduce the footprint of the house and improve the aesthetics of the neighborhood. The addition will go straight up, and the empty space will be turned into a driveway.

Mr. Radley submitted signatures in support of his petition:

Maurice DeJean	11 Liberty Lane
Mr. and Mrs. McBarnett (Mark and Yolanda)	8 Liberty Lane
Christine Grey	9 Liberty Lane

No one in the audience spoke in favor or against the petition.

Mr. Steeves moved to approve a 15 foot front yard setback instead of the required 25 feet, seconded by Mr. Jacobsen. The vote to approve was unanimous at 5-0.

<b>Applicant</b>	<b>Bryce Gibson</b>
<b>Property Address</b>	<b>26 Abbott Road, Dedham, MA</b>
<b>Property Owner/Address</b>	Bryce and Jena Gibson
<b>Zoning District</b>	Single Residence B
<b>Map and Lot</b>	125/50
<b>Application Date</b>	February 23, 2018
<b>Representative</b>	Bryce Gibson

**Legal Notice** The applicant seeks to be allowed a one (1) foot rear yard setback instead of the required 20 feet and a four (5) foot side yard setback instead of the required 10 feet for construction of a small, 175 square foot storage/workroom attached to the rear of the existing free-standing garage.

**Section of Zoning Bylaw** *Town of Dedham Zoning Bylaw Section 4.1 Table of Dimensional Requirements*

**Present and Voting** James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.

Mr. Gibson explained that he has an existing free-standing one-car garage. He would like to add a small, 175 square foot storage/workroom for items such as a snow blower to the rear of the garage. The garage is already five feet from the side property line, and he does not want to change that. He will not be widening the garage, just going straight back. He presented signatures of neighbors who are in favor of his petition:

Bill O'Neill  
James Lynch

155 Mount Vernon Street\*  
20 Abbott Road

*\* Verbal support obtained over the phone. Mr. O'Neill was on vacation at the time the application was completed.*

No one in the audience spoke against the petition. Charles Kabat, 34 Abbott Road, spoke in favor of the petition. Michael Butler, 163 Mount Vernon Street, asked to see the plan. He was satisfied with the proposal.

Mr. Jacobsen moved to approve a one (1) foot rear yard setback instead of the required 20 feet and a four (5) foot side yard setback instead of the required 10 feet for construction of a small, 175 square foot storage/workroom attached to the rear of the existing free-standing garage. Mr. Steeves seconded the motion. The vote to approve was unanimous at 5-0.

<b>Applicant/Owner</b>	<b>James Wood</b>
<b>Property Address</b>	<b>115 Harding Terrace, Dedham, MA</b>
<b>Zoning District</b>	Single Residence B
<b>Map and Lot</b>	98/133
<b>Application Date</b>	February 23, 2018
<b>Representative</b>	<ul style="list-style-type: none"><li>• James Wood, owner</li><li>• Tom Timko, Copper Beech Design, 66 Woodchester Drive, Weston, MA 02493</li></ul>

<b>Legal Notice</b>	The applicant seeks to be allowed a four (4) foot front yard setback instead of the allowed 25 feet to demolish and reconstruct the existing front wall and roof of a single family dwelling.
---------------------	---

<b>Section of Zoning Bylaw</b>	<i>Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements</i>
--------------------------------	---

<b>Present and Voting</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.
---------------------------	---

Mr. Timko explained that the Applicant wants to demolish and reconstruct the existing front wall and roof of his single family dwelling. The front elevation is right on the street. They propose raising the one-and-a-half story front wall to equalize it and turn the dwelling into a center entrance colonial. They already have a building permit for an addition on the back of the house. There will be no change in the footprint since they are just going up. Mr. Wood spoke with his neighbors, who are in favor of the petition. There were no signatures submitted.

No one in the audience spoke in favor or against the petition.

Mr. Steeves moves to approve a four (4) foot front yard setback instead of the allowed 25 feet to demolish and reconstruct the existing front wall and roof of a single family dwelling. Mr. Jacobsen seconded the motion. The vote to approve was unanimous at 5-0.



of frontage. This was to encourage people to use sign bands or minimal lettering on an awning. In this case, it is a two-story building. They are fine in terms of not exceeding 25% of wall coverage, but they exceed the one linear square foot per linear foot for the mural. The mural is proposed for the area that has been stuccoed. This area was originally going to be brick with windows, but they thought it would be fun to put a mural on the corner in front of the bus stop. There is no commercial message to the mural, but it is still interpreted as a sign. It is because the building is so tall, it is still within the square footage of allowable wall coverage. Mr. Cimeno interprets it as a graphic that is from the Society for the Apprehension of Horse Thieves. On the other side of the wall, inside the restaurant, will be a mural of customers drinking. Ms. Porter said that when the Oakdale Square mural was painted, they were told that if there are no words, it is not considered a sign. Mr. Jacobsen disagreed, saying it is still a sign. Ms. Moran said it is art, and there is and will not be any commercial message.

Mr. Mammone asked Ms. Moran how many square feet they are over. She said they have 70 square feet. She said the DRAB application no longer calculates the full wall area. The total on Washington Street has to add in other businesses, i.e., the cigar shop awnings and other "small things." She said the additional signage beyond this is the 2.2 square feet of the window band and the two awnings (the cigar shop and the name of the other awning saying "Associates Building.") She said this may be another 10 square feet at the most. She did not know the exact number.

Mr. Steeves said he did not know how the Board could vote on the waiver without an accurate figure. Mr. Mammone also wanted to know if the mural was approved by DRAB, as he would want to see it in writing if they did. Ms. Moran said that DRAB asked for assurance that the mural was going to be the same as the lithograph image. The artist has a different style, and they were concerned about that. She reassured them that he would follow the lithograph. Mrs. Webster will obtain that information for the next meeting (NOTE: Mrs. Webster e-mailed the members of DRAB to determine if they had voted on the mural. The chair responded as follows: "Based on our letter, the motion was to approve the application with listed recommendations. My belief was that the mural was part of the application and therefore approved as part of the passed motion." The Board will be furnished with this e-mail for the next meeting.).

Mr. Steeves moved to table the application until the next meeting on April 18, 2018, so that accurate numbers could be obtained. He advised her to go back to Mr. Cimeno to straighten it out. Mr. Mammone seconded the motion. The vote to do so was unanimous at 5-0. Mr. Nokes said the motion should reference *unintelligible*.

Mr. McGrail returned to the Board. Mr. Nokes asked a question about interpretation. He said the Board is giving authority on something, but it does not think it is needed. Mr. McGrail said, from his perspective, the Board's role is not to rubber stamp what came before it. Either an applicant needs a variance or he does not. If the variance is not needed, the Board does not have to do anything. The Board needs to know the size of the mural and what it will do to the overall signage, and how much they are going over so it can allow them to go over by a certain amount. He said he would also make sure that what they are showing is what they are painting. He said the Board will be approving the mural without changes to the art. He is concerned about the artist's contemporary artwork, and does not know what will be on the mural. Mrs. Webster said that the Design Review Advisory Board will be making sure it is the painting on the lithograph. Mr. McGrail said this should be in the decision.

Mr. Jacobsen moved to approve the minutes of February 21, 2018, seconded by Mr. Steeves. The vote to approve was unanimous at 4-0, with Mr. Mammone and Ms. Porter not voting because they did not attend that meeting.

Mr. Steeves moved to adjourn, seconded by Mr. Jacobsen. The vote to approve was unanimous at 6-0 (Mr. McGrail, Mr. Jacobsen, Mr. Steeves, Mr. Mammone, Mr. Nokes, and Ms. Porter).

Respectfully submitted,



Susan Webster  
Administrative Assistant

/snw