

**PLANNING BOARD**

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**CERTIFICATE OF ACTION**

**APPLICATION FOR MINOR SITE PLAN REVIEW**



**APPLICANT:** Donovan Electric  
**PROPERTY:** 127 Milton Street  
**PROPERTY OWNER:** Edward J. and Ellen M. Donovan  
**OWNER'S ADDRESS:** 127 Milton Street, Dedham, MA  
**PROJECT:** Minor Site Plan Review  
**DATE:** January 26, 2017

**PROJECT SUMMARY**

Edward Donovan, co-owner of 127 Milton Street, (hereinafter referral to as "Applicant"), submitted a request for minor site plan review to add a garage to this property to store vehicles and electrical supplies as part of their electrical business.

**BACKGROUND & FACTS:**

1. The applicant was represented by himself and Richard Volkin, P.E.
2. According to the Town of Dedham zoning map, the majority of the subject property is partially located in the Limited Manufacturing A zoning district and a General Residence zone.
3. The subject property contains 16,917 square feet of property.
4. The site is rectangular in shape and fronts on Milton Street.
5. In conjunction therewith, the applicant submitted the following to the Planning Board:
  - a. Site Plan Review Application dated September 27, 2017
  - b. Site Plan prepared by Neponset Valley Survey Association, Inc., Quincy MA 02269 dated September 20, 2016, revised through January 17, 2017

- c. Garage Plans prepared by Homestyle Designs dated June 30, 2016.
6. The Planning Director submitted written analyses dated October 20, 2016.
7. The Planning Board reviewed and considered the "Application for Minor Site Plan Review" at its regularly scheduled meetings on October 27, 2016 and January 26, 2017.
8. Present at the meeting on this matter were Planning Board Members Michael A. Podolski, Esq., Chairman, John R. Bethoney, Vice Chairman, Robert D. Aldous, Clerk, Ralph I. Steeves, and James E. O'Brien IV. Also present at the meeting on behalf of the Planning Board was Planning Director Richard J. McCarthy, Jr.

**WAIVER REQUESTS:**

1. A **WAIVER** from the Zoning Bylaws Section 5.1.4 **Required Parking Spaces**

Donovan Electric has operated out of the single family home located at 127 Milton Street for many years. The Donovans no longer live at 127 Milton Street, but still operate the electrical business out of this location. The parking requirement of the single family home as an office requires 7 parking spaces. The garage to be constructed requires 4 parking spaces under this section. The operation of the electrical business does not require 11 parking spaces because the public does not come to the property, and employees go directly to various job sites. Therefore, the Planning Board finds that granting this waiver to 6 parking spaces is not against the purpose and intent of the Zoning Bylaw, and further finds that granting this waiver is not against the public interest.

2. **WAIVER** from the Zoning Bylaws Section **5.1.8. Construction Standards**

The new garage will be constructed just off the existing asphalt. Depending upon the extent of construction, the existing paving may not meet the 3.5 inch thickness requirement and may be left in that condition. However, if the construction ruins the existing pavement, then new pavement shall need to be installed. Therefore, in the event the pavement stays in good condition, the Planning Board finds that granting this waiver is not against the purpose and intent of the Zoning Bylaw, and further finds that granting this waiver is not against the public interest.

3. **WAIVER** from the Zoning Bylaws Section **5.2.2.3 Perimeter**

The existing driveway is located only 2 feet off the property line. The proposed project will not encroach any further toward the property line, but keeping the existing pavement is required to provide adequate drive aisle to get in and out of the parking spaces. Therefore, the Planning Board finds that the existing pavement may remain within two feet of the property line and that granting this waiver is not against the purpose and intent of the Zoning Bylaw, and further finds that granting this waiver is not against the public interest.

At its duly posted meeting held on January 26, 2017, after discussion, the Planning Board, consisting of Members Michael A. Podolski, Esq., Chairman, John R. Bethoney, Vice Chairman,

Robert D. Aldous, Clerk, Ralph I. Steeves, and James E. O'Brien IV, voted unanimously (5-0), to approve the Application for Minor Site Plan Review Waiver Requests with the following **CONDITIONS:**

1. A special permit from the Zoning Board of Appeals to set the garage back 10 feet into the General Residence Zoning District is required for the Planning Board approved plan referenced herein. If the special permit is not granted, the Applicant needs to return to the Planning Board to modify the site plan.
2. Prior to any occupancy permit being issued, the Planning Director will be contacted by the Applicant upon completion of the project to verify that the construction has been completed in full compliance with the specifications of the plan as most recently amended and as contained in this Certificate of Action. A compliance letter will be issued forthwith once found to be properly completed.
3. The Applicant agrees that, no later than from **one year** from the date of the Certificate of Occupancy, the Applicant shall file a written report with the Town Planner detailing the progress of the project, compliance with all terms and conditions of this certificate, and, if not yet completed, the expected completion date (if not already completed).
4. The Planning Board reserves the right to require the applicant to appear before the Planning Board to further discuss and review compliance with this certificate of action.
5. Any recommendations from the Design Review Advisory Board that are in conflict with this approval shall require Planning Board review and approval. Any recommendations from the Design Review Advisory Board that are not in conflict with this approval shall be hereby incorporated into the record plans.
6. Members of the Planning Board and the Planning Director shall be permitted access to the project site during construction with proper notification to the Applicant, subject to applicable safety requirements as established by the Applicant or its Contractor.
7. All municipal taxes and fees shall be paid in full and all tax accounts shall be in good standing prior to the issuance of any building permit.

Dated: March 23, 2017

By the Dedham Planning Board:

  
Robert D. Aldous, Clerk