

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

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Jared F. Nokes, J.D.

DECISION

Applicant/Owner	Dedham Marketplace, LLC
Property Address	95 Eastern Avenue/600 Providence Highway, Dedham, MA
Zoning District	HB and FPOD
Map and Lot	123/16, and 123/22
Representative	<ul style="list-style-type: none">• Peter A. Zahka, II, Esq., 12 School Street, Dedham, MA• David Johnson, Project Engineer, of Norwood Engineering Co., Inc.
Legal Notice	The applicants seek to be allowed a special permit to regrade, repave, add drainage structures, landscape, and perform other work in a parking lot located in the Flood Plain Overlay District (FPOD)
Section of Zoning Bylaw	<i>Town of Dedham Zoning By-Law Sections 8.1, 9.2, and 9.3.</i>
Date of Application	June 19, 2018
Date of Public Hearing	July 18, 2018
Date of Decision	July 30, 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	July 30, 2018

The Zoning Board of Appeals (“ZBA”) of the Town of Dedham, Massachusetts, held public hearings on July 18, 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, LEED AP, and Jason L.

*Town of Dedham Zoning Board of Appeals
Decision: July 18, 2018
Dedham Marketplace, LLC
95 Eastern Avenue/600 Providence Highway,
Dedham, MA*

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 7:25 p.m. the Chairman called for the hearing on the appeal of Dedham Marketplace, LLC, to be allowed a special permit to regrade, repave, add drainage structures, landscape, and perform other work in a parking lot located in the Flood Plain Overlay District (FPOD). The property is located at 95 Eastern Avenue/600 Providence Highway, Dedham, MA, in the Highway Business (HB) Zoning District and in the FPOD. *Town of Dedham Zoning By-Law Sections 8.1, 9.2, and 9.3.*

The Applicant was represented by Peter A. Zahka, II, Esq., 12 School Street, Dedham, MA. Also present on behalf of the Applicant was David Johnson, Project Engineer, of Norwood Engineering Co., Inc. With the Application, Attorney Zahka submitted a certified plot plan (which depicted the proposed grading and flood zone analysis) and photographs of the existing conditions. The transcript from the hearing is the primary source of evidence and is incorporated herein by reference.

The Subject Property, known and numbered as 95 Eastern Avenue/600 Providence Highway, and shown on Dedham Assessor's Map 123, Lot 16, and Map 123, Lot 22, is owned by Applicant Dedham Marketplace, LLC. The Subject Property contains over 11 acres of land and has over 220 feet of frontage on Providence Highway and over 320 feet of frontage on Eastern Avenue. The Subject Property is fully developed and is occupied by two multi-tenanted buildings and the parking lot serving the same. According to the Zoning Map for the Town of Dedham, the Subject Property is located in the Highway Business (HB) Zoning District and the Flood Plain Overlay District (FPOD).

The parking lot at the Subject Property is in need of significant maintenance and repairs. In addition, Applicant desires to upgrade and improve the parking lot by removing pavement and installing additional landscaping. The proposed work is limited to the parking lot and does not involve any work to the buildings. Applicant states that the Project was presented to the Planning Board and was well received.

Most of the parking lot at the Subject Property is located in the FPOD. As noted, Applicant proposes to regrade, repave, add drainage structures, landscape, and perform other work in a

*Town of Dedham Zoning Board of Appeals
Decision: July 18, 2018
Dedham Marketplace, LLC
95 Eastern Avenue / 600 Providence Highway,
Dedham, MA*

parking lot (and in the FPOD). Section 8.1.5 of the Dedham Zoning By-Law provides that any work in the FPOD requires a special permit from the ZBA. In addition to requirements and criteria of Section 8.1 of the Dedham Zoning By-Law for work in the FPOD, 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 that it satisfies the requirements and criteria for issuance of the requested special permit. Specifically, the adverse effects of the proposal will not outweigh its beneficial impacts. The parking lot currently exists and the proposed work will allow the same to be maintained, upgraded and improved. None of the structures are utilized for residential purposes. There will be no expansion or additions to the existing buildings. During the hearing, Applicant’s engineer provided details on the grading and other work will be performed and explained how the proposal complied with the volumetric flood compensation and other requirements of the Dedham Zoning By-Law. In addition, Applicant noted that the proposed work has been reviewed and approved by the Dedham Conservation Commission.

No one appeared in favor or in opposition to this application.

Upon motion being duly made and seconded, the ZBA voted unanimously (5-0) to grant a special permit to regrade, repave, add drainage structures, landscape, and perform other work in the parking lot at 95 Eastern Avenue/600 Providence Highway in the Flood Plain Overlay District. In granting said special permit, the ZBA finds that, after consideration of the criteria in Section 9.3.2 of the Dedham Zoning By-Law, the adverse effects of Applicant’s proposal will not outweigh its beneficial impacts on the Town and neighborhood. The ZBA also finds that the proposal satisfies the requirements and criteria under Section 8.1 of the Dedham Zoning By-Law for work in the FPOD.

Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no appeal has been filed and that 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

*Town of Dedham Zoning Board of Appeals
Decision: July 18, 2018
Dedham Marketplace, LLC
95 Eastern Avenue / 600 Providence Highway,
Dedham, MA*

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.

Dated: July 30, 2018

Chairman James F. McGrail, Esq.

J. Gregory Jacobsen

Scott M. Steeves

E. Patrick Maguire, LEED AP

Jason L. Mammone, P.E.