

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

PLANNING BOARD

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PLANNING BOARD

CERTIFICATE OF ACTION

SPECIAL PERMIT

MAJOR NONRESIDENTIAL PROJECT AND MIXED USE DEVELOPMENT

APPLICANT: 1000 Washington Street, LLC
OWNER: 1000 Washington Street, LLC
PROPERTY: 1000 Washington, Street, Dedham, MA
DATED: December 14, 2017

PROJECT SUMMARY

1000 Washington Street, LLC (hereinafter referred to as the "Applicant") proposes to redevelop the property known and numbered as 1000 Washington Street, Dedham, MA (hereinafter referred to as the "Subject Property"). The Project consists of demolition of an existing building and structures (former gas station), and construction of a new three-story mixed-use building with a total floor area of approximately 27,200 gross (22,924 net) square feet. The first floor will contain approximately 3,100 gross (4,800 net) square feet of commercial space. The second and third floors will each contain 14 one-bedroom apartments (for a total of 28 one-bedroom apartments). The proposed building will be served by a parking lot with 43 parking spaces. The Project requires a Special Permit for a Major Nonresidential Project pursuant to Section 9.4 of the Dedham Zoning By-law, a Special Permit for a Mixed Use Development pursuant to Section 7.4 of the Dedham Zoning By-law, and Special Permits for the proposed commercial uses.

INTRODUCTION AND BACKGROUND

1. 1000 Washington Street, LLC (hereinafter referred to as the "Applicant") proposes to redevelop the property known and numbered as 1000 Washington Street, Dedham, MA (hereinafter referred to as the "Subject Property").
2. The Subject Property, shown on Dedham Assessors' Map/Lot 160-35, is located at the intersection of Washington and Gay Streets at the Dedham-Westwood municipal line. The Subject Property contains approximately 33,495 square feet of land with approximately 225 feet of frontage on Washington Street (and approximately 156 feet of frontage on Gay Street)

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3. According to the Zoning Map for the Town of Dedham, the Subject Property is located in the Research Development & Office (RDO) Zoning District.
4. The Subject Property is currently occupied by a former gas station building with two service bays and a large canopy.
5. The Applicant proposes to demolish the existing structures and construct an approximate 27,200 gross (22,924 net) square foot 3-story mixed use building. The first floor will contain approximately 3,100 gross (2,800 net) square feet of commercial space. While tenants are unknown at this time it is anticipated the same will be office, retail, personal service establishments, general service establishment, and/or trade shops. The second and third floor will each contain 14 one-bedroom apartments (for a total of 28 apartments). There will be 43 parking spaces serving the building.
6. As described above, the Project falls within the definition of a "Mixed Use Development" under Section 10 of the Dedham Zoning By-Law.
7. Pursuant to said Table 1 and Section 7.4 of the Dedham Zoning By-Law, Mixed Use Developments are allowed in the RDO Zoning District upon issuance of a Special Permit by the Dedham Planning Board.
8. Pursuant to Table 1 (Use Regulation Table) of the Dedham Zoning By-Law, the following uses are allowed as of right in the RDO Zoning District (and at the Subject Property):
 1. Medical Office
 2. Business or professional office
 3. Banks or financial institution
 4. Wholesale office or showroom
9. Pursuant to Table 1 (Use Regulation Table) of the Dedham Zoning By-Law, the following uses are allowed by Special Permit on lots on Washington Street (Route 1A) in the RDO Zoning District¹ (and at the Subject Property):
 1. Retail business
 2. Personal service establishment
 3. General service establishment
 4. Trade shop

¹ Footnotes 22 and 23 to Table 1 (Principle Use Table) of the Dedham Zoning By-Law provides these uses are allowed by Special Permit on lots in the RDO Zoning District with frontage on a major highway. "Major Highway" is defined in Section 10 of the Dedham Zoning By-Law as including "Route 1A . . . or other street designated as a numbered highway by the Commonwealth if having at least two travel lanes in each direction. Washington Street at the Subject Property is considered Route 1A.

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10. Inasmuch as the Project has "at least 25,000 square feet of gross floor area," the same qualifies as a Major Nonresidential Project (MNP) as defined in Section 10 of the Dedham Zoning By-Law. Pursuant to Section 9.4.2 of the Dedham Zoning By-Law, a Special Permit from the Planning Board is required for an MNP.
11. Sections 9.4.3.6 and 10 of the Dedham Zoning By-Law provide that if an MNP also requires other Special Permits, the Planning Board shall be the Special Permit Granting Authority for all such Special Permits. In addition, Section 7.4.2.2 of the Dedham Zoning By-Law provides that if a Mixed Use Development also requires other Special Permits, the Planning Board shall be the Special Permit Granting Authority for all such Special Permits. Accordingly, the Planning Board is the proper authority for the granting of the Special Permit for the MNP, the Special Permit for the Mixed Use Development, and the Special Permit for proposed retail, personal service establishments, general service establishment, and/or trade shops.
12. Table 2 (Table of Dimensional Requirements) of the Dedham Zoning By-Law sets forth the basic dimensional requirements applicable to the RDO Zoning District. Relative to such requirements, footnote 11 of said Table 2 provides that in the RDO Zoning District "no portion of a building for a use not allowed in a Single or General Residence district shall be closer to such district than forty (40) feet." The front property line of the Subject Property on Washington Street is also the dividing line between the RDO and SRB Zoning District. Accordingly, the front yard setback for the Project has been increased from 30 feet to 40 feet. In addition, Section 7.4.3.4 of the Dedham Zoning By-Law provides for maximum lot coverage of 80%, a maximum floor area ratio of 1.0, and a maximum of 30 subsidiary apartments in the RDO Zoning District. Section 4.2.2 of the Dedham Zoning By-Law allows for a building height of 40 feet. As shown on the following Zoning Table, the Project is designed to satisfy all of the dimensional requirements of the Dedham Zoning By-Law:

ZONING TABLE

MINIMUM FRONTAGE	N/A	225±' (Wash. Street)
MINIMUM LOT AREA	N/A	33,495 square feet
MINIMUM LOT WIDTH	N/A	225±'
MINIMUM FRONT YARD	40'	40'
MINIMUM SIDE YARD	15'	21.9'
MINIMUM REAR YARD	25'	25.2'
MAXIMUM LOT COVERAGE	80%	35.1%
MAXIMUM FAR	1.0	.85±
MAXIMUM HEIGHT	40'	34'

13. As proposed, the Project satisfies all of the Dedham Zoning By-Law dimensional requirements for a building in the RDO Zoning District.
14. Pursuant to Section 7.4.3.3 of the Dedham Zoning By-Law, "all Mixed Use Developments shall provide at least one parking space per dwelling unit. Said Section 7.4.3.3

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further provides that "Mixed Use Development shall provide additional parking for the non-residential uses per the requirements of Table 3 (Dedham Parking Table)." Under said Table 3, one parking space is required for every 200 square feet of retail sales and services and office uses on the first floor.

15. Accordingly, the residential component of the Project consisting of 28 one-bedroom apartments requires 28 parking spaces. In addition, the 2,800 net square foot commercial component of the Project requires 14 parking spaces. Therefore, the Project requires a total of 42 parking spaces. As proposed, the Project provides 43 parking spaces.
16. Furthermore, the Project complies with the Parking Lot Design Standards set forth in Section 5.1.7 of the Dedham Zoning By-Law, as well as the requirements for Landscaping set forth in Section 5.2 of the Dedham Zoning By-Law. In addition, as required by Section 5.1.13 of the Zoning By-Law, none of the parking is located within 40 feet of the residential zoning district line.
17. On or about June 20, 2017, the Applicant submitted the following to the Planning Board (hereinafter referred to collectively as the "Application"):
 - a. Special Permit Application for Major Nonresidential Project with Project Narrative (including Impact Assessment Statements and Special Permit Requests)
 - b. Application for Abutters List
 - c. Plan/drawing consisting of the following sheets:
 1. Cover Sheet, dated May 4, 2017, by Joyce Consulting Group
 2. Abbreviations and Notes, dated May 4, 2017, by Joyce Consulting Group
 3. Existing Conditions dated October 1, 2012, revised through February 10, 2013, by Vozzella Design Group
 4. Demolition Plan, dated May 4, 2017, by Joyce Consulting Group
 5. Erosion Control Plan, dated May 4, 2017, by Joyce Consulting Group
 6. Site Layout Plan, dated May 4, 2017, by Joyce Consulting Group
 7. Grading and Drainage Plan, dated May 4, 2017, by Joyce Consulting Group
 8. Utility Plan, dated May 4, 2017, by Joyce Consulting Group
 9. Detail Sheet 1, dated May 4, 2017, by Joyce Consulting Group
 10. Detail Sheet 2, dated May 4, 2017, by Joyce Consulting Group
 11. Detail Sheet 3, dated May 4, 2017, by Joyce Consulting Group
 12. Schematic Landscape Plan, dated November 28, 2012, revised through February 28, 2013, by Blair Hines Design Associates
 13. Architectural rendering/drawing (entitled "Proposed Mixed Use, 1000 Washington Street, Dedham, MA) by McKay Architects
 14. Front Elevation, by McKay Architects
 15. Architectural Site Plan, dated January 30, 2017, by McKay Architects
 16. Second Floor Plan, dated April 5, 2017, by McKay Architects
 17. Third Floor Plan, dated April 5, 2017, by McKay Architects
 18. Site Photometric (Lighting) Plan

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- d. *"Fiscal Impact Assessment Statement; Mixed-Use Development at 1000 Washington Street, Dedham, MA"*
 - e. *"Traffic Impact and Access Study"* dated April 7, 2017, prepared by WorldTech Engineering
 - f. Drainage Report prepared by Joyce Consulting Group, P.C., and submitted to the Dedham Conservation Commission
 - g. Filing Fee in the amount of \$1,215.00.²
18. The Application was reviewed by the Planning Board and the Planning Director, and was determined to satisfy all of the submittal requirements for the filing of an application for a Special Permit for an MNP pursuant to Section 9.4 of the Zoning By-Law, for a Special Permit for a Mixed-Use Building pursuant to Section 7.4 of the Dedham Zoning By-Law, and for Special Permits for the proposed uses.
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. In addition, the Planning Board referred the Application to McMahon Associates for peer review.
21. Pursuant to Sections 9 and 11 of G.L. c. 40A and the applicable provisions of the Zoning By-Law, 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 20, 2017, and October 27, 2017. In addition, 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.
22. After notice and publication were provided pursuant to M.G.L. Chapter 40A, Sections 9 and 11, the public hearing on the Application commenced on November 9, 2017, at the Dedham Town Office Building, 26 Bryant Street, Dedham, MA. The public hearing was continued to and reconvened on December 14, 2017, at Dedham Town Office Building. The Planning Board closed the public hearing on December 14, 2017.

² Applicant previously executed the peer review proposal with McMahon Associates and paid a consultant review amount of \$12,700.00.

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23. Present at each session of the public hearing were Planning Board Members John 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 initial session of the public hearing on behalf of the Planning Board was Planning Director Richard McCarthy.
24. As indicated above, the Planning Board retained McMahon Associates, Boston, MA, to conduct a professional peer review of the Project. Representatives from McMahon Associates were present at all sessions of the public hearing.
25. The 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 the public hearings on behalf of Applicant were the Members/Managers of Applicant, Joseph Moussalli and Jerry Nassif.
26. The Applicant retained the following consultants who were present and made statements and/or presentations and/or submitted documentation during or for the public hearings:
 - a. Project Engineer: Michael Joyce, Joyce Consulting Group
 - b. Traffic: Michael V. Pompili, E.I.T., WorldTech Engineering
 - c. Architecture: Michael McKay, AIA, McKay Architects
 - d. Fiscal: John Connery, Connery Associates
 - e. Landscape: Katya Podsiadlo, ASLA, Verdant Landscape Architects
27. At the public hearing, the Applicant submitted a written request for a waiver from the scale of the site plan as set forth in Section 9.4.4.1 of the Dedham Zoning By-Law to allow the site plan to have a scale of 1":10' instead of the required 1":40". Applicant avers that the Subject Property is adequately shown on the plan scale utilized.
28. At each session of the public hearing, the Applicant was provided with the opportunity to make a full and complete presentation on the Project. The Applicant's presentation included a review of the various required and recommended impact standards set forth in Sections 9.4.6-9.4.12 of the Dedham Zoning By-Law, and the standards for special permits under Section 9.3.2 of the Dedham Zoning By-Law. The Applicant's presentation also included a review of the various conditions for Mixed-Use Developments as set forth in Section 7.4.3 of the Dedham Zoning By-Law.
29. This was followed by questions and comments from the Planning Board, the Planning Director, and the Planning Board's peer review consultant.
30. At each session of the public hearing, the Planning Board accepted testimony and questions from the public. Mr. Francis Lynch of 1003 Washington Street, Dedham, MA (located across Washington Street from the Subject Property) stated that he supported the Project and urged the Planning Board to approve the same. Hogan Tire, 14 Washington Street, Westwood, MA (located across Gay Street from the Subject

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Property), also submitted a letter of support for the Project. In addition, the Planning Board received letters (and Memorandum from BETA Group) from Westwood Town Planner Abigail McCabe, AICP, requesting an opportunity to review traffic reports and the addition of cross-walks.

31. In addition to testimony at the hearings, the Planning Board received a number of reports and other documents from the Applicant, the 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.
32. In response to requests by the Planning Board, the Planning Director, the peer review consultant, and other Town boards and agencies during the course of the public hearing, the Applicant made numerous revisions to the Project (as original submitted and/or as revised) and/or submitted supplemental material and/or explanations including, but not limited to, clarification of the traffic study components, parking calculations and analysis, providing Autoturn graphics, revisions to the site plan, and modification of the landscaping plan. Per the request of the Dedham Fire Chief William Spillane, the Applicant revised the site plan to incorporate an emergency vehicle access area in front of the building.

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. The Subject Property, shown on Dedham Assessors' Map/Lot 160-35, is located at the intersection of Washington and Gay Streets at the Dedham-Westwood municipal line.
3. The Subject Property contains approximately 33,495 square feet of land with approximately 225 feet of frontage on Washington Street (and approximately 156 square feet of frontage on Gay Street).
4. According to the Zoning Map for the Town of Dedham, the Subject Property is located in the Research Development & Office (RDO) Zoning District.
5. The Applicant proposes to demolish the existing structures and construct an approximate 27,200 gross (22,924 net) square foot square foot three-story mixed use building. The first floor will contain approximately 3,100 gross (2,800 net) square feet of commercial space. While tenants are unknown at this time, it is anticipated that the same will be office, retail, personal service establishments, general service establishment and/or trade shops. The second and third floor will each contain 14 one-bedroom apartments (for a total of 28 apartments).

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6. The Project will have a total of 43 parking spaces serving the proposed mixed-use building.
7. The Project falls within the definition of a "Mixed Use Development" under Section 10 of the Dedham Zoning By-Law. Pursuant to Table 1 and Section 7.4 of the Dedham Zoning By-Law, Mixed Use Developments are allowed in the RDO Zoning District upon issuance of a Special Permit by the Planning Board.
8. Inasmuch as the Project contains in excess of 25,000 square feet of gross floor area, the same qualifies as a Major Nonresidential Project (MNP), as the same is defined in Section 10 of the Dedham Zoning By-Law. Pursuant to Section 9.4.2 of the Dedham Zoning By-Law, a Special Permit from the Planning Board is required for an MNP.
9. Sections 9.4.3.6 and 10 of the Dedham Zoning By-Law provide that if an MNP also requires other Special Permits, the Planning Board shall be the Special Permit Granting Authority for all such Special Permits. In addition, Section 7.4.2.2 of the Dedham Zoning By-Law provides that if a Mixed Use Development also requires other Special Permits the Planning Board shall be the Special Permit Granting Authority for all such Special Permits.
10. The proposed uses for the Project are permitted as of right or by Special Permit at the Subject Property. Specifically, Paragraphs A.5, D.1, D.2, D.3, E.1, E.3, E.4, and E.5 of Table 1 (Use Regulation Table) of the Dedham Zoning By-Law provide, respectively, that medical offices, business or professional offices, and banks or financial institutions are allowed as of right in a RDO Zoning Districts. Under said Table 1, small retail businesses, retail businesses, personal service establishments, general service establishments, and trade shops are allowed by Special Permit on lots on Washington Street (Route 1A) in a RDO Zoning Districts³.
11. The Project complies with the dimensional and density requirements of the Dedham Zoning By-Law, including those set forth in Table 2 (Table of Dimensional Requirements) of the Dedham Zoning By-Law.
12. The Planning Director and the peer review consultant reported to the Planning Board that the Applicant has reasonably and adequately responded to all of their comments and concerns, and that Record Plans conform (except for the requested Waiver and Special Permits) to the requirements of the Dedham Zoning By-Law.
13. The Project will generate positive fiscal benefits to the Town.
14. The traffic impact from the Project itself is anticipated to be minimal.

³ Footnotes 22 and 23 to Table 1 (Principle Use Table) of the Dedham Zoning By-Law provide that these uses are allowed by Special Permit on lots in the RDO Zoning District with frontage on a major highway. "Major Highway" is defined in Section 10 of the Dedham Zoning By-Law as including "Route 1A . . . or other street designated as a numbered highway by the Commonwealth if having at least two travel lanes in each direction." Washington Street at the Subject Property is considered Route 1A.

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15. The parking as shown on the Record Plans is designed according to the standards set forth in the Dedham Zoning By-law.
16. The 43 parking spaces for the Project satisfy the parking space requirement under the Dedham Zoning By-Law.
17. The Project will make significant improvements to the stormwater management and drainage of the Subject Property as well as the surrounding area.
18. The Applicant's proposed used does not generate or emit odors, dust, fumes, gas, or other harmful agents.
19. The proposed lighting has been designed to prevent any light spill at the property lines.
20. Electricity, gas, water, sewer, and other required utilities are readily available at the Subject Property.
21. 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.
22. In addition, the Project has been submitted to and is being reviewed by the Dedham Conservation Commission for purposes of a Stormwater Management Permit.
23. Pursuant to Section 9.4.13 of the Dedham Zoning By-Law, the Planning Board is required to make written findings on 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 Dedham Zoning By-Law and proposes an appropriate and beneficial development of the Subject Property. As set forth in Paragraphs 1 to 22, inclusive, above, and in light of the conditions set forth in the Decision, below, the Planning Board finds that the Project and site plan conform to the criteria set forth above and that the public health, safety, and welfare have been ensured.
24. The Planning Board further finds that the Project satisfies the conditions for Mixed Use Developments set forth in Section 7.4.2 of the Dedham Zoning By-Law, and satisfy the criteria for Special Permits set forth in Section 9.3.2 of the Dedham Zoning By-Law.

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DECISION

At its duly posted meeting on December 14, 2017, the Planning Board, consisting of John Bethoney, Chairman, Ralph I. Steeves, Vice Chairman, Robert D. Aldous, Clerk, Michael A. Podolski, Esq., and James E. O'Brien IV, unanimously (5-0) voted to approve and grant the following **WAIVER** from the provisions of the Dedham Zoning By-Law:

A **WAIVER** from **Section 9.4.4.1** of the Dedham Zoning By-Law to allow the scale of the site plan to have a scale of 1":10' instead of the required 1":40". [Rationale: The Subject Property is adequately shown on the plan scale utilized.]

At its duly posted meeting on December 14, 2107, the Planning Board, consisting of John Bethoney, Chairman, Ralph I. Steeves, Vice Chairman, Robert D. Aldous, Clerk, Michael A. Podolski, Esq., and James E. O'Brien IV, unanimously (5-0) voted that:

- a. After considering the factors, requirements, standards, and criteria set forth in Sections 7.4.3, 9.3.2 and 9.4 of the Dedham Zoning By-Law, the requested Special Permits for the MNP, for the Mixed Use Development, and retail uses, personal service establishments, general service establishments, and/or trade shops at the Subject Property, 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 be granted pursuant to Sections 7.4, 9.3.2, and 9.4 of the Zoning By-Law because the Application and the Project satisfy the conditions, restrictions, and requirements set forth in Section 7.4.3 of the Dedham Zoning By-Law, and the required and the recommended development impact standards set forth in Section 9.4.6 – 9.4.12 of the Dedham Zoning By-law
- 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. The Project shall be limited to the buildings and improvements shown on the Record Plans, including a new 3-story mixed-use building with a total floor area of approximately 27,200 gross (22,924 net) square foot. The first floor will contain approximately 3,100 gross (2,800 net) square feet of commercial space (i.e., office, retail, personal service establishments, general service establishment, or trade shops). The second and third floor will each contain 14 one-bedroom apartments (for a total of 28 apartments). There will be 43 parking spaces serving the building.

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3. 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 Board may determine that a proposed modification is insubstantial and approve the same without the need for any further Planning Board public hearings.

The Planning Board 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. Lowering height of the highest area of the roof
- c. Any reduction in Project size, including reducing the square foot of floor area of the building by not more than ten (10%) percent
- d. Any minor change in colors or style of materials used for exterior construction
- e. 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 is insubstantial and may delegate the same to the Planning Director 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.

4. If any Condition imposed in this Decision requires a 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.

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5. As shown on the Record Plans, the Washington Street exit shall be restricted to right-turns only.
6. Notwithstanding the Special Permits granted hereunder for proposed retail, personal service establishments, general service establishment, and/or trade shops, the following uses are prohibited at the Subject Property: liquor (package) stores and restaurants and other eating establishments.
7. 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 site work commences on the Project has been initiated. The contractor shall request such conference at least 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.
8. 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.
9. 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 8:00 p.m., except for certain operations such as concrete finishing and emergency repairs. Exterior construction shall not commence on Saturday before 7:00 a.m. and shall not continue beyond 8:00 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.
10. In response to a request from the Town of Westwood, the Applicant shall install and provide painted crosswalks from the Subject Property across Gay Street with appropriate ADA compliant curb ramps; provided, however, that the Applicant's responsibility hereunder is limited to painting of the aforesaid sidewalk and construction of the aforesaid ramps (and does not include any additional construction work, installation

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of pedestrian lights and/or retiming of traffic lights); and provided, hereunder, the Applicant shall be relieved of any obligation under this condition if the Applicant, after making reasonable efforts to obtain the same, is denied any permission or authorization necessary for painting said crosswalks and construction of said ramps.

11. Prior to the start of any Project site construction work, 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 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 public ways within 100 yards from the entrance to the Project construction site.
 - b. 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.
 - c. The limit of construction areas shall be clearly delineated at all times during the construction phase.
 - d. 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.
 - e. All equipment and material staging shall be located on the Subject Property or on adjacent property owned by the Applicant, to the extent possible. Any off-site staging shall be subject to the approval of the Dedham Police Chief.
12. The Applicant shall provide the Planning Board with a copy of the Stormwater Management Permit and Operation and Maintenance Plan approved by the Dedham Conservation Commission, which plan is incorporated herein by reference.
13. Dumpsters shall be constructed and maintained in strict compliance with all Dedham Zoning Bylaws and all Board of Health Regulations.
14. The Planning Board reserves the right to monitor the ongoing construction for compliance with the approved plan.
15. 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

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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.

16. The Applicant agrees that, no later from one year from the date of this Certificate of Action, 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.
17. 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 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.
18. Upon endorsement of the Record Plans by the Planning Board, a CAD drawing tied to NAD83 and NAVD88 shall be submitted to the Department of Infrastructure Engineering for updating the Town's GIS data, and a full-sized set of plans shall be submitted to the Department of Infrastructure Engineering for its records.
19. Following construction of the Project and prior to issuance of the final certificate of occupancy for building in the Project, the Applicant shall provide an "as-built" site plan to the Planning Board, the Building Department, the Board of Assessors, and the Department of Infrastructure Engineering (the plans to the Department of Infrastructure Engineering shall be a CAD drawing tied to NAD83 and NAVD88, a hard copy, and pdf format).
20. The trees planted across the landscape frontage strip shall be Callery Pear, as shown on the landscape plan. The Applicant shall trim and maintain said trees in a "circular" shape (in a similar fashion as has been done with such trees along McGolf, 150 Bridge Street, Dedham, MA).
21. The Applicant shall utilize reasonable efforts to have the electrical and other utility wires traversing the front of the Subject Property along Washington Street, as well as the electrical and other utility service to the building placed underground; provided, that this provision does not mandate the elimination of the existing poles; and provided further that Applicant is relieved of any obligation under this condition if the same is an economic hardship or if any permit or approval for the same is denied or unreasonably delayed.
22. 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

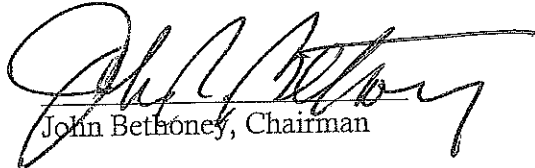
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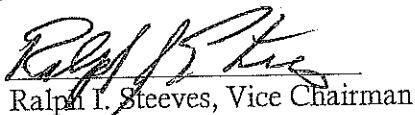
be conducted until such invoices have been paid in full. No building permit or certificate of occupancy shall be issued until such invoices have been paid in full.

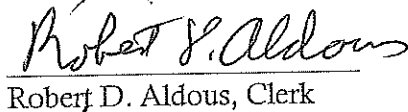
23. All municipal taxes and fees shall be paid in full and all taxes accounts shall be in good standing prior to the issuance of any building permit.

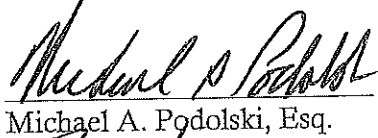
RECORD OF VOTE

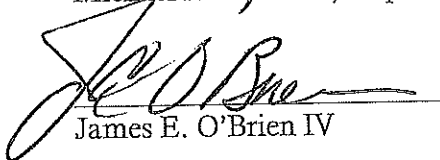
The following members of the Planning Board voted to approve the Project, grant the requested Special Permits for the Project, and grant Site Plan Approval for the Project, subject to the above stated conditions:


John Bethoney, Chairman


Ralph I. Steeves, Vice Chairman


Robert D. Aldous, Clerk


Michael A. Podolski, Esq.


James E. O'Brien IV

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 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.

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EXHIBIT A

DOCUMENT LIST

1. Peer Review Report dated July 27, 2017, from McMahon Associates to Planning Director Richard McCarthy
2. Peer Review - Issues Summary dated July 27, 2017, from McMahon Associates to Planning Director Richard McCarthy
3. Letter (Response to Peer Review Report) dated September 19, 2017, from Attorney Zahka to Planning Director Richard McCarthy (attached with letter was a Response to Peer Review dated September 13, 2017, from Joyce Consulting Group to Planning Director Richard McCarthy)
4. Memorandum (Response to Peer Review of the Traffic Impact and Access Study) dated August 28, 2017, from McMahon Associates
5. Email dated October 20, 2017, from the Fire Chief William F. Spillane to Planning Director Richard McCarthy
6. Peer Review Report dated October 26, 2017, from McMahon Associates to Planning Director Richard McCarthy
7. Peer Review – Issues Summary dated October 26, 2017, from McMahon Associates to Planning Director Richard McCarthy
8. Letter (Response to Peer Review Report) dated November 7, 2017, from Attorney Zahka to the Dedham Planning Board (attached with the letter was a Response to Peer Review on Traffic Impact Assessment dated August 28, 2017, from WorldTech Engineering and a Response to Peer Review dated October 30, 2017, from WorldTech Engineering to Planning Director Richard McCarthy)
9. Letter dated November 8, 2017, from Westwood Town Planner Abigail McCabe, AICP (on behalf of the Westwood Planning Board) to Planning Board Chairman John Bethoney
10. Letter (Request for Waiver) dated November 9, 2017, from Attorney Zahka to the Dedham Planning Board
11. Letter dated November 9, 2017, from abutter William Hogan (expressing his support for the Project)
12. Peer Review Report dated November 16, 2017, from McMahon Associates to the Planning Board

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13. Letter (Response to Peer Review Report) dated November 29, 2017, from Attorney Zahka to the Dedham Planning Board (attached to said letter/response was a plan set consisting of eleven (11) sheets prepared by Joyce Consulting Group, dated May 4, 2017, revised through November 27, 2017, and a Landscape Plan, dated November 2, 2017, revised through November 29, 2017, prepared by Verdant Landscape Architecture)
14. Email dated December 7, 2017, from Westwood Town Planner Abigail McCabe, AICP, to the Dedham Planning Board (attached to which was a Memorandum dated December 6, 2017, from the BETA Group, Inc.)
15. Peer Review Report dated December 7, 2017, from McMahon Associates to Dedham Planning Board
16. Peer Review – Issues Summary dated December 7, 2017, from McMahon Associates to Dedham Planning Board
17. Email dated December 11, 2017, from McMahon Associates to Dedham Planning Board (responding Town of Westwood comments)
18. Memorandum dated December 12, 2017, from Jason L. Mammone, P.E., Director of Engineering, to Dedham Planning Board
19. Letter (Response to Engineering Memorandum) dated December 14, 2017, from Joyce Consulting Group, P.C., to Dedham Planning Board
20. Memorandum dated December 14, 2017, from Jason L. Mammone, P.E., Director of Engineering, to Dedham Planning Board

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EXHIBIT B

RECORD PLANS

1. Plan set consisting of the following sheets prepared by Joyce Consulting Group, dated May 4, 2017, revised through November 27, 2017, unless otherwise noted:
 - a. Existing Conditions Site
 - b. Demolition Plan
 - c. Erosion Control Plan
 - d. Site Layout Plan
 - e. Site Grading Plan
 - f. Utilities Site Plan
 - g. Construction Details (3 pages)
 - h. Details, Legend & General Notes
2. Landscape Plan, dated November 2, 2017, revised through November 29, 2017, prepared by Verdant Landscape Architecture.
3. Site Photometric (Lighting) Plan
4. Architectural renderings/drawings consisting of the following sheets prepared by McKay Architects:
 - a. Site Plan
 - b. Second and Third Floor Plans
 - c. Front Elevation
 - d. Left Side Elevation
 - e. Right Side Elevation
 - f. Rear Side Elevation
5. Materials list

A True Copy Attest

Paul M. Munchbach
Town Clerk