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TOWN OF DEDHAM
Commonwealth of Massachusetts



PLANNING BOARD
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Dedham, Massachusetts 02026

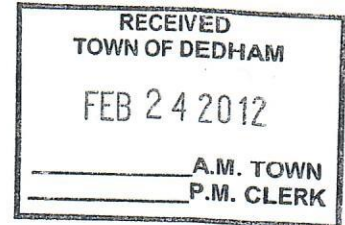
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CERTIFICATE OF ACTION

SPECIAL PERMIT APPLICATION
FOR

MAJOR NONRESIDENTIAL PROJECT AND PLANNED COMMERCIAL DEVELOPMENT



Applicant: Great Boston Musculoskeletal Center Real Estate Company, LLC
Subject Property: 40 Allied Drive, Dedham/Circumferential Highway, Westwood
File No.: MNRP-08-11-1406
Map/Lot: 177/3
Zoning District: RDO
Date: February 23, 2012

INTRODUCTION AND BACKGROUND

1. Greater Boston Musculoskeletal Center Real Estate Company, LLC, (hereinafter referred to as "Applicant") of 700 Congress Street, Quincy, MA, proposes to redevelop the real estate known and numbered as 40 Allied Drive, Dedham/Circumferential Highway, Westwood, MA (hereinafter referred to as the "Subject Property").
2. The Subject Property is bisected by the Dedham/Westwood town line, with the land in the Town of Dedham shown on Dedham Assessors' Map 177, Lot 3, and the land in the Town of Westwood shown on Westwood Assessors' Map 17, Lot 172.
3. The Subject Property consists of approximately 5.1 acres of land, of which approximately 126,444 square feet (2.9 acres) is in the Town of Dedham and approximately 95,974 square feet (2.2 acres) is in the Town of Westwood.
4. The Subject Property has approximately 818.67 feet of frontage on Allied Drive, of which approximately 604.87 feet of frontage is in the Town of Dedham and 211.80 feet of frontage is in the Town of Westwood.
5. According to the Zoning Map for the Town of Dedham, the portion of the Subject Property in the Town of Dedham is located in the Research, Development and Office (RDO) Zoning District.

6. The Subject Property is currently occupied by a 1-story office building with a floor area of approximately 34,744 square feet with approximately 21,828 square feet located in the Town of Dedham, and approximately 12,916 square feet located in the Town of Westwood.
7. Applicant proposes to demolish the existing building and construct a new 2-story building with a total floor area of approximately 66,000 square feet to be used for doctors' offices, medical services and offices, diagnostic services, orthopedic services, day surgery services, outpatient services, and general business offices, as well as an on-site café and/or cafeteria and other accessory uses typical of a first class health care facility (hereinafter referred to as the "Project").
8. The proposed new building will continue to be bisected by the Dedham/Westwood town line, with approximately 40,333 square feet of floor being located in the Town of Dedham, and approximately 25,667 square feet of floor area being located in the Town of Westwood.
9. As originally proposed, the new building would be serviced by a parking lot with a total of 253 parking spaces, with 168 parking spaces located in the Town of Dedham and 85 parking spaces located in the Town of Westwood. During the public hearing process, the parking spaces were redistributed so that 164 parking spaces are located in the Town of Dedham and 89 parking spaces are located in the Town of Westwood.
10. Pursuant to Footnote 19 of Section 3.1.6 of the Zoning By-Law ("Footnotes to Use Regulation Table"), a Planned Commercial Development ("PCD") may be allowed in the RDO District on a lot or lots consisting of a minimum of 5 acres of land.
11. Pursuant to Section 6.3.1 of the Dedham Zoning By-Law, a PCD "is a special permit option for land in the . . . RDO District . . . intended to provide flexibility for commercial or mixed use developments in accordance with a comprehensive plan approved by the Planning Board as a Major Nonresidential Project (MNP)."
12. The Planning Board ("Board" or the "Planning Board") serves as the special permit granting authority ("SPGA") for a PCD, a MNP, and for any and all other special permits required for the same pursuant to Sections 6.3, 9.4, and 10.0 of the Zoning By-Law.
13. The Zoning By-Law does not provide specific dimensional requirements (such as parking, height, etc.) for a PCD. Instead, as set forth in Section 6.3.2 of the Zoning By-Law, all "dimensional requirements including height, parking, landscaping, and density for each PCD shall be determined and specified in the MNP special permit."
14. Inasmuch as the Subject Property and Project is partially located in the Town of Westwood, the Project requires separate approvals from the Town of Westwood.
15. On September 22, 2011, Applicant submitted the following to the Planning Board (hereinafter referred to collectively as the "Application"):
 - a. Special Permit Application for Major NonResidential Project (PCD)
 - b. Project Narrative
 - c. Request for Abutters list
 - d. Community & Fiscal Impact Statement

- e. Plan set entitled "Health Care Facility, 40 Allied Drive, Dedham & Westwood, Massachusetts", prepared by Vanasse Hangen Brustlin, Inc., dated September 20, 2011, unless otherwise noted, consisting of the following:
 - i. Cover Sheet
 - ii. Legend and General Notes
 - iii. Layout and Materials Plan
 - iv. Grading, Drainage, and Erosion Control Plan
 - v. Utility Plan
 - vi. Site Details (2 sheets)
 - vii. Planting Plan
 - viii. Planting Details
 - ix. Existing Conditions Plan (dated August 18, 2011)
 - x. Exterior Elevations (prepared by Steffian Bradley Architects)
 - xi. Perspectives (prepared by Steffian Bradley Architects)
 - xii. Site and Floor Plans (prepared by Steffian Bradley Architects)
 - xiii. Site Lighting Plan (prepared by R.W. Sullivan Engineering)
 - f. Traffic Impact and Access Study entitled "Proposed Health Care Facility, Dedham and Westwood, Massachusetts" prepared by Vanasse Hangen Brustlin, Inc., dated September 20, 2011
 - g. Stormwater Report entitled "Health Care Facility, 40 Allied Drive, Dedham & Westwood, Massachusetts" prepared by Vanasse Hangen Brustlin, Inc., dated September 20, 2011
 - h. Notice of Intent entitled "Health Care Facility, Dedham, Massachusetts", prepared by Vanasse Hangen Brustlin, Inc., dated September 20, 2011
 - i. Filing Fee in the amount of \$1,840.00
 - j. Consultant Review Deposit in the amount of \$3,680.00
16. For informational purposes, Applicant also submitted to the Dedham Planning Board copies of the application and related plans and documentation submitted for approval of the Project in the Town of Westwood.
17. The Application was reviewed by the Planning Board and the Town Planner, and was determined to satisfy all of the submittal requirements for the filing of a special permit application pursuant to Sections 6.3 and 9.4 of the ZBL for an MNP/PCD.
18. Pursuant to Sections 9 and 11 of G.L. c. 40A and the applicable provisions of the ZBL, the Planning Board caused notice of the public hearing to be published in *The Dedham Times*, a newspaper of general circulation in Dedham, on October 7, 2011, and on October 14, 2011. In addition, on October 14, 2011, the Planning Board mailed notice of said hearing to all abutters and others entitled to receive such notice under State law and the Zoning By-Law. Notice of the public hearing was also duly posted in accordance with State Law and the General By-Laws of the Town of Dedham.
19. The Planning Board provided copies of the Application to other Town of Dedham boards, agencies, and officials including, but not limited to, those enumerated in Section 9.4.3.2 of the Zoning By-Law. Pursuant to Section 9.4.3.3 of the Zoning By-Law, these agencies are provided with a 35-day period to file reports with the Planning Board, and failure to so respond within such time frame constitutes approval by such agency of the adequacy of the submittal and also that in the opinion of the agency the project will have no adverse impact.

20. After notice and publication was provided pursuant to M.G.L. Chapter 40A, Sections 9 and 11, the public hearing on the Application commenced on October 24, 2011, at the Hilton Boston/Dedham Hotel, 25 Allied Drive, Dedham, Massachusetts. The public hearing was continued to and reconvened on the following dates: November 21, 2011, at Hilton Boston/Dedham Hotel, 25 Allied Drive, Dedham, Massachusetts, December 8, 2011, at the Dedham Town Office Building, 26 Bryant Street, and January 17, 2012, at the Hilton Boston/Dedham Hotel, 25 Allied Drive, Dedham, Massachusetts. The Planning Board closed the public hearing on January 17, 2012. With the exception of December 8, 2011, all public hearings were held jointly with the Planning Board for the Town of Westwood.
21. Present at each session of the public hearings were Planning Board Members Robert D. Aldous (Chairman), John R. Bethoney (Vice Chairman), James E. O'Brien IV¹ (Clerk), Ralph I. Steeves, and Michael A. Podolski, Esq.. Also present at all sessions of the public hearing on behalf of the Planning Board was Planning Director Richard J. McCarthy, Jr.
22. The Planning Board retained McMahon Associates, Boston, MA, to conduct a professional peer review of the Project. Steven C. Findlen, Senior Project Manager for McMahon Associates, was present at all sessions of the public hearing on behalf of the Planning Board.
23. Applicant was represented at all sessions of the public hearing by Peter A. Zahka, II, Esq., Law Offices of Peter A. Zahka, II, P.C., 12 School Street, Dedham, MA. Also present at all sessions of the public hearing on behalf of Applicant was Stephen McCarthy, Director of Real Estate & Facilities, Shields Health Group, 700 Congress Street, Quincy, MA.
24. Applicant retained the following consultants who were present and made statements and/or presentations and/or submitted documentation during the public hearings:
 - a. Principal/Senior Project Manager, Chris Lovett, Vanasse Hangen Brustlin, Inc.
 - b. Civil Engineering/Drainage/Environmental: Griffin J. Ryder, Project Manager, Vanasse Hangen Brustlin, Inc.
 - c. Traffic: Vinod K. Kalikiri, Project Manager, Vanasse Hangen Brustlin, Inc.
 - d. Architecture: Robert Humenn, Principal, Steffian Bradley Architects
 - e. Fiscal: John Connery, Connery Associates
25. At each session of the public hearing, Applicant was provided with the opportunity to make a full and complete presentation on the Project. This was followed by questions and comments from the Planning Board, the Town Planner, and the Planning Board's peer review consultant. At each session of the public hearing, the Planning Board accepted testimony and questions from the public.
26. In addition to testimony at the hearings, the Planning Board received a number of reports and other documents from the Applicant, Planning Director, the peer review consultant, and other Town boards and agencies. Such reports and documents are listed on Exhibit A attached hereto and incorporated herein by reference.

¹ Planning Board Member James V. O'Brien was absent from the public hearing held on January 17, 2012. Pursuant to M.G.L. c.39, §23D, a member of a municipal board is not disqualified from voting in a matter solely due to that member's absence from a single session of hearing provided he certifies in writing that he has examined all evidence received at the missed session. Member O'Brien has submitted such a written certification.

27. In response to requests by the Planning Board, Planning Director, and peer review consultant during the course of the public hearing, Applicant made numerous revisions to the Project and submitted supplemental material and/or explanations including but not limited to expansion and clarification of the traffic study area and parking calculations, compiling of empirical traffic data from similar sites, providing conceptual restriping plans for the East Street rotary, further investigation and examination of crash data (including collection of data from the Westwood Police Departments), identification of sight distances at site driveway, review of site circulation with the Dedham and Westwood Fire Departments, revisions to the parking design and inclusion of arrow pavement markings and stop lines, addition of crosswalks and sidewalks within the parking area, identification of potential for pedestrian connection (sidewalks) from Dedham Corporate commuter rail station, performance of AutoTurn turning template analysis, designation of snow storage areas, and revisions to on-site landscaping.

FINDINGS OF FACT

1. The Subject Property and the Project are shown on the plans described in Exhibit B attached hereto and incorporated herein by reference (hereinafter referred to as the "Record Plans").
2. As shown on the Record Plans, the Subject Property consists of approximately 5.1 acres of land of which approximately 126,444 square feet (2.9 acres) is in the Town of Dedham and approximately 95,974 square feet (2.2 acres) is in the Town of Westwood, and has approximately 818.67 feet of frontage on Allied Drive, of which approximately 604.87 feet of frontage is in the Town of Dedham and 211.80 feet of frontage is in the Town of Westwood.
3. According to the Zoning Map for the Town of Dedham, the portion of the Subject Property in the Town of Dedham is located in the Research, Development and Office (RDO) Zoning District.
4. Pursuant to Footnote 19 of Section 3.1.6 of the Zoning By-Law ("Footnotes to Use Regulation Table"), a PCD may be allowed in the RDO District on a lot or lots consisting of a minimum of 5 (five) acres of land. In determining the 5 acre requirement the Planning Board may consider that portion of the Subject Property located in the Town of Westwood. Therefore, the Subject Property qualifies as a PCD.
5. The Project is for construction a new 2-story building with a total floor area of approximately 66,000 square feet to be used for doctors' offices, medical services and offices, diagnostic services, orthopedic services, day surgery services, outpatient services, and general business offices with an on-site café and/or cafeteria and other accessory uses typical of a first class health care facility.
6. Section 6.3.1 of the Zoning By-Law provides that uses allowed as of right or by special permit in a PCD are designated on the Use Regulation Table (Table 1) of the Zoning By-Law.
7. With respect to certain uses proposed for the Project, Paragraphs D.1, D.2, E.4, and H.3, of said Table 1 provide, respectively, that medical offices, business or professional offices, personal service establishments, and research, experimental, and testing laboratories are allowed as of right in a PCD.

8. With respect to certain other uses proposed for the Project, Paragraphs B.6, and E.8 of said Table 1 provide, respectively, that outpatient facilities and uses requiring common victualler licenses are allowed by special permit in a PCD.
9. The Project will result in the redevelopment for an older, underutilized, and currently vacant office building into a first class health facility within the Town.
10. The Project will generate both short term (construction) and long term employment opportunities.
11. The Project will generate significant real estate tax revenues (estimated to increase by over \$75,000) and permit fees to the Town.
12. The Project will make significant improvements to the stormwater management and drainage of the Subject Property.
13. Given the projected peak hours of the traffic from the Project relative to the peak commuter hours on adjacent roadways, the proposed promotion of the use of the Corporate Center commuter rail, the proposed Transportation Demand Management Program, and the proposed on-site services such as a café and/or cafeteria, the traffic impact from the Project is minimal and less than may be anticipated by other potential uses at the Subject Property.
14. The parking shown on the Record Plans satisfies the requirements under the Dedham Zoning By-Law.
15. Electricity, gas, water, sewer, and other required utilities are readily available at the Subject Property.
16. The proposed building and improvements within the Project are consistent with the character of the underlying zoning district and in the vicinity of the Project.
17. The Project has been reviewed by the Dedham Conservation Commission which has approved the Project and issued an Order of Conditions (DEP File No. 141-0439).
18. The Planning Director and peer review consultant reported to the Planning Board that the Applicant has reasonably and adequately responded to all comments and concerns, and that Record Plans conform (except for the requested waivers for seasonal snow storage and a single two-way access to the parking lot) to the requirements of the Dedham Zoning By-Law.
19. The Project is consistent with and furthers the purposes of a PCD as set forth in the Zoning By-Law. Specifically, the Project allows for flexibility for a commercial or mixed-use development in accordance with a comprehensive plan approved by the Planning Board, allows the Planning Board to establish and approve development standards unique to this particular location, and involves the planning and design of a large area of land.
20. The Project is consistent with and furthers many of the goals, objectives and recommendations of the Dedham Master Plan including, but not limited to, enhancing redevelopment of large scale and underutilized parcels, increasing access to and efficiency of public transportation, encouraging the adoption of Transportation Demand Management

policies, maintain sidewalks, promoting conservation and the protection of wetlands, and identifying market opportunities and locations for new types of economic growth.

21. Pursuant to Section 9.4.13 of the Zoning By-Law, the Planning Board is required to make written findings whether the Application meets each of the required and any applicable recommended traffic, environmental, community, and fiscal standards as set forth in Sections 9.4.7 - 9.4.12 of ZBL, and whether the Application as a whole substantially conforms to the intent of the ZBL and proposes an appropriate and beneficial development of the Subject Property. As set forth in Paragraphs 1 to 20 , inclusive, above, and in light of the conditions set forth in the Decision, below, the Planning Board finds that the Project and site plan conforms to the criteria set forth above and that the public health, safety, and welfare have been ensured.

DECISION

At its duly posted meeting on February 23, 2012, the Planning Board unanimously (5-0) voted that (a) after considering the factors set forth in Section 9.3.2 of the Zoning By-Law, the requested special permits for the PCD/MNP and the specific referenced uses for the Project may be granted because the adverse effects of the uses contained in the proposed Project will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the Subject Property, and of the proposed Project in relation to the Subject Property, (b) that the requested special permits may be granted pursuant to Sections 6.3 and 9.4 of the Zoning By-Law because the Application and the Project satisfy the required and the recommended standards set forth therein, and (c) that the Project, as shown on the Record Plans, is approved with all requested special permits upon the following **TERMS AND CONDITIONS**:

1. Subject to the **CONDITIONS** contained herein, the Project shall be substantially constructed in accordance with the Record Plans.
2. Pursuant to Section 6.3.2.1 of the Zoning By-Law, the dimensional requirements for the Project are determined and established as shown on the Record Plans.
3. The Project shall be limited to the buildings and improvements shown on the Record Plans including a new 2-story building with a total floor area of approximately 66,000 square feet to be used for doctors' offices, medical services and offices, diagnostic services, orthopedic services, day surgery services, outpatient services, and general business offices with an on-site café and/or cafeteria and other accessory uses typical of a first class health care facility.
4. If the Applicant wishes to modify the approved Record Plans, it shall submit proposed modifications in accordance with the provisions of this paragraph. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for a special permit for an MNP shall apply to such modification and a public hearing shall be required by the Planning Board; provided, however, that the Planning Director may determine that a proposed modification is insubstantial and approve the same without the need for any further Planning Board approval.

The Planning Director shall determine whether any modifications for the Project are substantial or insubstantial. In making such determination, the following shall be presumed to constitute **INSUBSTANTIAL MODIFICATIONS**:

- a. All underground changes;
- b. Any reduction in Project size including square foot of floor area up to 6,000 net square feet; provided, however, that in the event of any such reduction in square feet of the Project the ratio of the floor area located in Dedham to the floor area located in Westwood shall remain substantial the same;
- c. Any change in colors or style of materials used for exterior construction;
- d. Except as provided otherwise in this Decision, the inability of the Applicant to perform under any Condition due to the failure of any other board, agency, committee, or department of the Town of Dedham to grant or issue any permit, license or other approval for the same.

The foregoing list is not intended to be an exclusive list of insubstantial modifications but the items listed are intended as examples of insubstantial modifications.

In making such determination, the following shall be presumed to constitute **SUBSTANTIAL MODIFICATIONS**, subject to confirmation by the Planning Board by majority vote at a public meeting. The Planning Board may determine that any particular change, or any other change referred to the Planning Board by the Planning Director, is insubstantial and may delegate the same to the Town Planner for processing by such vote.

- a. Increase in the size of the Project including square foot of floor area;
- b. Any change in the uses that results in an increase in parking demand for the Project;
- c. Changes to the buildings or grading that increase a building's height beyond that shown on the Record Plans.

Authorization to modify the Record Plans shall be obtained prior to any substantial modification in the field.

5. In the event of any emergency, the Applicant shall allow the Dedham DPW or the Dedham Westwood Water District, as may be appropriate, access to the sewer and water lines on the Subject Property for repair purposes.
6. Prior to the issuance of the final certificate of occupancy for the Project, the Applicant shall complete the landscaping improvements, as shown on the approved landscaping plan or provide the Planning Board with a performance bond for same.
7. If any **CONDITION** imposed in this Decision requires permit, license, or other approval from any other board, committee, or agency of the Town of Dedham or other regulatory agency of the Commonwealth or the federal government, the Applicant shall make an appropriate application for the same.
8. A preconstruction conference with town departments shall be held prior to the commencement of construction of the Project. For the purposes of this decision, "commencement of construction" shall occur when the clearing and grubbing (removal of stumps and topsoil) has been initiated. The contractor shall request such conference at least fifteen (15) days prior to commencing construction by contacting the Planning Director and/or Building Commissioner in writing. At the conference, a schedule of inspections shall be agreed upon by the Applicant, the Board, and other municipal officials or boards. The Applicant shall provide the Town of Dedham with emergency contact numbers as well as the name and telephone number of a designated owner's representative

for all Project related communication. The Town of Dedham will provide similar contact information to the Applicant.

9. 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. Proper notification shall be through the construction trailer sign-in process or shall be through the emergency call number of the applicant's representative in case of emergency or off-hours situations.
10. During construction of the Project, the Applicant shall conform to all local, state and federal laws regarding noise, vibration, dust, and blocking of Town roads. Exterior construction of the Project shall not commence on any weekday before 7:00 a.m. and shall not continue beyond 6:00 p.m. except for certain operations such as concrete finishing and emergency repairs. Exterior construction shall not commence on Saturday before 8:00 a.m. and shall not continue beyond 6:00 p.m. with the same exceptions. The Building Commissioner may allow longer hours of construction in special circumstances, provided that such activity normally is requested in writing by the Applicant except for emergency circumstances, where oral communication shall be followed by written confirmation. There shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of operation shall be enforced by the Dedham Building Commissioner and Police Department.
11. Prior to the start of any Project Site construction and earth removal or disturbance activity, the Applicant shall submit a comprehensive Construction Management Plan to the Planning Director for review and approval. The Plan shall include, but not be limited to the following requirements:
 - a. The Applicant shall employ the following construction noise mitigation measures: continuous running equipment, such as air compressors and welding generators, shall have effective muffling enclosures; quieter alternative equipment and construction techniques should be used whenever possible (i.e. electric instead of diesel-powered and vibration pile driving instead of impact driving); all equipment shall have the proper sound attenuation devices, such as mufflers or sound baffles; relatively loud, stationary construction equipment shall be located as far as practically possible from abutting residential properties; and construction trailers shall be located as far as practical from the abutting residential properties.
 - b. The Applicant shall be responsible for the cleanup of construction debris, including the tracking of dirt by construction vehicles, which shall be conducted on a daily basis on Town ways within 200 yards from the entrance to the Project construction site.
 - c. The Applicant shall submit a proposed truck route for construction vehicles for review and approval by the Planning Director and Dedham Police Chief. The Applicant shall provide each Contractor with a copy of the approved truck routes.
 - d. The limit of construction areas shall be clearly delineated at all times during the construction phase.
 - e. No dumping, burning or storage of any waste materials shall be permitted on the Subject Property. During construction, waste materials may be temporarily stored

pending removal, provided that such waste materials shall not constitute a hazardous condition and that all waste materials subject to being windblown are secured. Nothing contained herein shall be deemed to permit activities otherwise prohibited by applicable law, order, rule, regulation, code or by-law.

- f. All equipment and material staging shall be located on the Project Site, to the extent possible. Any off-site staging shall be subject to the approval of the Dedham Police Chief.
 - g. All construction employee parking shall be located on the Project Site. Under no circumstances shall there be such parking on public streets.
12. Applicant shall promptly repair any damage which Applicant causes to sidewalks, street pavement, signs or other fixtures or features within the public right of way, after obtaining permission from the Town. Such repairs shall be performed to Town of Dedham standards.
13. Prior to the issuance of the final certificate of occupancy, Applicant shall install a sidewalk between the Subject Property and the Corporate Center Commuter Rail Station property. The sidewalk will provide a pedestrian connection from the driveway entrance of the Subject Property to the northeast corner of the Corporate Center Commuter Rail property where a visible walking path from the commuter rail parking lot exists. The sidewalk (approximately 200 feet long) will run from the Subject Property driveway along the west side of Allied Drive, cross Allied Drive via a crosswalk (where Allied Drive turns to the west), and then run west along Allied Drive terminating at the visible walking path from the commuter rail parking lot. The sidewalk shall be installed provided that it can be physically located within the existing right of way of Allied Drive and utility relocations will not be required. If, prior to Applicant's installation of such sidewalks the Towns of Dedham and Westwood adopt a program for installation of sidewalks along the entire length of Allied Drive, Applicant shall contribute the sum of \$40,000.00 to said program in lieu of the installation of such sidewalks.
14. Within one hundred twenty (120) days of the issuance of the final certificate of occupancy for the building or upon actual occupancy of not more than seventy-five (75%) percent of said building, which is later, Applicant shall implement a Transportation Demand Management (TDM) Program which shall include at a minimum the following:
- a. The appointment of a TDM Coordinator for the building (who may be the building superintendent or other full time attendant of the building);
 - b. The establishment of membership in, and payment of dues to, the Neponset Valley Transportation Management Association (TMA);
 - c. The implementation of sufficient programs to encourage building tenants to participate in the MBTA Corporate Pass Program, U.S. DOT/EPA Commuter Choice Program, or other similar or applicable program;
 - d. Offer prime designated or reserved parking areas to car poolers to the Subject Property.
15. Applicant shall provide 253 parking spaces as shown on the Record Plans; provided, that Applicant is granted a seasonal waiver to allow for snow storage on the 9 parking spaces so

designated on the Record Plans; and provided, further, Applicant is granted a waiver from Section 5.1.9.3 of the Zoning By-Law to allow a single two-way access to said parking lot.

16. Applicant shall require employees of the tenant's designated by Applicant to park in the employee designated area shown on the Record Plans.
17. Applicant shall coordinate and work with the Dedham and Westwood Police and Fire Departments to develop and implement a security, fire, emergency, and response plans that are acceptable to these Departments.
18. Applicant shall provide the Planning Board with a copy of the Operation and Maintenance Plan approved by the Dedham Conservation Commission which plan is incorporated herein by reference.
19. The Applicant shall require the general contractor to implement a Dedham resident employment program. When major subcontractors (defined as those with contracts over \$500,000) are being chosen for work on the Project, preferential consideration shall be given on award day to subcontractors who are Massachusetts based and New England based (with a goal of hiring 20% Massachusetts based) when such major subcontractors otherwise have equivalent expertise, competitiveness and price. This program shall require major subcontractors to use their good faith efforts to employ 6% Dedham residents. The program shall at a minimum require major subcontractors seeking employees to advertise a minimum of 3 times in a local newspaper with general circulation in the Town of Dedham. Records of these efforts shall be required to be forwarded to the contractor. The major subcontractors shall be required to make good faith efforts in attaining the 6% Dedham resident employment goal. The general contractor shall report monthly to the Planning Board during the construction phase with regard to compliance with the provisions of this Condition and all major subcontractors shall facilitate such reporting. The general contractor shall provide the Planning Board with the name and addresses of all subcontractors on the Project, and will use good faith efforts to obtain the names of all Dedham residents, and subject to any confidentiality rights of such workers, shall provide the names to the Planning Board. These conditions shall be placed in all major subcontracts.

In addition, the Applicant shall require the general contractor to place the following condition in all subcontracts:

- a. All subcontractors shall properly classify all workers as employees and not as Independent Contractors and shall treat them accordingly for the purposes of Workers' Compensation Insurance, employee tax withholdings, employer payroll taxes, and wage and hour laws.
- b. All subcontractors shall maintain completed I-9 forms for all employees in order to ensure that all workers on the jobsite are eligible to lawfully work in the United States.
- c. All subcontractors shall be required to pay wages in a timely fashion in accordance with applicable law.
- d. All subcontractors shall comply with all applicable requirements of OSHA.

- e. No subcontractor shall employ any worker who is not lawfully allowed to perform labor on the Project due to child labor laws, unemployment compensation laws, or workers' compensation laws. Nothing herein shall require a subcontractor to investigate such workers status (except as provided by law) but shall require the dismissal of any such employee should evidence of a violation be presented to the subcontractor.
 - f. All subcontractors shall provide health insurance to workers to the extent required by law.
20. Applicant shall initiate and reasonably pursue a request to MassDOT, in cooperation with the Towns of Dedham and Westwood for restriping and wayfinding signage improvements to the East Street rotary and proximate sections of Route 128.
21. All invoices generated by the Board's peer reviewers during the Application stage shall be paid within twenty days of the filing of this decision with the Town Clerk, whether this Decision is appealed or not. No post-permit reviews of documents or plans shall be conducted until such invoices have been paid in full. No building permit or certificate of occupancy shall be issued until such invoices have been paid in full.
22. The Planning Board reserves the right to monitor the ongoing construction for compliance with the approved plan.
23. The site lighting will be checked by the Planning Board and/or its agent prior to an occupancy permit being granted in order verify adequacy of the lighting levels on and off site and whether or not off-site glare has been created. If necessary, the applicant shall adjust the lighting levels prior to an occupancy permit being issued.
24. Applicant agrees that no later from one year from the date of this certificate of action that the applicant shall file a written report with the Planning Director 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 applicant to appear before the Planning Board to further discuss and review compliance with this certificate of action.
25. The Planning Director will be contacted by the applicant upon completion of the project to verify the project has been completed in full compliance with the specifications of the modified plan as submitted and approved in this Certificate of Action prior to any occupancy permit being issued, including a certification by the applicant's engineer that the project has been constructed according to said plans. A compliance letter will be issued forthwith once found to be properly completed.
26. Following construction of the Project, the Applicant shall provide an "as-built" site plan to the Planning Board, the Building Department and the Board of Assessors prior to the issuance of the final certificate of occupancy for buildings in the Project in accordance with applicable regulations.
27. 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.

28. Any fees and consultant peer review fees owed shall be paid prior to endorsement of the plans by the Planning Board.

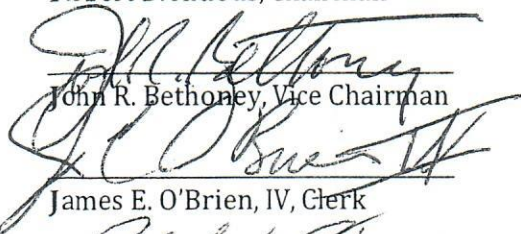
29. Dumpsters, if any, located with the Town of Dedham shall be constructed and maintained in strict compliance with all Dedham Zoning Bylaws and all Board of Health Regulations.

RECORD OF VOTE

The following members of the Planning Board voted to approve the Project, grant the requested special permits for the Project, and to grant site approval for the Project, subject to the above stated conditions:



Robert D. Aldous, Chairman



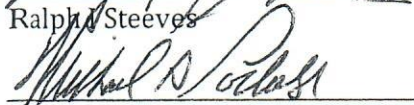
John R. Bethoney, Vice Chairman



James E. O'Brien, IV, Clerk



Ralph J. Steeves



Michael A. Podolski, Esq.

The following members of the Planning Board voted to deny the Project, special permits, and site plan approval.

None.

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 (20) 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.

EXHIBIT A

1. Memorandum to Nora Loughnane, Town Planner, from Linda R. Shea, REHS/RS, Health Director, re: Application for Flexible Multiple Use Overlay District Special Permit and Consolidated Approvals for 40 Allied Drive, Dedham and Circumferential Highway/Route 128, Westwood, dated October 21, 2011, consisting of one (1) page.
2. Letter to Nora Loughnane, Town Planner, from Steven C. Findlen, Senior Project Manager, McMahon Transportation Engineers & Planners, re: Proposed Medical Facility Review, 40 Allied Drive, Dedham/Westwood, MA, dated November 17, 2011, consisting of eleven (11) pages.
3. Letter to Richard McCarthy, Dedham Town Planner, and Nora Loughnane, Westwood Town Planner, from Vinod Kalikiri, PE, PTOE, Senior Traffic Engineer, Vanasse Hangen Brustlin, Inc., re: Proposed Medical Facility Review – Responses to 11/17/11 Traffic Comments, 40 Allied Drive, Dedham/Westwood, MA, dated December 27, 2011, consisting of sixty-eight (68) pages.
4. Letter to Richard McCarthy, Dedham Town Planner, and Nora Loughnane, Westwood Town Planner, from Steven C. Findlen, Senior Project Manager, McMahon Transportation Engineers & Planners, re: Proposed Medical Facility Review, 40 Allied Drive, Dedham/Westwood, MA, Issues Summary, dated December 30, 2011, consisting of four (4) pages.
5. Letter to Richard McCarthy, Dedham Town Planner, and Nora Loughnane, Westwood Town Planner, from Steven C. Findlen, Senior Project Manager, McMahon Transportation Engineers & Planners, re: Proposed Medical Facility Review, 40 Allied Drive, Dedham/Westwood, MA, dated December 30, 2011, consisting of seventeen (17) pages.
6. Memorandum to Nora Loughnane, Town Planner, from Sergeant Paul R. Sicard, re: 40 Allied Drive, dated January 9, 2012, consisting of two (2) pages.
7. Letter to Richard McCarthy, Dedham Town Planner and Nora Loughnane, Westwood Town Planner, from Griffin Ryder, PE, Project Manager, Vanasse Hangen Brustlin, Inc., re: Proposed Medical Facility Review, 40 Allied Drive, Dedham/Westwood, MA, Issues Summary, dated January 16, 2012, consisting of eleven (11) pages.
8. Letter to Richard McCarthy, Dedham Town Planner, and Nora Loughnane, Westwood Town Planner, from Steven C. Findlen, Senior Project Manager, McMahon Transportation Engineers & Planners, re: Proposed Medical Facility Review, 40 Allied Drive, Dedham/Westwood, MA, Issues Summary, dated January 19, 2012, consisting of five (5) pages.
9. Letter to Richard McCarthy, Dedham Town Planner, and Nora Loughnane, Westwood Town Planner, from Steven C. Findlen, Senior Project Manager, McMahon Transportation Engineers & Planners, re: Proposed Medical Facility Review, 40 Allied Drive, Dedham/Westwood, MA, dated January 19, 2012, consisting of twenty-two (22) pages

EXHIBIT B

RECORD PLANS

Site Plans entitled "Health Care Facility, 40 Allied Drive, Dedham & Westwood, Massachusetts", prepared by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, P.O. Box 9151, Watertown, MA 02471, dated September 20, 2011, and revised through January 19, 2012, consisting of the following sixteen (16) sheets:

Sheet 1 of 16 - Cover Sheet, dated September 20, 2011, and revised through January 19, 2012;

Sheet 2 of 16 - Legend and General Notes, dated September 20, 2011;

Sheet 3 of 16 - Layout and Materials Plan, dated September 20, 2011, and revised through January 16, 2012;

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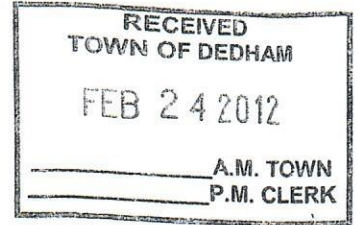
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Sheet 14 of 16 - Perspectives, dated September 20, 2011;

Sheet 15 of 16 - Site and Floor Plans, dated September 20, 2011;

Sheet 16 of 16 - Site Lighting Plan, dated September 20, 2011

CERTIFICATION PER M.G.L. CHAPTER 39, §23D



The undersigned, being a member of the Dedham Planning Board, pursuant to Section 23D of Chapter 39 of the Massachusetts General Laws hereby certify as follows:

1. I was absent from the session of the hearing of the Dedham Planning Board held on January 17, 2012, relative to the application of Greater Boston Musculoskeletal Center Real Estate Company, LLC, for a Special Permit for a Major Nonresidential Project and Planned Commercial Development for property at 40 Allied Drive, Dedham, MA;

2. Since said hearing I have examined all of the evidence received at the missed session including an audio recording of the missed session.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 23 DAY OF FEBRUARY 2012.

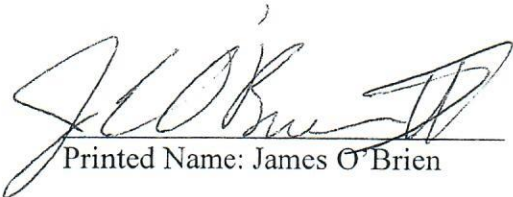

Printed Name: James O'Brien

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FILES:

GENERAL NOTES AND LEGENDS

- 1. REFER TO DRAWINGS FOR MATERIAL LOCATIONS AND FINISHES.
- 2. REFER TO DRAWINGS FOR WINDOW SIZES AND OPERATIONS.
- 3. REFER TO DRAWINGS FOR DOOR SIZES AND OPERATIONS.
- 4. REFER TO DRAWINGS FOR PANEL SYSTEMS AND FINISHES.

EXTERIOR CONSTRUCTION SYSTEM

- 1. REFER TO DRAWINGS FOR MATERIAL LOCATIONS AND FINISHES.
- 2. REFER TO DRAWINGS FOR WINDOW SIZES AND OPERATIONS.
- 3. REFER TO DRAWINGS FOR DOOR SIZES AND OPERATIONS.
- 4. REFER TO DRAWINGS FOR PANEL SYSTEMS AND FINISHES.

EXTERIOR FINISH LEGEND

[Pattern]	BRICK - COMMON BRICK
[Pattern]	BRICK - FINE BRICK
[Pattern]	METAL PANEL - ALUMINUM
[Pattern]	METAL PANEL - ALUMINUM
[Pattern]	GLASS - CLEAR
[Pattern]	GLASS - TINTED

MATERIALS / CONSTRUCTION

- 1. REFER TO DRAWINGS FOR MATERIAL LOCATIONS AND FINISHES.
- 2. REFER TO DRAWINGS FOR WINDOW SIZES AND OPERATIONS.
- 3. REFER TO DRAWINGS FOR DOOR SIZES AND OPERATIONS.
- 4. REFER TO DRAWINGS FOR PANEL SYSTEMS AND FINISHES.

METAL PANEL SYSTEMS

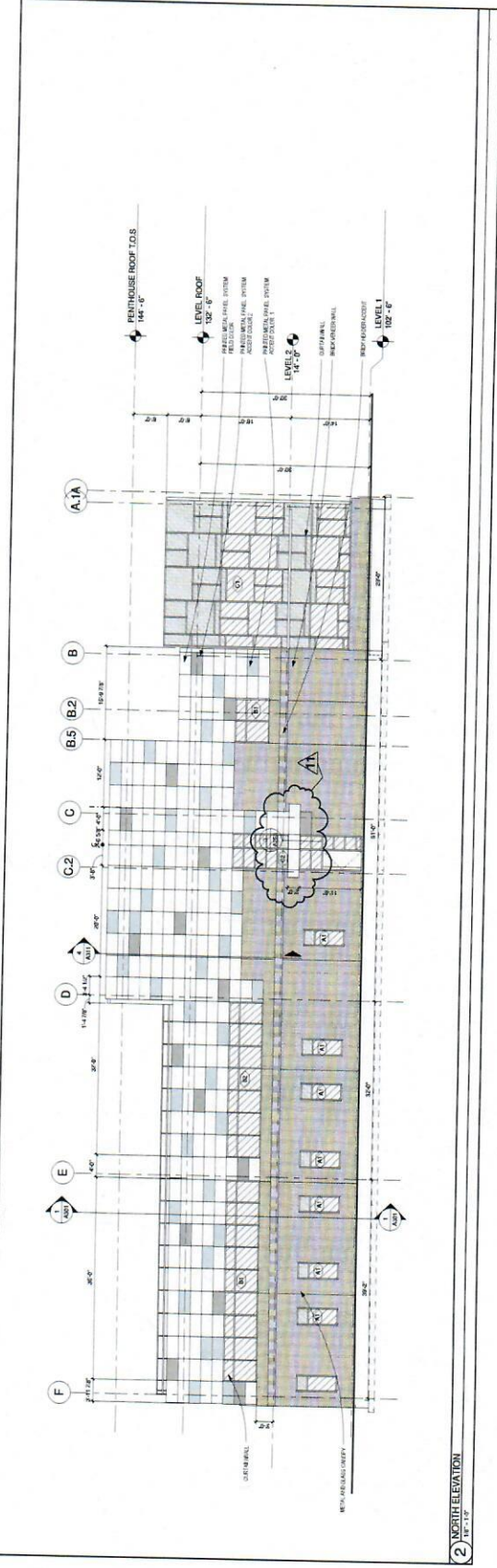
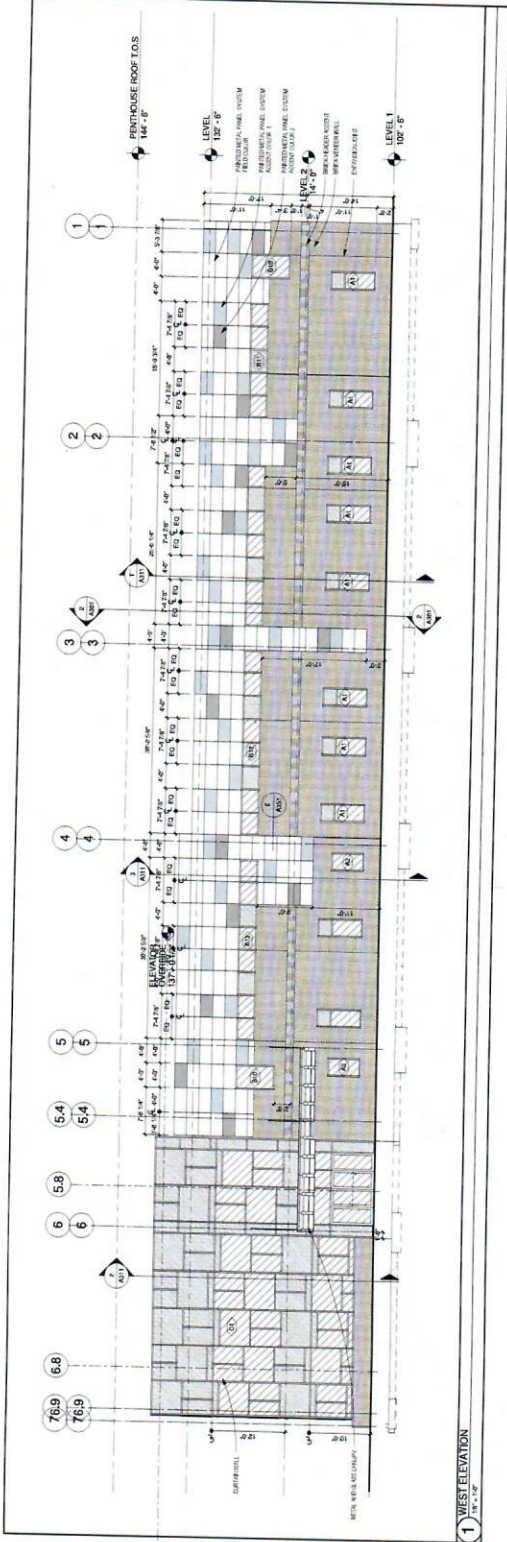
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- 3. REFER TO DRAWINGS FOR DOOR SIZES AND OPERATIONS.
- 4. REFER TO DRAWINGS FOR PANEL SYSTEMS AND FINISHES.

BRICK WORKER WALL

- 1. REFER TO DRAWINGS FOR MATERIAL LOCATIONS AND FINISHES.
- 2. REFER TO DRAWINGS FOR WINDOW SIZES AND OPERATIONS.
- 3. REFER TO DRAWINGS FOR DOOR SIZES AND OPERATIONS.
- 4. REFER TO DRAWINGS FOR PANEL SYSTEMS AND FINISHES.

ROOFING

- 1. REFER TO DRAWINGS FOR MATERIAL LOCATIONS AND FINISHES.
- 2. REFER TO DRAWINGS FOR WINDOW SIZES AND OPERATIONS.
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F-104

**GREATER BOSTON
MUSCULONNETAL CENTER**

Project Number: 210000
Client: A1 Inc./A2 Inc.
Date: 6/22/2012
Construction Set
BULLETIN 1
7/9/2012
BULLETIN 11
16.1001/2012

T-10
EXTERIOR ELEVATIONS

GBMC
A201
Posted: 10/10/2011 5:12:50 PM