

PLANNING BOARD

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**TOWN OF DEDHAM
PLANNING BOARD**

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

APPLICANT: DEDHAM 800, LLC
PROPERTY: 750 PROVIDENCE HIGHWAY
PROPERTY OWNER: DEDHAM 800, LLC
DATE: AUGUST 28, 2017

PROJECT SUMMARY

Dedham 800, LLC (hereinafter referred to as the "Applicant") proposes to modify the (Major) Site Plan Approval previously granted and approved by the Dedham Planning Board for the construction of a new one-story 9,362 gross/8,718 net square foot commercial/retail building at the real estate known and number as 750 Providence Highway (hereinafter referred to as the "Subject Property"). Subsequent to said approval Applicant has identified a medical use (i.e., urgent care) for approximately 5,000 net square feet of the new building. The remaining 3,718 net square feet will continue to be occupied by a retail or office tenant. This change of use reduces the required parking for the Project. Applicant seeks to modify the previously approved Site Plan by reducing and re-arranging the parking space at the Subject Property.

FACTS AND DECISION

1. Dedham 800, LLC (hereinafter referred to as the "Applicant") proposes to construct a new commercial building at the real estate known and numbered as 750 Providence Highway (hereinafter referred to as the "Subject Property").
2. The Subject Property, shown on Dedham Assessors' Map 136, Lots 14 and 22, contains approximately 7.48 acres of land and has approximately 863 feet of frontage on Providence Highway.

3. The Subject Property is currently occupied by an existing 7,170 gross/6,500 net square foot building which is utilized for 252-seat full service restaurant (i.e., TGI Fridays).
4. According to the Zoning Map for the Town of Dedham, the Subject Property is located in the Highway Business (HB) Zoning District. Small areas of the Subject Property are located in the Flood Plain Overlay District (FPOD) and the Aquifer Protection Overlay District.¹
5. On or about October 14, 2016, the Planning Board approved an Application for Major Site Plan Review for the construction of a new one-story 9,362 gross/8,718 net square foot commercial/retail building commercial building at the Subject Property. The existing restaurant building will remain. The approved Project also included major upgrades and improvements to the site and parking area.
6. As approved, the new building was to be utilized for retail/office uses. Subsequently, the Applicant has identified a medical use (i.e., urgent care) for approximately 5,000 net square feet of the new building. The remaining 3,718 net square feet will continue to be occupied by a retail or office tenant. This change of use reduces the required parking for the Project. Accordingly, the Applicant proposes to modify the approved Site Plan by reducing and re-arranging the parking for the Project.
7. On or about June 29, 2017, the Applicant submitted the following to the Planning Board (hereinafter referred to collectively as the "Application"):
 - a. "Application for Modification Site Plan Review" with Project Narrative
 - b. Plan set (consisting of eight (8) sheets entitled "Redevelopment of 750 Providence Highway, Dedham, Mass.," dated January 31, 2014, revised through June 27, 2017, by Norwood Engineering Co., Inc.
8. The Planning Board initially reviewed the matter at its meeting of July 20, 2017. Present at the meeting were Planning Board Members John R. Bethoney, Chairman, Ralph I. Steeves, Vice Chairman, Robert D. Aldous, Clerk, Michael A. Podolski, Esq., and James E. O'Brien IV. Also present at the meeting on behalf of the Planning Board was Planning Director Richard J. McCarthy, Jr.
9. At said meeting, the Applicant was represented by Attorney Peter A. Zahka, II. Attorney Zahka was provided with the opportunity to make a full presentation. Attorney Zahka requested the Planning Board to make a determination that the proposed modification was an "insignificant modification" under Section 9.5.9 of the Dedham Zoning By-Law not requiring peer review. In light of the interest in the Project by the owner of the abutting Best Buy/BJ's property, Attorney Zahka indicated that notice to the abutters was proper. In support of the request for a determination of "insignificant modification," Attorney Zahka noted that the change of use of 5,000 net square feet of the building from retail to a medical use (i.e., urgent care) is considered less intensive under the Dedham Zoning By-Law since it results in a decrease in the required parking.

¹ In ZBA Case# VAR-10-14-1893, dated January 6, 2015, the Dedham Zoning Board of Appeals approved and granted the special permits necessary for work to be performed in the FPOD as part of this Project.

10. After a review and discussion of said plans at its meeting of July 20, 2017, the Planning Board made a determination that the proposed modification is an “insubstantial modification” under Section 9.5.9 of the Dedham Zoning By-Law, not requiring peer review but still warranting notice to abutters. At that time, the Planning Board requested that additional evidence (such as an ITE Trip Rate Comparison) be submitted to support that the proposed modified use of the building (i.e., 3,718 nsf of retail and 5,000 nsf of medical/urgent care with two practicing professionals) is a less intensive use than the previously approved use (i.e., 8,718 nsf of retail). In addition, the Planning Board requested the Applicant to:
 - (a) Revise the plans to incorporate walkways across the rain garden
 - (b) Revise the plans to incorporate additional landscaping
 - (c) Confirm that the interior landscaping satisfies the 15% requirement under the Dedham Zoning By-Law

11. In response to said request, on or about July 26, 2017, the Applicant submitted the following:
 - (a) Plan sets (consisting of eight sheets) entitled “Redevelopment of 750 Providence Highway, Dedham, Mass.,” dated January 31, 2014, revised through July 26, 2017, by Norwood Engineering. Said revised plans incorporated the requested walkways through the rain garden and additional landscaping. In addition, the Zoning Table on Sheet 2 of the revised plans indicated that the interior landscaping is approximately 34.6%.
 - (b) Trip Generation Comparison prepared by Bayside Engineering (with explanatory email from Kenneth Cram, P.E., Director, Traffic Engineering). While the ITE data is somewhat limited, the Trip Generation Comparison indicates that as a result of the change of the use of the building, the anticipated Average Weekday Trips decrease from 400 to 200, Weekend Evening Peak Hour Trips decrease from 35 to 21, and Saturday Daily Trips decrease from 468 to 216 (further evidencing that this is a less intensive use).

12. The Planning Board next reviewed and considered the Application and Project at its regularly scheduled meetings on August 24, 2017. Relative to said meeting, the Planning Board caused the required written notice of said meeting to be mailed to abutters to the Subject property as required by Section 9.5.6, and caused the required notice of said meeting to be posted as required by State Law and Town By-Law.

13. Present at the meeting were Planning Board Members John R. Bethoney, Chairman, Ralph I. Steeves, Vice Chairman, Robert D. Aldous, Clerk, Michael A. Podolski, Esq., and James E. O’Brien IV. Also present at the meeting on behalf of the Planning Board was Planning Director Richard J. McCarthy, Jr.

14. The Applicant was represented at said meeting by Attorney Peter A. Zahka, II. The Applicant was provided the opportunity to make a full presentation. At that time, Attorney Zahka provided an overview of the discussions at the July 20, 2017, meeting, as well as the material submitted in response to the Planning Board’s comments and requests.

15. The owner of the abutting Best Buy/BJ’s property and her attorney, Stephen A. Greenbaum, Esq., were present at said meeting. While this was not a public hearing, the Planning Board provided them with the opportunity to be heard on this matter. Attorney Greenbaum claimed that they did not have the review of the plan, but considered the modification not to be insubstantial.

16. At said meeting, the Planning Board, consisting of Planning Board Members John R. Bethoney, Chairman, Ralph I. Steeves, Vice Chairman, Robert D. Aldous, Clerk, Michael A. Podolski, Esq., and James E. O'Brien IV, pursuant to Section 9.5.9 of the Dedham Zoning By-Law, again made a determination and unanimously voted (5-0) that the proposed modifications were "insignificant modifications" and approved the Site Plan Application on the following terms and conditions.

- a. The Project shall be substantially constructed in accordance with the plan set (consisting of eight sheets) entitled "Redevelopment of 750 Providence Highway, Dedham, Mass.," dated January 31, 2014, revised through July 26, 2017, by Norwood Engineering (hereinafter referred to as the "Record Plans").
- b. Except as modified by the Record Plans, the terms and conditions set forth in the Certificate of Action dated October 14, 2016, relative to the approval of the Application for Major Site Plan Review for the construction of a new one-story commercial building commercial building at the Subject Property are incorporated herein by reference.

Dated: September 14, 2017

By the Dedham Planning Board:



Robert D. Aldous, Clerk