Town of Dedham
COMMONWEALTH OF MASSACHUSETTS

Wednesday, November 20, 2024, 7:00 p.m.
Dedham Town Hall

Present: Scott Steeves, Chair
Sara Rosenthal, AIA, LEED AP, NCARB, Vice Chair
J. Gregory Jacobsen
Tom Ryan, Esq.
Matthew Gallagher
Norman Vigil, Esq., Associate Member
Theodore Coben, Associate Member

Staff: Jayson Schultz, Economic Development Planner
Kelli Leahy, Office Manager

Chair Steeves called the meeting to order at **7:00 p.m.** on the night of **Wednesday, November 20, 2024**.

93 Madison Street

Applicant:	Nancy Dunn
Project Address:	93 Madison Street
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District, Map 141/59.
Legal Notice:	Request for a modification of a previous Zoning Board of Appeals decision dated June 22, 2022 to remove the condition requiring landscaping to screen the left side addition.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Section 3.3.D, 4.3.2, 4.8, 9.2, 9.3, Table 1 and Table 2.

Homeowners Nancy and Robert Dunn were present on behalf of the application.

Ms. Dunn confirmed that, as mutually agreed upon, since their last appearance before the Board their property was surveyed, and the fence was moved.

Chair Steeves asked if there were any members of the public who wished to be heard on this application.

Virgina Sullivan, 99 Madison Street, inquired about whether there is a setback requirement for a compressor or AC unit. Chair Steeves confirmed that a structure such as a shed has a setback, however a compressor does not.

Ms. Sullivan commented that she appreciates the time Board members spend volunteering in to make Dedham a great place to live, however is disappointed with the outcome and the process. While the applicants moved their fence, there is still a limited amount of space on which she can plant landscaping to soften the view of the addition. After experiencing this process, she asked the ZBA to consider how abutters are affected when a petition such as this one is before them.

Andrew Sullivan, 99 Madison Street, commented that he appreciates the Board's efforts to help reach this compromise. Mr. Sullivan added that they purchased metal trellis and will soon purchase some kind of vine.

Member Jacobsen commented that all parties involved put in extra effort to devise a reasonable solution. Chair Steeves agreed, adding that he understands the process was difficult for both parties and appreciates their efforts in trying to find a compromise.

Upon a motion made by Member Jacobsen and duly seconded by Member Ryan, the Board voted in favor (5-0) to approve a modification of a previous Zoning Board of Appeals decision dated June 22, 2022 to remove the condition requiring landscaping to screen the left side addition.

A roll call vote was taken.

Scott Steeves – yes
Sara Rosenthal – yes
Gregory Jacobsen – yes
Thomas Ryan – yes
Matthew Gallagher – yes

The motion passed unanimously, 5-0.

79 Brookdale Avenue

Applicant:	Robin Trahon
Project Address:	79 Brookdale Avenue

Zoning District, Map/Lot:	General Residence B (GB) Zoning District, Map 94, Lot 22
Legal Notice:	Requests a Variance and/or Special Permit for a +/- 100 sq. ft. right side addition; proposed project would intensify and increase the pre-existing nonconforming right side yard setback (20 ft. required, 17.8 ft existing, 15.7 ft. proposed).
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 4.3, 9.2, 9.3, and Table 2

Homeowner Robin Trahon was present on behalf of the application. Ms. Trahon explained that, at its current dimension of approximately 7 feet X 14 feet, her existing kitchen is very small. She would like to construct an addition onto the two-season sun porch and move the kitchen to this location.

The home has a pre-existing nonconforming right-side yard setback which the addition would intensify and increase. Ms. Trahon is seeking relief to allow the addition and provide the square footage needed for the appliances and other kitchen items.

In response to a question from Associate Member Coben about the hardship she is experiencing that led to the request for zoning relief, Ms. Trahon replied that she has a small home and the only place for the addition and a new kitchen is on the sun porch.

Chair Steeves asked if there were any members of the public who wished to be heard on this application. There were none.

Upon a motion made by Member Jacobsen and duly seconded by Member Ryan, it was voted to approve the request for a Variance and/or Special Permit for a +/- 100 sq. ft. right side addition; proposed project would intensify and increase the pre-existing nonconforming right side yard setback (20 ft. required, 17.8 ft existing, 15.7 ft. proposed).

A roll call vote was taken.

Scott Steeves – yes
Sara Rosenthal – yes
Gregory Jacobsen – yes
Thomas Ryan – yes
Matthew Gallagher – yes

37 Tower Street

Applicant:	Nicole Moran

Project Address:	37 Tower Street
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District, Map 154/80.
Legal Notice:	Requests a Special Permit to allow the existing left side setback of 7.8 feet (10 feet required) for a proposed +/- 120 sq. ft. mudroom addition connecting the existing garage to the single-family dwelling.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 9.2, 9.3 and Table 2

Homeowner Nicole Moran was present on behalf of the application. Ms. Moran explained that she would like to construct a mudroom that would connect the home to the garage. While the structures will share a wall, the mudroom will not be connected to the garage with a door. The garage currently meets the side yard setback requirement for accessory structures (5 feet) but with the proposed connection to the home it now requires the setback distance for the principal structure (10 feet).

Member Jacobsen inquired why there is not a door proposed that would connect the mudroom to the garage. Ms. Moran replied that there is already a door leading into the garage from the backyard and she would like to add shelves at the end of the mudroom hall for boots, jackets, etc.

For the record, Chair Steeves confirmed that there were six signatures from neighbors in support of the application.

Chair Steeves asked if there were any members of the public who wished to be heard on the application. There were none.

Upon a motion made by Vice Chair Rosenthal and duly seconded by Member Gallagher, the ZBA voted to approve the request for a Special Permit to allow the existing left side setback of 7.8 feet (10 feet required) for a proposed +/- 120 sq. ft. mudroom addition connecting the existing garage to the single-family dwelling.

A roll call vote was taken.

Scott Steeves – yes
Sara Rosenthal – yes
Gregory Jacobsen – yes
Thomas Ryan – yes
Matthew Gallagher – yes

The motion passed unanimously, 5-0.

2025 ZBA Meeting Schedule

The Board reviewed the proposed 2025 meeting schedule. Vice Chair Rosenthal stated that the proposed February date falls on school vacation week and requested the meeting date be moved. It was agreed to move the meeting to Tuesday, February 25, 2025 at 7 p.m.

Meeting Minutes

Vice Chair Rosenthal abstained from voting on this agenda item.

Upon a motion made by Member Jacobsen and seconded by Member Ryan, the ZBA voted to approve the meeting minutes for the October 16, 2024 meeting.

A roll call vote was taken.

Scott Steeves – yes
Sara Rosenthal – abstain
Greg Jacobsen – yes
Tom Ryan – yes
Theodore Coben – yes

The motion passed unanimously, 4-0.

27 Myrtle Street

Applicant:	Fellowship Bible Church of Dedham, Inc.
Project Address:	27 Myrtle Street
Zoning District, Map/Lot:	General Residence (GB) Zoning District, Map 113/63.
Legal Notice:	Requests a Special Permit and/or Variance to subdivide an existing 23,552 square foot lot into two lots with Parcel A containing 5,491 square feet and a single family residential structure and Parcel B containing a church structure and educational building on 18,061 square feet in a General Residence Zoning District; a Variance for the existing single family residential structure to be located on Parcel A containing a total area of 5,491 square feet (7,500 square feet required); a Variance for the existing single family residential structure located on Parcel A to have a front yard setback of 13.6 feet (20 feet required), a right side setback of 7.7 feet (15 feet required), a left side setback of 12.4 feet (15 feet required), and a rear yard setback of 14.2 feet (25 feet required); and a Variance for the church educational building located

	on Parcel B to be allowed a left side setback of 4.23 feet (15 feet required) and a rear yard setback of 4.6 feet (25 feet required).
Section of Zoning Bylaw:	*Town of Dedham Zoning Bylaw Sections 3.3, 9.2, 9.3 and Table 2*

Attorney Keith Hampe, Paul Gusa, and Pastor Steven Johnson were present on behalf of the application.

Attorney Hampe explained that the Fellowship Bible Church owns a large parcel of land in the General Residence (GR) Zoning District that includes a church at 47 Milton Street, an educational center at 15 Myrtle Street, and a single-family residential property at 27 Myrtle Street. The applicant is proposing to subdivide the large parcel into two smaller parcels.

Parcel A will contain the 5,491 square foot residential property and Parcel B will contain the 18,601 square foot church building and educational center. Subdividing the parcel will provide the applicant with the ability to sell the residential property in the future should the financial need arise.

To do so, the applicant is requesting a Special Permit to subdivide the land. Attorney Hampe argued that the Board may approve this Special Permit request because the proposal is not detrimental to the neighborhood. There will be no social service, economic, traffic flow issues, any impact to public service, or the natural environment.

Because the existing single-family residence is on a nonconforming lot with a slope and unique topography, the applicant is also requesting dimensional Variances, which would be necessary should the applicant sell the residential property in the future. Attorney Hampe commented that, per the Dedham Zoning Bylaw, the Board may approve the Variance requests because the relief can be granted without a detriment to the public good or derogating from the intent of the bylaw. There are no changes proposed to the exterior of the property and there will be no detrimental impacts to the neighborhood or the abutters.

For the record, Attorney Hampe confirmed that there were no letters of opposition received.

In response to a question from Member Jacobsen, Attorney Hampe confirmed that Pastor Johnson currently resides in the single-family residence.

In response to a question from Member Gallagher, Attorney Hampe commented that the church was the first building on the property and the single-family residence was added later. Because the properties were owned by the same entity, the educational center was later constructed between the two buildings.

In response to a question from Associate Member Vigil, Pastor Johnson confirmed that, as the current resident, he can attest that approval of the requested Special Permit and Variances would not result in a residence that is out of character with the neighborhood.

Chair Steeves asked if there were any members of the public who wished to be heard on this application. There were none

Upon a motion made by Member Jacobsen and seconded by Vice Chair Rosenthal, the ZBA voted (5-0) to approve a Special Permit and/or Variance to subdivide an existing 23,552 square foot lot into two lots with Parcel A containing 5,491 square feet and a single family residential structure and Parcel B containing a church structure and educational building on 18,061 square feet in a General Residence Zoning District; a Variance for the existing single family residential structure to be located on Parcel A containing a total area of 5,491 square feet (7,500 square feet required); a Variance for the existing single family residential structure located on Parcel A to have a front yard setback of 13.6 feet (20 feet required), a right side setback of 7.7 feet (15 feet required), a left side setback of 12.4 feet (15 feet required), and a rear yard setback of 14.2 feet (25 feet required); and a Variance for the church educational building located on Parcel B to be allowed a left side setback of 4.23 feet (15 feet required) and a rear yard setback of 4.6 feet (25 feet required).

A roll call vote was taken.

Scott Steeves – yes
Sara Rosenthal – yes
Greg Jacobsen – yes
Tom Ryan – yes
Matthew Gallagher – yes

The motion passed unanimously, 5-0.

Applicant:	Lubomir and Irena Chitkushev
Project Address:	22 Lindale Avenue
Zoning District, Map/Lot:	General Residence (GR) Zoning District, Map 13/68.
Legal Notice:	Requests a Variance to allow a lot frontage of 68.03 feet (90 feet required) for proposed conversion of existing single-family dwelling to a two-family dwelling.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 9.2, 9.3 and Table 2

Attorney Keith Hampe and homeowners Lubomir and Irena Citkusev were present on behalf of the application.

The applicants purchased the single family residence in 2002 and 15 years ago turned the home into a rental property and moved out of Dedham. The applicants would like to return to Dedham and are proposing to convert the single-family into a two-family residence. They will live in the first floor apartment and rent the other unit, potentially to their daughter. The first floor unit has two bedrooms and the second floor unit has three bedrooms.

Attorney Hampe commented that because the property is in a General Residence (GR) Zoning District, it can be converted from a single-family to a two-family residence as of right, provided the frontage and lot area are in compliance with the Zoning Bylaw.

Attorney Hampe confirmed that the applicants meet the lot area requirement; however, because the lot was drawn in 1928 before the zoning bylaws were created, it only has 68.03 feet of frontage where 90 feet is required. He described the lot as 'porkchop' shaped that is larger in the back and tapers toward the front.

The applicant is requesting a Variance to allow a two-family residence on a parcel that has 68.3 square feet of frontage versus the required 90 square feet.

Attorney Hampe noted that Section 7.2 of the Dedham Zoning Bylaw addresses single-family to two-family residence conversion. There are three criteria the residence must meet for conversion approval: the house must be located on a lot with an area at least 50% larger than required for the construction of a single-family residence, there is no exterior enlargement made, and there is no exterior change made to alter the characteristics of the single-family residence.

The applicant's lot is 17,242 square feet where 16,500 square feet is required, and with the ingress and egress to the first floor unit in the rear of the property, because applicant is not proposing any enlargements or exterior changes that would be visible from the road, they are meet requirements for the

Attorney Hampe shared several photos of existing conditions with the Board. He confirmed that the driveway provides ample parking for the residents and is not detrimental to the neighborhood.

For the record, Chair Steeves confirmed there were eight signatures of support from neighbors.

The floor was opened for public comment.

Maureen Cooper, 25 Lindale Avenue, expressed her opposition to the proposal. She stated it is already a dense neighborhood and many of the residents rely on on-street parking. Ms. Cooper added that the conversion to a two-family home will change the 'flavor' of the neighborhood; the subject property has five bedrooms, and if all the

bedrooms are rented out, there could be a total of 10 residents, and it would increase the density and exacerbate the parking issue. Lastly, she expressed concern that an increase in on-street parking density could cause an issue with emergency vehicles or snow plows getting down the street.

Steve Cooper, 25 Lindale Avenue, expressed his opposition to the project. He is most interested in 'preserving the nature' of the neighborhood and would like to see a young family move into the home.

In the fifteen years the applicant has been renting the property, Mr. Cooper has not experienced any issues with the tenants; however, the tenants have not been young families. Mr. Cooper stated that it would be a good move by the Town to deny the application and preserve the character of the single-family neighborhood.

Marian McQuaid, 28 Lindale Avenue, expressed her opposition to the project. When she moved into her home 34 years ago, her next door neighbors were five young men. She commented it was not unusual to see them 'sitting on tar beach' on the roof, watching sports, and partying. When they moved, the neighborhood quieted down, the applicants moved in and were great neighbors.

Ms. McQuaid expressed concerns about parking, adding that between school buses and cut through traffic, Lindale is a busy street as it is. She thanked the Board for hearing her concerns and for their service to the Town by volunteering their time.

Attorney Hampe commented that he understands the neighbor's concerns. The property has been rented for the past 15 years and will be owner occupied when the applicants move back in. This goes a long way in ensuring that an appropriate tenant is selected that is a good fit for the residence and the neighborhood.

In response to parking concerns, Attorney Hampe confirmed there is a total of eight parking spaces for residents of the dwellings. This includes a driveway on the left of the lot that can park up to five cars, a garage that can park one car, and space on the right of the lot that can park two cars. He does not anticipate that one additional rental unit will be a detriment to the parking situation given the ample parking on the property.

Attorney Hampe added that the proposal is in keeping with the character of the neighborhood. The property is located in the GR zone, and there are many multi family homes in both the neighborhood and the GR zone as a whole. The property has much more land than other two and three family homes in the neighborhood.

In response to a question from Ms. Cooper, Attorney Hampe replied that the lower-level unit is a two bedroom, 900 square foot dwelling. He added that the lower level would be owner occupied, and their daughter may live next door.

In response to a question from Member Ryan, the neighbors confirmed that their primary concern is parking. The Board discussed the off-street parking situation on the property itself. Due to the topography of the road and the slope from Lindale Avenue into the back

of the back of the house, there is a French drain located at the bottom of the driveway. Any expansion of the driveway to create additional parking spaces would increase the impervious surface and could trigger the need for additional zoning relief. Vice Chair Rosenthal added that a more sophisticated stormwater management system may then be needed if impervious surface area is increased.

Chair Steeves and Member Ryan commented that there appears to be ample off-street parking.

In response to a question from Vice Chair Rosenthal, Attorney Hampe confirmed that the Building Commissioner has visited the property and signed off on the inspection.

Member Gallagher commented that he thinks this is a good project. There is ample off- and on-street parking, and it could be an opportunity for two young families looking for an affordable place to live.

Associate Member Vigil addressed the neighbors and stated that while he is not a voting member on this application, he is sympathetic to their preference that the neighborhood remain single family for a place where young couples can get their start. One challenge facing Dedham and the entire state is the rising home prices.

Upon a motion made by Member Gallagher and seconded by Member Jacobsen, the ZBA voted (5-0) to approve a Variance to allow a lot frontage of 68.03 feet (90 feet required) for proposed conversion of existing single-family dwelling to a two-family dwelling.

Adjournment

A motion was made by Member Jacobsen and seconded by Member Ryan to adjourn the meeting at 7:51 p.m.