Town of Dedham
COMMONWEALTH OF MASSACHUSETTS

Dedham Town Hall
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Dedham, MA 02026
Phone 781-751-9242

Planning Director
Jeremy Rosenberger

Senior Planner
Jayson Schultz

Wednesday, December 18, 2024, 7:00 p.m.
Dedham Town Hall

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

Regrets: Theodore Coben, Associate Member

Staff: Jayson Schultz, Senior Planner

Chair Steeves called the meeting to order at **7:00 p.m.** on the night of **Wednesday, December 18, 2024**.

929 Providence Highway

Applicant:	Lucy Dedham LLC
Zoning District, Map/Lot:	Research, Development & Office (RDO) Zoning District, Map/Lot 149-22
Legal Notice:	Request for a Special Permit to allow a drive-thru window for a proposed Just Salad restaurant.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 3.1, 9.2, 9.3, and Table 1.

Applicant was represented by Peter A. Zahka, II, Esq., of 21 Eastbrook Road, Dedham, MA. Also present at the meeting on behalf of Applicant was Andrew Marallo, Applicant's Director of Real Estate. The Applicant proposes to convert the former Santander Bank building (without enlargement of the floor area) into a "Just Salad"

restaurant with a drive-through facility. Just Salad is a fast-casual salad restaurant chain that was founded in 2006. Currently, there are over eighty (80) "Just Salad" restaurants located throughout New York, New Jersey, Connecticut, Florida, Illinois, Pennsylvania, and Massachusetts (including restaurants in the Needham, Burlington, and Boston). Just Salad primarily serves salads, but also offers soups, wraps and bowls. Applicant is a B-Corp certified company indicating that it is a for profit business that has met the highest standards for social and environmental performance, accountability, and transparency.

The proposed restaurant will have seating for 56 guests. In addition, the restaurant will be served by a drive-through. Pursuant to Table 1 ("Principal Use Regulation Table") of the Dedham Zoning By-Law, a "restaurant" is allowed as of right in an RDO District. Said Table 1 further provides that a "drive-through facility" is allowed in an RDO District upon issuance of a Special Permit by the ZBA.

Applicant respectfully submits that the requirements and criteria for the issuance of the requested Special Permits are satisfied and that after considering the criteria in Section 280-9.3.B of the Dedham Zoning By-Law, the adverse effects of Applicant's proposal do not outweigh its beneficial impacts to the town or neighborhood. At the outset, it is important to recognize that the restaurant is allowed as of right and that only the drive-through requires a Special Permit. As such, adverse effects, if any, of the proposal are likely to be a result of the restaurant and not necessarily from the drive-through. It is also noteworthy that a drive-through already exists at the building (the former bank having previously received special permit from the ZBA and Site Plan Approval from the Dedham Planning Board).

Applicant submits that the community needs are served by the Project as this project will allow the re-utilization of an existing but vacant building and will bring a new product to the Town. The drive-through will be a convenience for customers. Applicant further submits that inasmuch as this is a redevelopment of an existing fully developed site, there are adequate utilities and there is little, if any, impact of the natural environment.

Since the building already exists and has been used as two separate banks, there will be adequacy of utilities and other public services and impact on the natural environment are not issues. Traffic flow and safety, including parking and loading, are adequate, as there is an existing paved parking lot currently serving the Subject Property with three curb cuts. The Memorandum by Vanasse & Associates, Inc., submitted by Applicant concludes that the drive-through is appropriately designed to allow approximately eight (8) vehicles to queue without blocking parking spaces. Also, the project is submitted to the Dedham Planning Board for site plan review. Applicant will be submitting a traffic report with the application to the Planning Board.

Abutters Nora Costa of 38 Orchard Street, Catherine Milch and Michael Malamut of 30 Elm Street, Rina DeBenedictis of 50 Orchard Street, and Mary Chehwan of 32 Orchard Street appeared at the meeting and raised various concerns including traffic, trash and pests. Mollie Moran of 64 Dwight Street pointed out that use as a restaurant was allowed as of right in an RDO District, and that the only approval requested is for a drive-through. Applicant claims that the new restaurant will not result in any significant increase in

traffic, and that Applicant adequately and appropriately addresses trash or pests at all its locations.

Upon a motion made by Member Jacobsen and duly seconded by Member Ryan, the ZBA voted unanimously (5-0) to approve the issuance of Special Permits as required for a drive-through for a proposed restaurant at 929 Providence Highway, Dedham, MA, in the Research, Development and Office (RDO) Zoning District. In granting of said Special Permits, the ZBA finds that after consideration of the criteria in Section 280- 9.3.B of the Dedham Zoning By-Law, the adverse effects of Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood.

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.

61-63 Milton Street

Applicant:	Fabio Oliveira
Zoning District, Map/Lot:	General Residence (GR) and General Business (GB) Zoning Districts, Map/Lot 113-60
Legal Notice:	Requests for Variances and/or Special Permits to allow the existing lot frontage and lot width of 65 feet (90 feet required) and the existing lot area of 10,259 square feet (11,000 square feet required) to demolish existing +/- 2,500 square foot two-family dwelling and construct new +/- 6,000 square foot two-family dwelling.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 9.2, 9.3, and Table 2.

Ryan Boucher of PVI Site Design was present on behalf of the application. Mr. Boucher explained that the property owner would like to replace the current +/- 2,500 square foot two-family home with a new +/- 6,000 square foot home. The project has received a Stormwater Permit and has appeared before the Conservation Commission. Zoning relief is now required as the lot area, lot width, and lot frontage are short of the current requirements. Mr. Boucher noted that very few properties in the immediate vicinity meet these requirements, so the relief is not out of character with the neighborhood.

Member Jacobsen asked if the property is or will be owner occupied, and noted the building increase is rather large. Mr. Boucher answered that the owner does not currently live on site, nor does he plan to in the future. He also acknowledged the large increase in size but noted that larger units are desirable and that the area includes some of the outdoor areas and is not all living space.

Member Gallagher asked if any other zoning relief was required other than lot area, frontage and width. Mr. Boucher answered that there were not and in fact the existing nonconforming right side yard setback would be brought into compliance with the new construction.

Vice Chair Rosenthal asked how many cars could fit on site, and Mr. Boucher explained that each unit will have room for one car in the garage and one in the driveway.

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

Upon a motion made by Member Gallagher and duly seconded by Member Ryan, it was voted to approve the request for Variances and/or Special Permits to allow the existing lot frontage and lot width of 65 feet (90 feet required) and the existing lot area of 10,259 square feet (11,000 square feet required) to demolish existing +/- 2,500 square foot two-family dwelling and construct new +/- 6,000 square foot two-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.

14 Arbor Lane

Applicant:	Ransford Bawa
Zoning District, Map/Lot:	General Residence (GR) Zoning District, Map/Lot 24-65
Legal Notice:	Request for Special Permits to intensify the existing left side yard setback of 6.3 feet (10 feet required) and the existing front yard setback of 12.8 feet (20 feet required) for a proposed second story addition.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 9.2, 9.3, and Table 2.

Homeowner Ransford Bawa was present on behalf of the application. Mr. Bawa explained that he would like to add a second floor onto the home, which had previously been abandoned for many years. The project would not increase the footprint of the home and requires a Special Permit only for the pre-existing nonconforming front and left side setbacks.

In response to a question from Member Ryan, Mr. Bawa confirmed that the project would conform to all zoning regulations apart from the pre-existing setbacks.

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

Upon a motion made by Member Jacobsen and duly seconded by Member Rosenthal, it was voted to approve the request for Special Permits to intensify the existing left side yard setback of 6.3 feet (10 feet required) and the existing front yard setback of 12.8 feet (20 feet required) for a proposed second story 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.

50 Ardmore Road

Applicant:	Kevin Garabedian
Zoning District, Map/Lot:	General Residence (GR) Zoning District and Aquifer Protection Overlay District (APOD), Map/Lot 170-69
Legal Notice:	Request for Special Permits to intensify the existing left side yard setback of 2.8 feet (10 feet required) and the existing front yard setback of 10.4 feet (20 feet required) for a proposed second story addition.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 9.2, 9.3, and Table 2.

Architect David Giuliano was present on behalf of the application. Mr. Giuliano explained that the homeowners would like to add a second floor, increasing the +/- 850 square foot home with 2 bedrooms and 1 bathroom to +/- 1700 square feet with 3 bedrooms and 2.5 bathrooms. The project would not increase the footprint of the home and requires a Special Permit only for the pre-existing nonconforming front and left side setbacks. It was noted that letters of support were received from abutters at 51 Ardmore Road, 56 Ardmore Road and 87 Trenton Road. Mr. Giuliano stated that the project would bring the home into

compliance with modern the building code, fire code, and energy code, and the proposed size would keep the property in line with other homes in the neighborhood.

Vice Chair Rosenthal confirmed with Mr. Giuliano that the new left wall would have a one-hour fire rating where it is currently not. The abutting home at 46 Ardmore Road is over 40 feet away.

Chair Steeves asked if there were any members of the public who wished to be heard on this application. Al Moran of 46 Ardmore Road asked for clarification that the project would not expand the building footprint, which Mr. Giuliano confirmed.

Upon a motion made by Member Gallagher and duly seconded by Member Jacobsen, it was voted to approve the request for Special Permits to intensify the existing left side yard setback of 2.8 feet (10 feet required) and the existing front yard setback of 10.4 feet (20 feet required) for a proposed second story 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.

55 Norwell Road

Applicant:	Michael and Mary Forde
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District, Map/Lot 126-60.
Legal Notice:	Request for a Variance and/or Special Permit to allow a rear setback of 6.5 feet (20 feet required, 7 feet existing) for a proposed rear 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.

Architect Mollie Moran was present on behalf of the application. Ms. Moran explained that the applicants appeared before the Board in 2021 for a rear addition that would connect the existing garage to the home, adding a mudroom, a new entry, and a second story on the garage. At the time the relief requested was 7 feet from the rear property line (the existing conditions of the garage), but now the requested relief is for 6.5 feet as the project now requires structural piers so as not to interfere with the home's current infrastructure.

Chair Steeves asked if there were any questions from the Board, and there were none.

Chair Steeves asked if there were any members of the public who wished to be heard on this application, and 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 to allow a rear setback of 6.5 feet (20 feet required, 7 feet existing) for a proposed rear 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.

19 Cranberry Lane

Applicant:	Wendy Bryan
Zoning District, Map/Lot:	Single Residence B (SRB) Zoning District and Aquifer Protection Overlay District (APOD), Map/Lot 189-88.
Legal Notice:	Request for a Special Permit to allow an impervious lot area of 50.83% (25% maximum allowed, 38.56% existing) in an Aquifer Protection Overlay District for proposed pool deck and driveway expansions.
Section of Zoning Bylaw:	Town of Dedham Zoning Bylaw Sections 8.2, 9.2, and 9.3.

Homeowners Wendy and Phil Ryan were present on behalf of the application. Ms. Ryan explained that they are in the process of renovating the back pool deck as part of efforts to bring the pool area into compliance with current safety and drainage regulations, and in the process would like to increase the pool deck area. They would also like to pave a gravel area next to the front driveway to have extra off-street parking since there are currently five adults living in the home. The project would increase the property's total impervious area by about 12%.

Member Gallagher asked if the project is complete, and Ms. Ryan answered that the project had been started but has been paused by the Building Department until the Board grants the Special Permit which they previously had not realized they needed.

Member Ryan asked for confirmation that the 12% increase included both the pool deck and driveway expansions, which Ms. Ryan confirmed.

Chair Steeves asked if there were any members of the public who wished to be heard on this application. Karen Rella of 18 Cranberry Lane expressed support for the application.

Upon a motion made by Member Ryan and duly seconded by Member Jacobsen, it was voted to approve the request for a Special Permit to allow an impervious lot area of 50.83% (25% maximum allowed, 38.56% existing) in an Aquifer Protection Overlay District for proposed pool deck and driveway expansions.

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.

Meeting Minutes

A motion was made by Vice Chair Rosenthal and seconded by Member Jacobsen to approve the meeting minutes for November 20, 2024. A roll call vote was taken, and the motion passed unanimously, 5-0.

Adjournment

A motion was made by Member Jacobsen and seconded by Vice Chair Rosenthal to adjourn the meeting at 8:20 p.m.