

James F. McGrail, Esq., Chairman  
J. Gregory Jacobsen, Vice Chairman  
Scott M. Steeves  
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®  
Jason L. Mammone, P.E.

Jessica L. Porter, Associate Member  
Jared F. Nokes, J.D., Associate Member



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**TOWN OF DEDHAM  
ZONING BOARD OF APPEALS  
DECISION**



**Applicant:** Town of Dedham  
**Property Address:** Colburn Street Dam, near 171 Bussey Street, adjacent to Condon Park, Dedham, MA  
**Property Owner:** Town of Dedham  
**Property Owner Address:** 55 River Street, Dedham, MA  
**Applicant Representative:** Jason L. Mammone, P.E., Director of Engineering, Town of Dedham, 55 River Street, Dedham, MA

**Legal Notice:** The applicant seeks to be allowed a Special Permit for work within the Flood Plain Overlay District for rehabilitation of the Colburn Street Dam

**Section of Zoning Bylaw:** *Town of Dedham Zoning Bylaw Section 8.1.5, Flood Plain Overlay District Procedures, Section 8.1.9f, Permitted Uses*

**Zoning District, Map and Lot:** Limited Manufacturing, 96/109  
**Date of Application:** November 18, 2016  
**Date of Public Hearing:** December 14, 2016  
**Date of Decision:** December 14, 2016  
**Vote:** Approved unanimously, 4-0  
**Voting Members:** J. Gregory Jacobsen, Scott M. Steeves, Jessica L. Porter, Jared F. Nokes, J.D.

**Date Filed with Town Clerk:** **December 29, 2016**

The Zoning Board of Appeals (“ZBA”) of the Town of Dedham, Massachusetts held a public hearing on Wednesday, December 14, 2016, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, J. Gregory Jacobsen, Vice Chairman, and Scott M. Steeves. Member Jason L. Mammone, P.E. recused himself from participation or vote in this hearing because he was representing the Applicant. In the absence of Chairman James F. McGrail,

Esq., Vice Chairman J. Gregory Jacobsen assumed the Chair. He then appointed Associate Member Jared F. Nokes, J.D., to sit in Mr. McGrail's stead. In the absence of Member Jason L. Mammone, P.E., Acting Chairman Jacobsen appointed Associate Member Jessica L. Porter to sit in his stead. Mr. Mammone was informed that, since the Board consisted of only four voting members, he would need a unanimous vote for approval. Mr. Mammone understood and requested to proceed.

The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11 and the Town of Dedham Zoning Bylaw. Legal ads were placed for two consecutive weeks in *The Dedham Times*. In addition, abutters within 300 feet of the property in question received notification of the hearings, and notification regarding each hearing was sent to the neighboring towns (Boston, Needham, Canton, and Westwood).

At 7:07 p.m., the Chairman called for the hearing on the petition of the Town of Dedham, 55 River Street, Dedham, MA, to be allowed a Special Permit for work within the Flood Plain Overlay District for rehabilitation of the Colburn Street Dam. The property is located near 171 Bussey Street, adjacent to Condon Park, Dedham, MA. *Town of Dedham Zoning Bylaw Section 8.1.5, Flood Plain Overlay District Procedures, Section 8.1.9f, Permitted Uses*

The Applicant was represented by Jason L. Mammone, P.E., Director of Engineering for the Town of Dedham. The Applicant had submitted an Application for a Special Permit on November 18, 2016. This included:

- Zoning Board of Appeals application
- Photographs of the Colburn Street Dam
- Photographs of the southern and eastern views of the upstream face from Colburn Street
- Spillway Detail
- Photograph of the downstream face with voids between stones
- Site Plan of Colburn Street Dam Rehabilitation, prepared by Dewberry Engineers, Inc., 280 Summer Street, 10<sup>th</sup> Floor, Boston, MA 02210
- Plan of Typical Sections and Details, prepared by Dewberry Engineers, Inc.

The minutes from the hearing are the primary source of evidence and is incorporated herein by reference. At the hearing, the Applicant was afforded an opportunity to make a full presentation.



The Subject Property, known as the Colburn Street Dam, is shown near Dedham Assessors Map 96/109 (171 Bussey Street), and adjacent to Condon Park near the crossing of Bussey Street over Mother Brook. It is over 100 years old. The Subject Property is located in the Limited Manufacturing zoning district.

The Department of Engineering is seeking a Special Permit for work within the Flood Plain Overlay District to repair the 100+ year old Colburn Street Dam, which has had very little rehabilitation in its life. Recently they have discovered that there is some weeping going through it. To mitigate future problems, the Engineering Department will excavate the material behind the dam to expose the fitting behind it, and shotcrete the whole back to give it a structural backbone and to fill any voids behind the wall. In the front, it will be chinked and pressure grouted so the voids can be filled in the front. A new Stop Log system will be added, and improve the downstream riverbed with riprap control to prevent scour that is presently there. The scour is so bad that it is 3-4 feet deep in front, but it is getting close to the bottom of the dam face; if there is a tear in the front, there is a potential overflow. They would have to replace the soil so there will be more stability in front. Large riprap will go in the front. Crushed stone is the small stuff, and riprap is the larger stuff. In order to accomplish all this, a Special Permit is needed for work in the Flood Plain Overlay District. It is hoped that the work will start in June/July 2017 and end in October/November 2017.

Ms. Porter asked if they had to do anything special because the work is in the Flood Plain Overlay District. Mr. Mammone said it does not change anything, but there is a lot of permitting because they are within that zone.

On a motion made by Scott M. Steeves and seconded by Jessica A. Porter, the Zoning Board of Appeals voted unanimously, 4-0, to be allowed a Special Permit for work within the Flood Plain Overlay District for rehabilitation of the Colburn Street Dam.

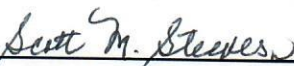
In granting of said special permit and variance, the ZBA finds that the Applicant has satisfied the conditions of Section of the Dedham Zoning By-Law. In addition, the ZBA finds that the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood and will not be substantially more detrimental to the neighborhood.

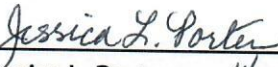
The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no special permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal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

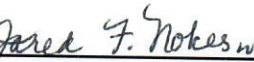
Date: December 14, 2016

Attest by the Zoning Board of Appeals:

  
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J. Gregory Jacobsen, Vice Chairman

  
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Scott M. Steeves

  
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Jessica L. Porter

  
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Jared F. Nokes, J.D.

Attest by the Administrative Assistant:

  
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Susan N. Webster