

*Law Offices of*  
**PETER A. ZAHKA, II, P.C.**

**12 School Street  
Dedham Square  
Dedham, MA 02026**

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Peter@ZahkaLaw.com**

July 23, 2018

Dedham Building Department  
Town Office Building  
26 Bryant Street  
Dedham, MA 02026

Re: Frank Gobbi  
530 Providence Highway, Dedham, MA

Dear Building Department:

Please be advised that the Zoning Board of Appeals Decision and the Town Clerk's Certificate of No Appeals relative to the above-referenced matter were filed on this same date with the Land Registration Office of Norfolk County as Document No. 1404816. Enclosed herewith is a copy of the Decision and Certificate as well as a copy of the receipt for said filing.

Very truly yours,



Peter A. Zahka, II

PAZ/cs

Enc.

cc: Dedham Zoning Board of Appeals



R E C E I P T  
Printed: July 23, 2018 @ 11:43:54  
Norfolk County Land Court  
William P O'Donnell

Trans#: 160406      Oper: GLUBIN

Doc#: 1404816  
Ct1#: 604    Rec: 7-23-2018 @ 11:43:51a  
DEDH

DOC	DESCRIPTION	TRANS AMT
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	1 GOBBI, JR., FRANK N.	
	DECISION	
	20.00 Surcharge	20.00
	30.00 LC Rec fee	30.00
	5.00 Tech. Surcharge	5.00
	20.00 State Increase	20.00
		-----
	Total fees:	75.00
	*** Total charges:	75.00
	CHECK PM 10170	75.00

RECEIVED

TOWN OF DEDHAM  
COMMONWEALTH OF MASSACHUSETTS

2018 JUN 27 AM 11:13

ZONING BOARD OF APPEALS



TOWN OF DEDHAM  
CLERKS OFFICE

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)

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.

Associate Members

Jared F. Nokes, J.D.

DECISION

Applicant/Owner	Frank Gobbi, P.O. Box 220, Westwood, MA
Property Address	530 Providence Highway, Dedham, MA
Zoning District	Highway Business
Map and Lot	108/104
Representative	Peter A. Zahka II, Esq., 12 School Street, Dedham, MA Frank Gobbi, owner
Legal Notice	To be allowed such Special Permits or variances as may be necessary or proper for construction and maintenance of retaining walls with a height in excess of four (4) feet (Note: Special Permit was granted on the same request in Case #VAR-06-14-1856 in July 2014, but same has lapsed).
Section of Zoning Bylaw	<i>Town of Dedham Zoning Bylaw Sections 6.5.2 and 9.3</i>
Date of Application	May 14, 2018
Date of Public Hearing	June 20, 2018
Date of Decision	June 20, 2018
Vote	5-0, unanimously approved
Voting Members	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jason L. Mammone, P.E.
Date Filed With Town Clerk	June 27, 2018

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on June 20, 2018, commencing at 7:00 p.m. in the Town Office Building, Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED

AP®, and Jason L. Mammone, P.E. These hearings and meeting of the ZBA were duly advertised in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:05 p.m. the Chairman called for the hearing on the appeal of Frank Gobbi to be allowed such special permits or variances as may be necessary or proper for construction and maintenance of retaining walls with a height in excess of four (4) feet (Note: In July 2014, a special permit was granted on the same request in Case #VAR-06-14-1856 but the same has lapsed). The property is located at 530 Providence Highway in the Highway Business (HB) Zoning District. *Town of Dedham Zoning Bylaw Sections 6.5.2 and 9.3*

The Applicant was represented by Peter A. Zahka, II, Esq., 12 School Street, Dedham, MA. Also present was Applicant Frank Gobbi. With the application, Attorney Zahka had submitted a parking plan of the Subject Property, a plot plan of the Subject Property, and photographs of the existing building and parking lot. The transcript from the hearing is the primary source of evidence and is incorporated herein by reference.

The Subject Property, known and numbered as 530 Providence Highway and shown on Dedham Assessor's Map 108, Lot 104, is owned by Applicant Frank Gobbi. The Subject Property contains approximately 1.4 acres of land, has over 470 feet of frontage on Providence Highway, over 300 feet of frontage on Eastern Avenue and over 340 feet of frontage on Mah Way. The Subject Property is occupied by an existing two-story commercial (retail) building with a floor area of approximately 43,600 square feet. According the Zoning Map for the Town of Dedham, the Subject Property is located in the Highway Business (HB) Zoning District. According to the Town of Dedham Assessors records, the building was constructed in 1965.

A parking plan for the Subject Property was approved by the Dedham Planning Board on or about March 5, 1997. As depicted on said parking plan, the Subject Property is served by a parking lot with 188 parking spaces. There is a significant grade differential of approximately 12 feet between the parking lot and Mah Way and the lower parking lot on Eastern Avenue. Currently, this grade consists of sloped asphalt.

The Applicant proposes to replace the sloped asphalt with retaining walls. The proposed retaining walls will have a maximum height of 14 feet (measured from the base of the wall). The



Applicant views the sloping grade as a potential safety hazard and as unsightly. The slope has also become a nuisance resulting from children using the slope as a launch ramp for their bikes and skateboards. Furthermore, the proposed retaining walls may allow the Applicant to raise the grade of the parking lot on Providence Highway so that the store fronts are “at grade.”

Section 6.5.2 (“Retaining Walls”) of the Dedham Zoning By-Law provides that “no retaining wall more than four (4) feet in height shall be erected or constructed without first obtaining a Special Permit from the Board of Appeals.” In 2014, the Applicant requested and was granted such a special permit (See Dedham ZBA Case #VAR-06-14-1856). Inasmuch as construction pursuant to said special permit did not begin within 24 months of its issuance, the same lapsed. Accordingly, the Applicant is required to obtain a new special permit.

Section 9.3.2 of the Dedham Zoning By-Law provides that when acting upon requests for Special Permits, the ZBA must determine that the “adverse effects of the proposed use will not outweigh its beneficial impacts “after consideration of the six (6) enumerated factors set forth in said Section. Applicant respectfully submits it satisfies the above stated requirements and criteria for the issuance of the requested special permit. Specifically, the beneficial impacts of Applicant’s proposal outweigh any adverse effects and the proposed change is not substantially more detrimental to the neighborhood than the previous use. With the proposed retaining walls, the parking lot will be aesthetically improved and the “attractive nuisance” will be eliminated. In addition, if the Applicant eventually raises the grade of the parking lot the store fronts will be more easily accessible by handicapped and elderly persons. The proposed use is consistent with these other uses and is not anticipated to generate more traffic or increase the parking demand (compared to an as of right retail user).

No one appeared in favor or in opposition to the requested relief.

Upon motion being duly made by Jason L. Mammone, P.E., and seconded by J. Gregory Jacobsen, the ZBA voted unanimously (5-0) to grant a special permit for retaining walls up to fourteen (14) feet in height at 530 Providence Highway in the Highway Business (HB) Zoning District. In granting of said special permits, the ZBA finds that, after consideration of the criteria in Section 9.3.2 of the Dedham Zoning By-Law, the adverse effects

of the Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood. The Board asked the applicant to be attentive to shoveling the sidewalks around his property in the winter months. The sidewalk, which is in a very high traffic area, is used frequently by children going to school, and they have needed to walk in the street to get to school. Mr. Gobbi agreed to shovel it.

In accordance with MGL Chapter 40A, Section 11, no special permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that an appeal has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County.

Date: June 20, 2018

Attest by the Zoning Board of Appeals:

James F. McGrail  
James F. McGrail, Esq., Chair

J. Gregory Jacobsen  
J. Gregory Jacobsen, Vice Chair

Scott M. Steeves  
Scott M. Steeves

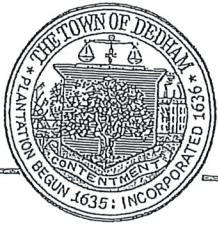
E. Patrick Maguire  
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®

Jason L. Mammone  
Jason L. Mammone, P.E.

Attest by the Administrative Assistant:

Susan Webster  
Susan Webster

A True Copy Attest  
Paul M. Munchbach  
Town Clerk



# The TOWN OF DEDHAM

Commonwealth of Massachusetts

Paul M. Munchbach  
Town Clerk

DATE: July 20, 2018

To Whom It May Concern:

Please be advised that more than twenty (20) days have elapsed since the filing

Of the decision granted to: Francis N. Gobbi  
530 Providence Highway, Dedham MA 02026

By the Board of Appeals. Said decision was filed on: June 27, 2018

No appeal of this decision has been filed:

Yours truly,

*Paul M. Munchbach*

Paul M. Munchbach

Town Clerk



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

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