

PLANNING BOARD

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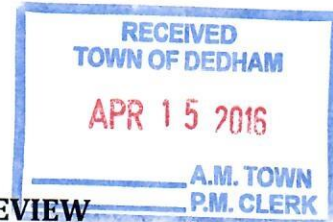
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**TOWN OF DEDHAM
PLANNING BOARD**



**CERTIFICATE OF ACTION
APPLICATION FOR MINOR SITE PLAN REVIEW**

DATE: February 11, 2016

APPLICANTS: Mocha Java
Chris A. Lutes and Laurence Wintersteen

PROPERTY: 577-585 High Street, Dedham, MA

PROPERTY OWNER: Washington High, LLC

Project Summary:

Washington High LLC, (hereinafter referred to as "Applicant"), on behalf of Mocha Java, a coffee shop, and Chris A. Lutes and Laurence Wintersteen, prospective restaurant owners, requests a parking waiver per Section 5.1.6 Required Parking Spaces, CB District, in order to operate a coffee shop within the Blue Bunny bookstore located at 577 High Street, and a 105- seat sit down restaurant at 581-585 High Street (the former Wardle's Pharmacy). There is no previous site plan approval for the property.

Background and Finding of Facts:

1. The change of use from a retail business to a coffee shop and restaurant increases the off-street parking requirement. Since there is no off-street parking on the property to comply with the parking requirement a waiver from this provision is necessary.
2. In conjunction therewith, on February 5, 2016, the Applicant submitted the following to the Planning Board:

- A letter dated October 14, 2015, from Steve Carlson, owner of Mocha Java, explaining the proposed operation of the coffee shop, the floor plan, and a parking table showing the current uses and proposed uses
- A Plan of the building dated August 1981, prepared by Bay Colony Surveying Company, Foxboro, MA
- A Plan of Land dated October 20, 1971, prepared by Pilling Engineering Co., Inc., recorded in Norfolk County Registry of Deeds November 5, 1971
- A Letter of Authorization from Washington High LLC, undated, signed by Peter H. Reynolds
- A letter from Chris A. Lutes, the operator of the proposed restaurant, explaining the operation of the restaurant and a floor plan dated February 5, 2016

The Planning Board initially reviewed and considered the "Application for Minor Site Plan Approval" for Mocha Java at its regularly scheduled meeting on November 9, 2015. The applicant was the owner of the coffee shop, Steve Carlson (Applicant #1). The Planning Board initially reviewed and considered the "Application for Minor Site Plan Approval" for the proposed restaurant at its regularly scheduled meeting on February 5, 2016. The applicants were Chris A. Lutes and Laurence Wintersteen (Applicant #2). Present at both meetings were members of the Planning Board Michael A. Podolski, Esq., Chairman, John R. Bethoney, Vice Chairman, Robert D. Aldous, Clerk, Ralph I. Steeves, and James E. O'Brien IV.

1. According to the Zoning Map for the Town of Dedham, the subject property is located in the Central Business Zoning District (CB) and contains 5,162 square feet.
2. Applicant #1 seeks site plan review to operate a coffee shop within the Blue Bunny bookstore located at 577 High Street. Applicant #2 seeks site plan review to operate a 105-seat sit down restaurant at 581-585 High Street in the former Wardle's Pharmacy space. The number of required parking spaces for adding a coffee shop to the Blue Bunny increases the required parking spaces from 30 to 34. Further, adding a 105-seat restaurant increases the required parking spaces from 34 to 74. As a result, these two new uses increase the required parking spaces, and the applicants are seeking a waiver of 4 off-street parking spaces.
3. A Plan of Land dated October 20, 1971, prepared by Pilling Engineering Co. Inc., recorded in the Norfolk County Registry of Deeds on November 5, 1971,

represents the minor site plan for 577- 585 High Street. This does not fully comply with all of the requirements of Section 5.1 Off-Street Parking Regulations as submitted and Section 9.5.4 Application.

After discussion, the Planning Board, consisting of 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" upon the following **WAIVERS**:

1. A **WAIVER** from Zoning Bylaws Section 5.1.4 Table 3 Required Parking from 138 to 134 parking spaces. The coffee shop and restaurant are located within the Central Business District, which has on-street parking available and are located within 250 feet of the municipal parking lot. In granting this **WAIVER**, the Planning Board finds that there will not be any adverse impact on abutting properties and the surrounding area by approval of a reduction of 74 required parking spaces to 0.
2. All requirements of Section 5.1 Off-Street Parking Regulations and Section 9.5 Site Plan Review are hereby **WAIVED** except A Plan of Land dated October 20, 1971, prepared by Pilling Engineering Co. Inc., recorded in the Norfolk County Registry of Deeds on November 5, 1971.

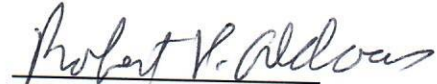
After extensive discussion, the Planning Board voted unanimously (5-0) to approve the "Minor Site Plan Review" for 577-585 High Street with the following **CONDITIONS**:

1. Any future changes to the property that trigger site plan review will need to be submitted to the Dedham Planning Board for review and approval.
2. Deliveries of goods shall be done in a manner to not impede the flow of traffic on Washington Street and High Street. In the event that the Police Chief determines deliveries are impeding the flow of traffic, alternate delivery arrangements will need to be made to not impede the flow of traffic.
3. Applicants agree that no later than **one year** from the date of the certificate of occupancy, they shall file a written report with the Town Planner detailing the progress of the project and compliance with all terms and conditions of this certificate and the expected completion date. The Planning Board reserves the right to require the applicants to appear before the Planning Board to further discuss and review compliance with this certificate of action.
4. The Planning Board reserves the right to monitor the ongoing construction for compliance with the approved plan.

5. All municipal taxes and fees shall be paid in full and all taxes accounts shall be in good standing prior to the issuance of any building permit.

Dated: March 24, 2016

Dedham Planning Board


Robert D. Aldous, Clerk