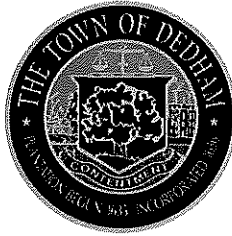


PLANNING BOARD

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Robert D. Aldous, Clerk
James E. O'Brien IV
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TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

PLANNING BOARD

CERTIFICATE OF ACTION
APPLICATION FOR MINOR SITE PLAN REVIEW

RECEIVED
2018 MAY 14 AM 9:30
TOWN OF DEDHAM
CLERKS OFFICE

Applicant: R.K. Associates, Inc.
Subject Property: 62 Eastern Avenue/436-456 Providence Highway, Dedham, MA
Date: April 12, 2018

PROJECT SUMMARY

R.K. Associates, Inc., (hereinafter referred to as the "Applicant") submitted an Application for Site Plan Review for the real estate known and numbered as 62 Eastern Avenue/436-456 Providence Highway, Dedham, MA (hereinafter referred to as the "Subject Property"). The Subject Property is fully developed and is occupied by two existing commercial buildings: (a) an approximately 66,100 square foot three-story commercial building (456 Providence Highway) and (b) an approximately 2,510 square foot two-story commercial building (62 Eastern Avenue). The Applicant proposes to demolish the existing 2,510 square foot two-story commercial building and replace the same with a new approximate 1,800 square foot one-story commercial building in essentially the same location (but not within the existing footprint). The Project is subject to Minor Site Plan Review by the Dedham Planning Board pursuant to Section 9.5.2 of the Dedham Zoning By-Law.

BACKGROUND AND FINDING OF FACTS

1. The Subject Property, known and numbered as 62 Eastern Avenue/436-456 Providence Highway, is owned by the Applicant, R.K. Associates, Inc., 50 Cabot Street, Suite 200, Needham, MA 02494
2. The portion of the Subject Property known as 62 Eastern Avenue, shown on Dedham Assessors' Map 109, Lot 4, is occupied by an existing two-story commercial building

with approximately 2,510 square feet of floor area. Inasmuch as this building has a front yard setback of approximately 8.39 feet (30 feet required in the HB Zoning District), the same is considered a pre-existing nonconforming building or structure.

3. The portion of the Subject Property known as 456 Providence Highway, shown on Dedham Assessors' Map 109, Lot 3, is occupied by an existing three-story building with approximately 66,100 square feet of floor area.
4. The portion of the Subject Property known as 436 Providence Highway, shown on Dedham Assessors' Map 109, Lot 60, is vacant.
5. The Subject Property contains approximately 121,639 square feet of land, and has approximately 220 feet of frontage on Eastern Avenue and approximately 340 feet of frontage on Providence Highway.
6. According to the Zoning Map for the Town of Dedham, the Subject Property is located in the Highway Business (HB) Zoning District.
7. The Subject Property has historically been served by a common/shared parking lot. On or about June 26, 2014, the Dedham Planning granted and approved Site Plan Review for the Subject Property. At that time (as set forth in the Certificate of Action for the same), the Planning Board granted and approved the following WAIVERS:
 - (a) A WAIVER from Section 5.1.4 of the Dedham Zoning By-Law for a reduction of the required parking spaces from 264 parking to 175 parking spaces (i.e., a reduction of 89 parking spaces).
 - (b) A WAIVER from 5.1.37(3) of the Dedham Zoning By-Law to allow the curb radius length for the entrance and interior parking drive aisles.
 - (c) A WAIVER from Section 5.1.13(7) of the Dedham Zoning By-Law to allow loading bays less than 12' x 55.'
 - (d) A WAIVER from Section 5.2.2(2) of the Dedham Zoning By-Law to allow less than 15% interior landscaping and less than a tree every 25-foot interval.
8. The Applicant proposes to demolish the existing two-story 2,510 square foot building and replace the same with a new one-story commercial building with a floor area of approximately 1,800 square feet. The new building will be essentially in the same location (but not on the same footprint) as the existing building, with the exception being that the front entrance will be oriented towards Providence Highway and the other building at 456 Providence Highway. In addition, the existing 23-foot-wide driveway off Eastern Avenue will be widened to 24 feet. The proposed redevelopment will result in a reduction in two (2) parking spaces (which is more than off-set by the reduction in the parking required due to the smaller building) and will allow for the installation of fully compliant ADA parking spaces at the front doors of the new building.
9. On or about August 24, 2017, the Applicant appeared at a duly posted meeting of the Planning Board for a "scoping session" to discuss the Project. At said "scoping

session,” the Planning Board determined that the Project was subject to Minor Site Plan Review. There was also significant discussion of the architectural appearance of the proposed building, with the Planning Board indicating a desire for something more residential in character.

10. Due to the pre-existing nonconforming front yard setback, the Project required variances from the Dedham Zoning Board of Appeals (ZBA). Such relief was granted by the ZBA in a Decision dated November 15, 2017 (and filed with the Dedham Town Clerk on December 14, 2017).
11. On or about December 19, 2017, the Applicant submitted the following to the Planning Board (hereinafter referred to collectively as the “Application”):
 - A. Form X: Application for Site Plan Review
 - B. Project Narrative
 - C. Plan sets dated December 12, 2017, by Mistry Associates, Inc., consisting of the following:
 - i. Title Sheet
 - ii. “Existing Conditions Site Plan
 - iii. Proposed Site Plan
 - iv. 62 Eastern Ave. Site Construction Plan & General Notes
 - v. Site Construction & Landscape Details
 - D. Architectural Renderings, Elevations, and Floor Plans by Upland Architects consisting of the following:
 - i. Rendering (undated) showing building with Gable roof
 - ii. Proposed Building, Schematic Exterior Elevations, Option 1, (SK2), dated November 6, 2017
 - iii. Rendering dated February 29, 2017, showing building with flat roof
 - iv. Schematic Floor Plan (SK1) November 8, 2017
12. The Application was reviewed by the Planning Board, and it was determined that the same satisfied all of the submittal requirements for Minor Site Plan Review under Section 9.5 of the Dedham Zoning By-Law.
13. In accordance with Section 9.5.6 of the Dedham Zoning By-Law, upon receipt of the Application and above materials, the Planning Board distributed copies of the aforesaid plans and reports to and otherwise solicited comments from various Town of Dedham boards, departments, and officials. In addition, the Planning Board referred the matter to McMahan Associates for peer review. (All reports and documents relating to this matter are listed on Exhibit A attached hereto and incorporated herein by reference.)
14. The Planning Board reviewed and considered the Project and Application at its regularly scheduled meeting on March 22, 2018. 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.

15. Present at the meeting were Planning Board Members John Bethoney, 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 Steven Findlen from McMahon Associates.¹
16. The Applicant was represented at the meeting by Peter A. Zahka, II, Esq., Law Offices of Peter A. Zahka, II, P.C., 12 School Street, Dedham, MA. Also present at said meeting on behalf of Applicant was David Baker of R.K. Associates.
17. At the meeting, the Applicant and its representatives were provided an opportunity to make a full presentation on the Project. This presentation included an overview of the requested "WAIVERS." It was noted that the "WAIVERS" are identical to those previously granted and approved by the Planning Board (and delineated in the June 26, 2014, Certificate of Action), except that the overall waiver of parking spaces is reduced from 82 parking spaces to 64 parking spaces. This was followed by questions and comments from the Planning Board, and peer reviewer Steven Findlen of McMahon Associates.

DECISION

1. At the meeting duly held on March 22, 2018, after discussion, the Planning Board, consisting of John Bethoney, Chairman, Robert D. Aldous, Clerk, Michael A. Podolski, Esq., and James E. O'Brien IV, voted unanimously (4-0), to approve and grant the following **WAIVERS**:
 - (e) A **WAIVER** from Section 5.1.4 of the Dedham Zoning By-Law for a reduction of the required parking spaces from 237 to 173 parking spaces (a reduction of 64 spaces). In granting this **WAIVER**, the Planning Board finds that the Subject Property has operated for years with a reduced number of parking spaces without issues, that this **WAIVER** is similar to that approved in June 2014, except that that **WAIVER** is reduced from 82 parking spaces to 64 parking spaces), and that this **WAIVER** is not against the public interest or inconsistent with the Zoning By-Law.
 - (f) A **WAIVER** from 5.1.37(3) of the Dedham Zoning By-Law to allow the curb radius length for the entrance and interior parking drive aisles to be shown on the submitted plans. In granting this **WAIVER**, the Planning Board finds that the Subject Property has operated for years with the existing driveway radii and interior parking aisles without issue, that the present radii are adequate, that this **WAIVER** is identical to that granted in June 2014, and that **WAIVER** is not against the public interest or inconsistent with the Zoning By-Law.
 - (g) A **WAIVER** from Section 5.1.13(7) of the Dedham Zoning By-Law to allow loading bays less than 12' x 55' as shown on the submitted plans. In granting this **WAIVER**, the Planning Board finds that the site has operated with the existing loading spaces without issue, that the maneuvering space is adequate, that this

¹ Planning Board Vice Chairman Ralph I. Steeves was not present for this meeting because he was out of state.

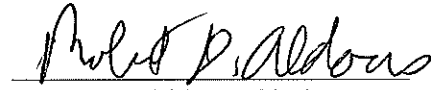
WAIVER is identical to that granted in June 2014, and that **WAIVER** is not against the public interest or inconsistent with the Zoning By-Law.

- (h) A **WAIVER** from Section 5.2.2(2) of the Dedham Zoning By-Law to allow less than 15% interior landscaping and less than a tree every 25-foot interval as shown on the submitted plans. In granting this **WAIVER**, the Planning Board finds the landscaping at the site is adequate (and is being augmented by this Project), that previous landscaping has been removed due to MassDOT roadwork, that this **WAIVER** is identical to that granted in June 2014, and that **WAIVER** is not against the public interest or inconsistent with the Zoning By-Law.
2. At the meeting duly held on March 22, 2018, after discussion, the Planning Board, consisting of John Bethoney, Chairman, Robert D. Aldous, Clerk, Michael A. Podolski, Esq., and James E. O'Brien IV, voted unanimously (4-0), to approve the Application for Site Plan Review on the following terms and conditions:
- a) Subject to the Conditions contained herein, the Project shall be substantially constructed in accordance with the Record Plans listed on Exhibit B attached hereto and incorporated herein by reference.
 - b) The Applicant's dumpsters located on the Subject Property shall be screened and maintained in strict compliance with all Dedham Zoning Bylaws and all Board of Health Regulations.
 - c) 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 or its Contractor (via a telephone number provided by Applicant to the Planning Board) subject to applicable safety requirements as established by the Applicant or its Contractor.
 - d) The Applicant agrees that, no later than one year from the Certificate of Occupancy, it shall file a written report with the Planning Director detailing the progress of the Project, 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.
 - e) The Planning Director will be contacted by the Applicant upon completion of the Project to verify that 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.
 - f) If a Stormwater Management Permit or Order of Conditions is required for the project, a copy of any final and approved Permit or Order of Conditions issued by the Dedham Conservation Commission and/or any Superseding Order, as the case may be, with all appeals resolved or otherwise terminated, shall be submitted to the Planning Board and shall be incorporated herein by reference.

- g) All invoices generated by the Board's peer reviewers shall be paid prior to the issuance of any building permits or occupancy certificates.
- h) 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: April 12, 2018

Dedham Planning Board



Robert D. Aldous, Clerk

EXHIBIT A
DOCUMENT LIST

1. Peer Review Report dated February 6, 2018, from McMahon Associates to Economic Development Director John Sisson
2. Peer Review - Issues Summary dated February 6, 2018, from McMahon Associates to Economic Development Director John Sisson
3. Email dated February 8, 2018, from McMahon Associates to Attorney Peter A. Zahka, II, re: Planning Board's "request to incorporate residential character to the building"
4. Email dated February 8, 2018, from David Baker to Fire Chief William Spillane re: turning template
5. Email dated February 9, 2018, from Fire Chief William Spillane to David Baker re: fire truck specification sheet
6. Email dated February 20, 2018, from David Baker to Fire Chief William Spillane re: revised turning template
7. Email dated February 20, 2018, with attachments (Memorandum from Mistry Associates in Response to Peer Review Report, Plan Set Revised through February 20, 2018, etc.) to McMahon Associates
8. Letter dated February 23, 2018, from Fire Chief William Spillane to David Baker re: satisfied with access
9. Peer Review Report dated March 9, 2018, from McMahon Associates to Dedham Planning Department
10. Peer Review - Issues Summary dated March 9, 2018, from McMahon Associates to Dedham Planning Department
11. Site Lighting Photometric Plan, dated March 20, 2018, by Mistry Associates, Inc.
12. Peer Review Report dated March 21, 2018, from McMahon Associates to Dedham Planning Department
13. Peer Review - Issues Summary dated March 21, 2018, from McMahon Associates to Dedham Planning Department
14. Memorandum dated March 22, 2018, from Attorney Peter A. Zahka, II, to Dedham Planning Board re: waiver requests.

EXHIBIT B
RECORD PLANS

1. Plan set dated December 12, 2017, revised through February 20, 2018, prepared by Mistry Associates, Inc., consisting of the following:
 - A. "Title Sheet" (Sheet C1),
 - B. "Existing Conditions Site Plan" (Sheet C2),
 - C. "Proposed Site Plan" (Sheet C3),
 - D. "62 Eastern Ave. Site Construction Plan and General Notes" (Sheet C4),
 - E. "Site Construction & Landscape Details" (Sheet C5).

2. Architectural drawings and plans prepared by Upland Architects consisting of the following (received by the Planning Board on December 19, 2017):
 - A. (Undated) rendering showing building with Gable roof,
 - B. Proposed Building, Schematic Exterior Elevations, Option 1, (SK2), dated November 6, 2017