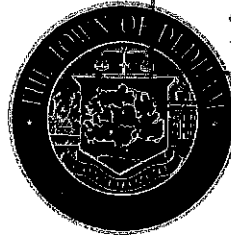


PLANNING BOARD

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James E. O'Brien IV

Planning Director
Richard J. McCarthy, Jr.
rmccarthy@dedham-ma.gov



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Dedham Town Hall
26 Bryant Street
Dedham, MA 02026
Phone 781-751-9242
Fax 781-751-9225

Administrative Assistant
Susan Webster
swebster@dedham-ma.gov

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

PLANNING BOARD
CERTIFICATE OF ACTION
DETERMINATION AS TO REQUIREMENT FOR SITE/PARKING PLAN

Applicant: James W. Devaney, Trustee of J&J Devaney Trust
Owner: James W. Devaney, Trustee of J&J Devaney Trust
Subject Property: 111 River Street, Dedham, MA
Date: June 14, 2017

PROJECT SUMMARY

James W. Devaney, Trustee of J&J Devaney Trust, proposes to remove and replace existing underground fuel storage tanks at the real estate known and numbered as 111 River Street, Dedham, MA. The Subject Property is used as an inland fuel terminal. Such a use and the buildings and structures serving the same are pre-existing nonconforming. The above described work is below ground with little or no change to the surface of the Subject Property. The Project was submitted to the Planning Board for a determination as to whether the same required the submission of site/parking plan. It was determined that no such filing was required.

Currently located at the Subject Property are four (4) underground fuel storage tanks with a total capacity of 92,000 gallons. Applicant proposes to remove these tanks and replace the same with three (3) new underground fuel storage tanks with a capacity of 76,000 gallons. Given the pre-existing nonconforming use and buildings/structures, an application has been submitted to the Dedham Zoning Board of Appeals for the necessary special permits and/or variances for said tank removal and replacement.

INTRODUCTION AND BACKGROUND

1. James W. Devaney, Trustee of J&J Devaney Trust (hereinafter referred to as the "Applicant") of 177 Wells Avenue, Newton, MA, is the owner of the real estate known and numbered as 11 River Street, Dedham, MA (hereinafter referred to as the "Subject Property").
2. The Subject Property, shown on Dedham Board of Assessors Map 129, Lot 1, contains approximately 15,768 square feet of land with over 90.5 feet of frontage on River Street.
3. According to the Dedham Zoning Map, the Subject Property is located in the Limited Manufacturing A (LMA) Zoning District.
4. The Subject Property is currently occupied by a 2,952 gross square foot building, an overhead loading rack and canopy, and four (4) underground fuel storage tanks with a total capacity of 92,000 gallons (i.e., 3 @ 30,000 gallons and 1 @ 2,000 gallons). According to the records maintain by the Dedham Board of Assessors, the said building and underground fuel storage tanks were constructed in 1962.
5. The Subject Property is used as an inland fuel terminal. Simply stated, the use is a fueling station for trucks which then distribute the fuel off-site.
6. The existing underground tanks have a left side yard setback of 14 feet, and have no rear yard setback (and in fact actually encroach onto the abutting property). The building has a right side yard setback of 2 feet.
7. The existing uses and structures on the Subject Property are pre-existing nonconforming in a number of respects. Table 1 of the Dedham Zoning By-law does not contain a "use" similar that which is conducted at the Subject Property. Further, there appears to be no special permits for such use. Therefore, a fuel terminal station in the LMA Zoning District is a pre-existing nonconforming use. In addition, Table 2 of the Dedham Zoning By-law requires structures to have minimum side yard setbacks of 15 feet and a rear yard setback of 25 feet in the LMA Zoning District. As stated above, the buildings and structures have a right side yard setback of 2 feet and a left side yard setback of 14 feet. The Subject Property also has no rear yard setback. (It is noteworthy that the existing underground fuel storage tanks encroach upon the abutting lot located at the rear property line.)
8. Applicant proposes to remove the existing four (4) underground fuel storage tanks and to install three (3) underground fuel storage tanks with a capacity of 76,000 gallons (i.e., 1 @ 15,000 gallons, 1 @ 25,000 gallons, and 1 @ 36,000 gallons—the latter is made up of a 30,000 gallon compartment and a 6,000 gallon compartment). The new underground fuel storage tanks will have a left side yard setback of 14 feet.

The underground fuel storage tanks will have a rear yard setback of 3 feet. No other changes or modifications of the Subject Property or buildings are proposed.

9. The above described Project requires a special permit and/or variances from the Dedham Zoning Board of Appeals. The Project is also subject to review by the Dedham Conservation Commission.

10. On or about June 5, 2017, Attorney Peter A. Zahka II, on behalf of the Applicant submitted a letter to the Planning Board requesting a determination as to whether the Project is subject to site/parking plan review. Enclosed with said letter were copies of the Existing Plan, dated, May 30, 2017, prepared by MHF Design Consultants, Inc.

11. The Planning Board reviewed and discussed this matter at its duly posted meeting of June 14, 2017. Present were Planning Board Members, Michael A. Podolski, Esq., Chairman, John R. Bethoney, Vice Chairman, Ralph I. Steeves and James E. O'Brien IV. Also present on behalf of the Planning Board was Town Planner Richard McCarthy. Applicant was represented at said meeting by Attorney Peter A. Zahka, II. Also present on behalf of Applicant were James Devaney, Cami Segel (CFO of Devaney Energy), and James Cook (of Global Partners, the Project Manager).

12. Applicant was provided the opportunity to make a full presentation on the Project and the requirements for submission of a site/parking plan. This was followed by questions and discussions by the Planning Board and a report by Town Planner Richard McCarthy.

RECORD OF VOTE

At the meeting duly held on June 14, 2017, after discussion, the Planning Board, consisting of Michael A Podolski, Esq., Chairman, John R. Bethoney Vice Chairman, Ralph I. Steeves, and James E. O'Brien IV, voted/determined unanimously (4-0) that the Project does not require the submission of a site/parking plan and is not subject to site/parking plan review on the following terms and conditions:

1. Applicant submits an existing conditions parking plan for the Subject Property to be utilized as a base plan for any future changes.


2. Applicant shall indicate at least one (1) handicap accessible parking space (even if one does not currently exist on the Subject Property).

3. All new tank installations shall be within the boundaries of the subject property and shall not encroach or be located upon any abutting land not owned of the applicant.

4. Any future changes to the site shall be subject to Site Plan Review.

Dated: July 20, 2017

By the Dedham Planning Board:


Michael A Podolski, Esq., Chairman