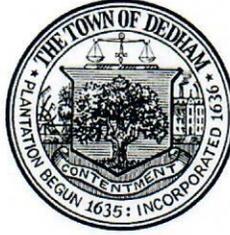


ZONING BOARD MEMBERS

JAMES F. McGRAIL, CHAIRMAN
J. GREGORY JACOBSEN, VICE CHAIRMAN
SCOTT M. STEEVES
E. PATRICK MAGUIRE, LEED AP
JASON L. MAMMONE, P.E.

ASSOCIATE MEMBERS

JESSICA L. PORTER
JARED F. NOKES, J.D.



DEDHAM TOWN HALL
26 BRYANT STREET
DEDHAM, MA 02026-4458
PHONE 781-751-9242
FAX 781-751-9225

SUSAN WEBSTER
ADMINISTRATIVE ASSISTANT
swebster@dedham-ma.gov

**TOWN OF DEDHAM
ZONING BOARD OF APPEALS MINUTES
Wednesday, August 17, 2016, 7:00 p.m., Lower Conference Room**

Present and Voting: James F. McGrail, Esq., Chairman
J. Gregory Jacobsen, Acting Chairman
Scott M. Steeves
E. Patrick Maguire, LEED AP
Jared F. Nokes, J.D.
Susan Webster, Administrative Assistant



Acting Chairman Mr. Jacobsen called the meeting to order at 7:12 p.m. Mr. McGrail was late to the meeting due to a previous commitment, and did not sit on the first two hearings. 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. Mr. Jacobsen announced that, since Mr. McGrail was not present and there were only four members sitting on the hearings, applicants would need a unanimous vote for approval or may choose to re-schedule their hearings to the next meeting.

Applicant: RAR-Jefferson at Dedham Station-MA, Inc.
Property Address: 1000 Presidents Way, Dedham, MA
Case #: VAR-07-16-2109
Property Owner: RAR2 Jefferson at Dedham Station, c/o Thomson Reuters, Department 207, P.O. Box 4900, Scottsdale, AZ 85261-4900
Map/Lot, Zoning District: 163/2, RDO
Application Date: July 13, 2016
Present and Voting: J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jared F. Nokes, J.D.
Representative: Marella Watson, Community Manager, Jefferson at Dedham Station
Legal Notice: To be allowed modification to Comprehensive Special Permit to allow for installation of a dog park
Section of Zoning Bylaw: Town of Dedham Zoning Board of Appeals Decision 02-01 pursuant to provisions of MGL Chapter 40B, Section 20-23, Zoning Board of Appeals Decisions 05-04

Start 7:12 p.m. Ms. Wilson chose to proceed with the hearing with only four voting members. A dog part was installed at the complex without permission, and she is here to seek approval. She proposed changes to make it handicapped accessible by making the entrance 4 feet wide, and by installing an 8 foot concrete path from the entrance to the bench. Mr.

Jacobsen noted a petition in favor of the applicant signed by many residents. There was no one in the audience who spoke in favor or in opposition to the application. Mr. Steeves moved to approve the modification to Comprehensive Special Permit to allow for installation of a dog park, seconded by Mr. Maguire, and voted unanimously 4-0. End 7:15 p.m.

Applicant: Lynn Gardiner
Property Address: 64 Etna Road
Case #: VAR-07-16-2110
Property Owner: Randy J. Cochrane and Lynn M. Gardiner
Map/Lot, Zoning District: 156/138, General Residence
Application Date: July 15, 2016
Present and Voting: J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jared F. Nokes, J.D.
Representative: Lynn Gardiner
Legal Notice: To be allowed to subdivide two existing lots identified as Lots 198 and 199 into two new lots identified as Lot 1 containing a single family dwelling, which would have a lot area of 6,450 square feet and frontage on Etna Road of 64.50 feet, and Lot 2, which would have a lot area of 5,916 square feet and frontage on Etna Road of 60.50 feet for a proposed single family dwelling. Lot size requirement for each lot is 7,500 square feet.
Section of Zoning Bylaw: Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements

Start: 7:15 p.m. Ms. Gardiner chose to proceed with the hearing with only four voting members. The house is situated on two lots that run facing Paul Street. The house fronts on Etna Road. She wants to subdivide the lots the opposite way so they both face Etna Road, and then sell both. She said it would not be that much different from the property across the street. The majority of the lots in the neighborhood are 6,250 square feet, although there are some that are larger. She did not split down the middle because the Building Department told her that, because of the existing house, she would have to ask for a variance for a side setback. She will be selling the property, and said that prospective buyers have said they would want to do the same thing. She would like to reap the benefit if it is already subdivided. Lot 2 is a corner lot, so the only direct abutter is behind her; the owner was not present for the hearing. She has spoken with her neighbors about this proposal. In order to use the two original lots, her house would have to be torn down because it sits on each lot.

Michael Humphrey, 113 Paul Street, asked when the setback requirements changed from 10 feet to 15 feet; this was in approximately 2012. He also asked if a new buyer of both lots would have to return to the ZBA for the same request; they would. With regard to Lot 2 on the Etna Road side, he asked how far the envelope could be pushed to the street for setback. Mr. Steeves said 20 feet. The 20 foot setback applies to both Etna Road and Paul Street. Robert Aldous, 63 Pine Street, Planning Board member, said there will be more requests of this nature, and asked the ZBA to very carefully consider it before allowing smaller lots. The reason for lot size is to prevent buildings from being so close together in the event of a fire. Mr. Maguire said that this is not always an easy decision because many of the existing lots in areas of town are much smaller than the zoning requirements.

Mr. Maguire understood what the applicant wanted, but the new lot would require a smaller house. Ms. Gardiner said that change is coming, whether she does it or someone else does, and she would like the benefit of this. Mr. Maguire, looking at the Google map for the area, said the density would be excessively tighter with another house. Mr. Steeves said they could not subdivide it, and explained that the house was built over the property line, making it pre-existing. If the house was not there, it could be subdivided, but because it exists across the property line, it cannot be subdivided.

Mr. Humphrey said he was not vehemently opposed, but was not in favor of the petition. He did not want to hamper the applicant's chance to have a better life with her children, but would prefer not to see a house on such a small lot. He said enough has already happened in town and in their neighborhood. Ms. Gardiner said that the only plus is that there cannot be a large house on the lot. Mr. Maguire suggested adding on to the house to make it a two-family, but Ms. Gardiner said she tried to sell it that way, but was unsuccessful. Mr. Maguire said he was having a hard time with the proposal and why the Board should approve it. He said it would set a precedent for other neighbors. Ms. Gardiner said she is not the first to do this, and it would not be different from what is already in the neighborhood.

Mr. Steeves said that in the past the neighbors were very upset with previous approvals, so it is very difficult for the Board. Ms. Gardiner said these were all huge houses sandwiched in between houses. In this case, it is a corner lot. Whoever buys her house will know there is a house to be built beside them. Mr. Steeves said it would be making a bad situation worse. He understood her request, but said the Board has to take into consideration what Mr. Aldous has said and what the neighbors have said. He said he could not support this. Ms. Gardiner said that she has been told this is the only way she can sell it and walk away with something. Mr. Nokes said that any decision, regardless of the size, would be consistent regardless of the owner.

Mr. Steeves moved to deny the applicant's request to subdivide the two existing lots at 64 Etna Road. Mr. Maguire seconded the motion. The vote of the Board was unanimous at 4-0. End 7:40 p.m.

Applicant:	TILL, Inc.
Property Address:	83 Washington Street, Dedham, MA
Case #:	VAR-07-16-2112
Property Owner:	Till, Inc., 20 Eastbrook Road, Suite 201, Dedham, MA
Map/Lot, Zoning District:	77/20, Single Residence B
Application Date:	July 15, 2016
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jared F. Nokes, J.D.
Representative:	<ul style="list-style-type: none">• Dafna Krouk-Gordon, Administrator• James Burke, DeCelle Burke and Associates, 1266 Furnace Brook Parkway, Suite 401, Quincy, MA 02169-7727
Legal Notice:	To be allowed to construct a building with a front yard setback of 20 feet instead of the allowed 25 feet.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Section 4.1, Table of Dimensional Requirements

Mr. McGrail joined the Board for the last two hearings.

Time: 7:40 p.m. Ms. Krouk-Gordon gave a brief background of the business, which works with disabled and special needs people to provide culinary training for preparation and delivery of school breakfasts and lunches. She plans to tear down the former Oasis and the residential building on the property, and construct a new building. Fire Chief William Spillane said he would have difficulty getting his emergency equipment around the building, and requested that it be brought five feet forward. It will require a front yard setback of 20 feet instead of the required 25 feet. The existing Oasis is 17.2 feet. Mr. Burke said they are improving a pre-existing nonconformity. She said that she believed it would be a real asset to the neighborhood.

Robert Aldous, member of the Planning Board, was present and explained that TILL, Inc. had come before his board for site plan review. The Board did not like the proposed new building, as it was very contemporary in a residential neighborhood, and requested that Ms. Krouk-Gordon provide alternate designs. Mr. Aldous was unaware that the Fire Chief had requested that the building be moved, and did not think this was necessary. He said the building should remain in the first location. Traffic is very heavy on the street, and goes at a pretty good rate of speed, and keeping the building in the originally proposed location could prevent cars from going into the building. Mr. McGrail noted that Planning Director Richard McCarthy sent a letter to the ZBA in which he said the design was too contemporary for the neighborhood. The applicant has provided new renderings for the Planning Board, but first the ZBA to approve the variance.

Lisa Moran, 78 Lower East Street, is a direct abutter to the property. She has not seen any rendering of the building. She did receive a letter from TILL, Inc., that was supposed to include a map; this was not enclosed. She only received a petition to sign indicating that she supported the project. She said she could not say whether she supported the project because she knows nothing about it. Dalila and Declan Walsh, 82 Lower East Street, and Elias Chahwan, 94 Lower East Street, agreed with Ms. Moran.

Mr. McGrail said that it is important for neighbors to be part of the process. Meeting and speaking with the neighbors would help her with the Planning Board. He noted that the abutters said that Ms. Krouk-Gordon did not talk with them. He said the ZBA cannot act on this petition until that is done. Ms. Krouk-Gordon said she had met 13 different times with different members, everyone who is involved in Town Hall. She said that each time she got some pretty contradictory information. Mr. McCarthy has tried to be helpful in walking her through the process. He suggested that she go before the Design Review Advisory Board for review. She did that and said that all four members of DRAB loved the project and thought it was terrific. After DRAB, she went to the Planning Board who, not unanimously, but pretty vehemently said it was "horrible, hated it." She then spoke with the Fire Chief, who asked them to move the building forward. Despite not having any interest in doing that and thinking the traffic flow was fine, the plans were revised. The information sent to the ZBA was also sent to seven abutters. She asked Mr. McCarthy what plans to send them, and he suggested she send the three that they are considering. Another letter was sent with his letter on August 10, 2016. She tried knocking on two doors, even though it is not her favorite thing to do. Mr. McGrail said that she needs to go and sit with the neighbors who live there and get their perspective on the proposal. Ms. Krouk-Gordon said that is why she sent the

letter. Mr. McGrail said it is not enough to send something in the mail; she needs to sit with them, find a forum to bring them in and talk to them to get their ideas. Then, when she comes back to the ZBA or the Planning Board, it will give her instant credibility to say she met with the neighbors and addressed their issues. He said no one said they were opposed; they simply want to have a discussion with her. This needs to happen, and they need to return to the Board to tell them their concerns. The Board values their opinions. He suggested that, when she leaves the meeting, she go to the lobby and talk with them and coordinate a meeting. The hearing will be continued to the next meeting on September 21, 2016; this gives her sufficient time to meet with them.

Mr. Maguire asked Mr. Aldous if the only issue was the style of architecture, and if there were issues with the layout of the site, the dumpster location, the parking spaces, or traffic issues. Mr. Aldous said this was true, but he did not know that they planned to move the building. The Board will have to take that into consideration. The Board also needs to look at the building for safety and to make sure it fits in the area, as noted in Section 9.5.7, Approval, of the Zoning Bylaw:

New building construction or other site alteration shall be designed to address the qualities of the specific location, the proposed land use, the design of the building form, grading, egress points, and other aspects of the development, in order to

2. Maximize pedestrian and vehicular safety, both on the site and accessing and exiting the site

6. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places

Mr. McGrail said that the Design Review Advisory Board is only advisory. She needs to be more concerned with the Planning Board and the Zoning Board of Appeals. Ms. Krouk-Gordon said that her understanding was that it is a dead issue if the Zoning Board of Appeals does not approve the five foot setback. She said their plan to work with the neighbors is the next step. Mr. McGrail said she would not get further unless she spoke with the neighbors. Ms. Krouk-Gordon said that Mr. McCarthy never made that clear, and she did not think that was the sequence. Mr. McGrail said it is his sequence and that of the ZBA. He said that whether he sat on the Board or represented her, he would still see the neighbors first. Ms. Krouk-Gordon said that TILL is in 35 different towns; Mr. McGrail asked her not to argue with him. He asked if she wanted a vote this evening, and she said yes. Mr. Burke urged her to continue the hearing instead. She said that it would be three or four more months, and they have been at this since February. Mr. Steeves said that when she sits down with the neighbors, it will end up being a positive experience. She said she was sure it will be. Mr. Burke recommended that she wait one more month. Mr. Maguire agreed, saying that the site is a joke right now. He said this seems to be a really good thing to happen, and he would love for her to sit down with the neighbors so that everyone is on the same page. Mr. McGrail did not understand why sitting with the neighbors offended Ms. Krouk-Gordon; she said it did not offend her. She again said the sequence was not right, and said she has a different definition of sequence. Mr. Burke said he understood her frustration, but left it at that. He requested that the hearing be continued to September 21, 2016. Ms. Krouk-Gordon

agreed to that. Mr. McGrail said the ZBA does not influence the Planning Board's decisions, and they do not influence the ZBA's decisions.

Ms. Webster will obtain a letter from the Fire Chief for the records. Mr. Steeves moved to table the hearing until September 21, 2016, seconded by Mr. Jacobsen, and voted unanimously 5-0. End 8:07 p.m.

Applicant:	Dunkin Donuts
Property Address:	36 Sawmill Lane, Dedham, MA
Case #:	VAR-07-16-2111
Property Owner:	Roma Realty Trust, Renato Reda, Trustee, 15 Felix Street, Dedham, MA
Map/Lot, Zoning District:	113/71, General Business
Application Date:	July 19, 2016
Present and Voting:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jared F. Nokes, J.D.
Representative:	None
Legal Notice:	To be allowed a waiver from the Town of Dedham Sign Code for two free-standing wayfaring signs, one at the drive-thru exit on Sawmill Lane and one at the entrance/exit on Milton Street.
Section of Sign Code:	<i>Town of Dedham Sign Code Section 237-18.E, Internal Illumination, and Table 2 Sign Dimensions and Location</i>

Start 8:09 p.m. The applicant did not come to the meeting. Mr. Aldous said that signs are badly needed. Two or three cars have tried to go in the exit on the drive-thru, which stops all the traffic in the area when they try to back up into the street. In addition, signage is needed at the in/out on Milton Street. People do not know where to go to get into the drive-thru. He said he is for anything that would improve signage. Mr. Jacobsen moved to table the hearing until September 21, 2016, seconded by Mr. Steeves, and voted unanimously 5-0.

Review of Minutes

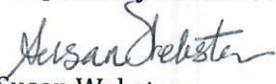
Mr. Jacobsen moved to approve the minutes of July 20, 2016, seconded by Mr. Steeves, and voted unanimously 5-0.

CHAPA

The Board was given the latest letter regarding Jefferson Station and its compliance with 40B. Mr. McGrail also has some letters and will bring them in for the files.

Mr. Jacobsen moved to adjourn, seconded by Mr. Steeves, and voted unanimously 5-0. The meeting concluded at 8:11 p.m.

Respectfully submitted,


Susan Webster
Administrative Assistant