

TOWN OF DEDHAM  
COMMONWEALTH OF MASSACHUSETTS

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ZONING BOARD OF APPEALS

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Associate Members

Jared F. Nokes, J.D.  
George Panagopoulos

DECISION

<b>Applicant/Owner</b>	Collis, LLC, Manager Greg Carlevale
<b>Property Address</b>	219 Lowder Street, Dedham, MA 02026
<b>Zoning District</b>	Single Residence B (SRB) and the Aquifer Protection Overlay (APO)
<b>Map and Lot</b>	Map 89, Lot 37
<b>Representative</b>	Peter A. Zahka, II, Esq. 12 School Street, Dedham, MA 02026
<b>Legal Notice</b>	The Zoning Board of Appeals for the Town of Dedham, Massachusetts, will hold a public hearing in the Lower Conference Room of the Town Office Building, 26 Bryant Street, Dedham, MA at 7:00 p.m., Wednesday, <b>January 16, 2019</b> , on the petition of <b>219 Lowder Street, Dedham, MA</b> . The Applicant, Collis, LLC, of 242 Lowder Street, Dedham, MA, seeks to be allowed Special Permits for re- taining walls in excess of four feet in height (ten feet pro- posed) and for impervious surface in excess of 25% (27% proposed) at the property.
<b>Section of Zoning Bylaw</b>	<i>Dedham Zoning By-Law Sections 6.5.2; 8.2; 9.2; 9.3.</i>
<b>Date of Application</b>	December 19, 2018
<b>Date of Public Hearing</b>	January 16, 2019
<b>Date of Decision</b>	January 16, 2019
<b>Vote</b>	Unanimous, 4-0
<b>Voting Members</b>	James F. McGrail, Esq., Chairman, Scott M. Steeves, and Jason L. Mammone, P.E., Associate Member George Panagopoulos
<b>Date Filed With Town Clerk</b>	January 30, 2019

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on January 16, 2019, commencing at 7:00 p.m. in the Town Office Building, Bryant

Street, Dedham, MA. Present were members of the ZBA, James F. McGrail, Esq., Chairman, Scott M. Steeves, and Jason L. Mammone, P.E. In the absence of Members Gregory Jacobson and E. Patrick Maguire, the Chairman appointed Associate Member George Panagopoulos to sit on these hearings. These hearings and meeting of the ZBA were duly advertised in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:20 p.m. the Chairman called for the hearing on the appeal of Collis, LLC to be allowed Special Permits for retaining walls in excess of four feet in height (ten feet proposed) and for impervious surface in excess of 25% (27% proposed) at the property. The property is located at 219 Lowder Street, Dedham, MA, in the Single Residence B (SRB) and Aquifer Protection Overlay Zoning Districts. *Dedham Zoning By-Law Sections 6.5.2; 8.2; 9.2; 9.3.*

The Applicant was represented by Peter A. Zahka, II, Esq., 12 School Street, Dedham, MA. Also present on behalf of Applicant was Greg Carlevalle, Manager of Collis, LLC, and Scott Henderson, Project Engineer. With the Application, Attorney Zahka had submitted a certified plot plan (which depicted the existing conditions and the proposed conditions and site), photos of the existing conditions, and architectural renderings of the proposed buildings. The transcript from the hearing is the primary source of evidence and is incorporated herein by reference.

The Subject Property is known and numbered as 219 Lowder Street, Dedham, MA (hereinafter referred to as the "Subject Property"), and is shown on the Dedham Board of Assessors Map 89, Lot 37. The Subject Property has a land area of approximately 64,864 square feet with over 276 feet of frontage of Lowder Street and over 301 feet of frontage on Wampatuck Road. This lot is currently occupied by a single-family dwelling. Per the records maintain by the Dedham Board of Assessor's this dwelling has a gross area of 9,767 sf and a living area of 4,423 sf. According to the Zoning Map for the Town of Dedham, the Subject Property is located in the Single Residence B (SRB) and Aquifer Protection Overlay (APO) Zoning District.

Applicant proposes to demolish the existing single-family dwelling and to construct a Planned Residential Development (PRD) consisting of a single building containing seven (7)

residential dwelling units. The Project is conceived for local residents who desire to downsize from a larger house yet remain in their familiar neighborhood. The architectural style, design elements, and site plan are conceived to respect and effectively respond to its siting in an established neighborhood of stately single-family homes. The building is styled to appear as a grand Shingle Style "cottage". All of the single-level condominium units will have 2-bedrooms and will range in size from approximately 1,750 square feet to 2,200 square feet. There will be a total of 21 parking spaces serving the building with 17 parking spaces located in a basement garage.

Section 7.1 of the Dedham Zoning By-Law sets forth a three-step process for approval of a PRD: (1) Comprehensive Concept Plan review and recommendation to Town Meeting by the Planning Board; (2) Approval of the Comprehensive Concept Plan by Town Meeting; and (3) Review and approval of a Detailed Site Development Plan by the Planning Board. Applicant and the Project have already satisfied steps (1) and (2). The Planning Board held public hearings on the Comprehensive Concept Plan. It is noteworthy that at the public hearings the vast majority of the abutters supported the PRD and offered extensive testimony (both in person and in writing) that the proposed PRD best fits into the existing neighborhood and is preferred over the potential development of the Subject Property into single family house lots. It is also noteworthy that in addition to review by the Planning Board, the Project was reviewed by the Town Planner and a third-party peer reviewer. Subsequently, the Planning Board unanimously voted to recommend approval of the Comprehensive Concept Plan to the Town Meeting. At the November 26, 2018 (Fall) Town Meeting, the Comprehensive Concept Plan was approved by Town Meeting.

The third step in the process (approval of a Detailed Site Development Plan) is well underway. Applicant has submitted the necessary application and supporting plans and related material to the Planning Board. The application and plans have been reviewed by a third-party peer reviewer and the public hearing on the same has been scheduled.

Both the Comprehensive Concept Plan and the Detailed Site Development Plan depict retaining walls in excess of four (4) feet in height and an impervious surface in excess of 25%. As noted above, there is a parking garage under the proposed building. In order to accommodate the driveway entrance to this garage retaining walls of heights of up to 10 feet are required. For the most part, these retaining walls are well screened and are barely visible from

off-site. The impervious surface is approximately 27% due to the size of the proposed building and the driveway serving the same. It is noteworthy that to minimize the impervious surface most of the patios and landscape walks are pervious construction.

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.” Section 8.25 of the Dedham Zoning By-Law provides that residential developments with an impervious area of up to 25% are allowed in the APO District as a matter of right. Section 8.2.7 of the Dedham Zoning By-Law authorizes the ZBA to grant Special Permits for residential developments in the APO District with impervious area in excess of 25%. In addition, 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 requirements and criteria for the issuance of the requested Special Permits. There is no adverse impact to the Town or the neighborhood. As stated above, this Project and plans (with the aforesaid retaining walls and impervious) have been well supported by the abutters and approved by Town Meeting. The retaining walls and impervious surfaces are well screened from abutting properties. Neither the retaining walls nor the impervious surfaces will have any negative impact on traffic flow or safety. In addition, the Project is subject to review and approval of a Stormwater Management Permit by the Dedham Conservation Commission. It is submitted that the proposed stormwater management submitted will more than satisfy the purposes of the APO District regulations, and will result in a much improved drainage than currently exists.

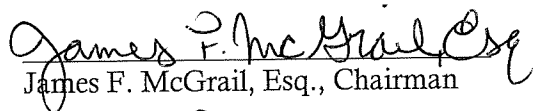
No one appeared in support or opposition to the requested relief.

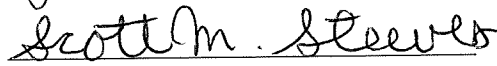
Upon motion being duly made and seconded, the ZBA voted unanimously (4-0) to grant the requested Special Permits for retaining walls in excess of four feet in height (with a maximum height of ten feet) and for impervious surface in excess of 25% (maximum of 27%) at 219 Lowder Street, Dedham, MA, in the SRB and APO Zoning Districts. In granting said Special Permits, the ZBA finds that, after consideration of the criteria in Section 9.3.2 of the

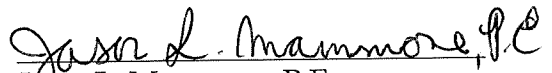
Dedham Zoning By-Law, the adverse effects of Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood.

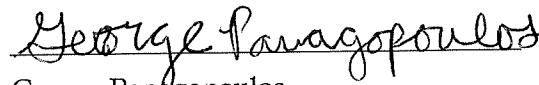
Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no Special Permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has 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.

Dated: January 30, 2019

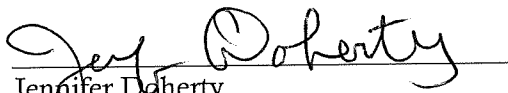
  
James F. McGrail, Esq., Chairman

  
Scott M. Steeves

  
Jason L. Mammone, P.E.

  
George Panagopoulos

Attested to by Administrative Assistant

  
Jennifer Doherty