

**TOWN OF DEDHAM**  
COMMONWEALTH OF MASSACHUSETTS

**PLANNING BOARD**

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**PLANNING BOARD**

**CERTIFICATE OF ACTION**

**APPLICATION FOR MINOR SITE PLAN REVIEW**

**Applicant:** Milton Street Investors, LLC

**Subject Property:** 70 Milton Street, Dedham, MA

**Property Owner:** Milton Street Investors, LLC  
9 Rutland Square, Unit 2, Boston, MA 02118

**Date:** December 14, 2017

**PROJECT SUMMARY**

Milton Street Investors, LLC, (hereinafter referred to as the “Applicant”) submitted an Application for Site Plan Review for the real estate known and numbered as 70 Milton Street, Dedham, MA (hereinafter referred to as the “Subject Property”). The Subject Property is fully developed and is occupied by an existing 17,845 gross square feet/14,916 net square feet three-story commercial building. The upper floor is leased to an adult day care facility pursuant to a Certificate of Approval of Insubstantial Modification issued by the Dedham Planning Board on or about June 14, 2017. The Applicant intends to make minimal exterior changes to the building (no change to the building footprint and square footage), and lease the other floors in the building. 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, 70 Milton Street, is owned by the Applicant, Milton Street Investors, LLC, 9 Rutland Square, Unit 2, Boston, MA 02118.

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2. The Subject Property, shown on Dedham Assessors' Map 113 Lots 37, contains approximately 12,463 square feet of land with approximately 136 feet of frontage on Milton Street.
3. According to the Zoning Map for the Town of Dedham, the Subject Property is located in the Central Business (CB) Zoning District.
4. The Subject Property is fully developed and is occupied by an existing 3-story commercial building. According to the records maintained by the Dedham Board of Assessors, this building has a floor area of approximately 17,845 gross square feet/14,916 net square feet.
5. On or about June 14, 2017, the Dedham Planning Board issued a "Certificate of Approval of Insubstantial Modification" to Forever Young Adult Day Health Center, LLC, to allow an adult day care center to operate on the upper level of the building at the Subject Premises (subject to certain conditions enumerated therein).
6. The Applicant desires to enhance the appearance and functionality of the building and to lease the remaining two (2) floors at the building. There are no planned changes to the building envelope or floor area. Given the constraints of the site, no additional pavement or expansion of the parking area is proposed (or possible).
7. On or about September 25, 2017, the Applicant submitted the following to the Planning Board (hereinafter referred to collectively as the "Application"):
  1. Form X: Application for Site Plan Review
  2. Project Narrative
  3. Plant List
  4. Plan sets consisting of the following:
    - a. "Existing Conditions – 70 Milton Street, Dedham Massachusetts," dated August 25, 2017, by R.E. Cameron & Associates, Inc.
    - b. "Site Plan Review Plan" (Sheet C1), dated September 25, 2017, by Henderson Consulting Services
    - c. "Construction Details" (Sheet C2), dated September 25, 2017, by Henderson Consulting Services
  5. Building Permit Plans (consisting of 16 sheets) entitled "Building Shell (Phase #1) Renovations to 60 Milton Street, Dedham, Massachusetts," dated July 24, 2017, by CME Architects, Inc.

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8. The Application was reviewed by the Planning Board and the (former) Planning Director and was determined to satisfy all of the submittal requirements for Minor Site Plan Review under Section 9.5 of the Dedham Zoning By-Law.
9. 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 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.)
10. The Applicant appeared before the Planning Board at its regularly scheduled meeting on August 24, 2017, for a “scoping session.” At said “scoping session,” the Applicant and its representatives presented an overview of the Project and discussed the requested waivers (as delineated on the “Site Plan”). At that time, the Planning Board indicated its primary concern was identifying the tenants/uses that could operate at the Subject Property in light of the acknowledged constraints of this existing fully developed site (including the limited parking).
11. The Planning Board reviewed and considered the Project and Application at its regularly scheduled meeting on December 14, 2017. Relative to said meeting, the Planning Board caused the required written notice of said meeting to be mailed to abutters to the Subject property as required by Section 9.5.6 and caused the required notice of said meeting to be posted as required by State Law and Town By-Law.
12. Present at the meeting 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 meeting on behalf of the Planning Board was Steven Findlen from McMahan Associates.
13. 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 were David MacKay, Jeffrey Glew, and the Project Engineer, Scott Henderson, P.E., of Henderson Consulting Services.
14. At the meeting, the Applicant and his representative were provided an opportunity to make a full presentation including a discussion of the waivers requested. In addition, the Applicant submitted a chart entitled “70 Milton Street,

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Dedham, MA – Permitted Uses Under Dedham Planning Board Site Plan Approval,” which listed proposed uses for the remaining floor area at the Subject Property. 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 December 18, 2017, after discussion, the Planning Board, consisting of Members John Bethoney, Chairman, Ralph I. Steeves, Vice Chairman, Robert D. Aldous, Clerk, Michael A. Podolski, Esq., and James E. O’Brien IV, voted unanimously (5-0), to approve and grant the following **WAIVERS**:
  - a. A **WAIVER** from the number of required parking spaces set forth in Section 5.1.4 of the Dedham Zoning By-Law to allow the Subject Property to be served by eight (8) parking spaces instead of the required 51 parking spaces.
  - b. A **WAIVER** from the aisle width requirement set forth in Section 5.1.7.2 of the Dedham Zoning By-Law to allow aisle widths of 17.4 feet instead of the required 24 feet.
  - c. A **WAIVER** from the two-way driveway width requirement set forth in Section 5.1.7.3 of the Dedham Zoning By-Law to allow two-way driveway width 16.6 feet instead of the required 20 feet.
  - d. A **WAIVER** from the driveway curb radius requirement set forth in Section 5.1.7.3 of the Dedham Zoning By-Law to allow radii of 0 feet instead of the required 12 feet.
  - e. A **WAIVER** from the maximum parking lot grade requirement set forth in Section 5.1.8.6 of the Dedham Zoning By-Law to allow a parking lot grade of 20% instead of the maximum allowed of 4%.
  - f. A **WAIVER** from the loading dock requirement set forth in Section 5.1.13 of the Dedham Zoning By-Law to allow 0 loading docks instead of the two required.
  - g. A **WAIVER** from the interior landscape requirement of Section 5.2.2.2 of the Dedham Zoning By-Law to allow the interior landscaping to be 0% instead of the required 15%.

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- h. A **WAIVER** from the perimeter landscape requirement set forth in Section 5.2.2.3 of the Dedham Zoning By-Law to allow 0 feet perimeter landscaping instead of the required 5 feet.
  - i. 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.'
  - j. A **WAIVER** from the scale of the locus plan as set forth in Section 9.5.4.24 of the Dedham Zoning By-Law to allow the locus plan not be of scale instead of the required 1:200.'
  - k. A **WAIVER** from the requirement of a landscape plan as set forth in Section 9.5.4.7 of the Dedham Zoning By-Law.
  - l. A **WAIVER** from the requirement of a polar lighting diagram as set forth in Section 9.5.4.19 of the Dedham Zoning By-Law.
  - m. A **WAIVER** from the requirement of a traffic impact and access study as set forth in Section 9.5.57 of the Dedham Zoning By-Law
2. At the meeting duly held on December 14, 2017, after discussion, the Planning Board, consisting of Members John Bethoney, Chairman, Ralph I. Steeves, Vice Chairman, Robert D. Aldous, Clerk, Michael A. Podolski, Esq., and James E. O'Brien IV, voted unanimously (5-0), 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) Except as specifically altered by this decision, the enumerated **CONDITIONS** set forth in the Certificate of Approval for the Forever Young Adult Health Center, LLC, dated June 14, 2017 (including but not limited to the condition restricting the occupancy of the same to a maximum of 60 clients on site), are incorporated herein by reference.
  - c) Notwithstanding any provision herein to the contrary, the approval under this Certificate of Action is expressly limited to the tenant/uses (and restrictions) described on the chart entitled "70 Milton Street, Dedham, MA – Permitted Uses Under Dedham Planning Board Site Plan Approval" which chart is attached hereto and incorporated herein by reference. Any

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proposed tenant/use of the Subject Property not described on said chart is prohibited until and unless the Planning Board approves a modification of the site plan approval.

- d) Notwithstanding any provision herein to the contrary, no tenant/use shall be granted an occupancy permit for the Subject Property until and unless the proposed use/tenant is first submitted to and approved by the Dedham Fire Chief, Dedham Building Commissioner, and Town Planner (if available) to ensure proper accessibility for emergency vehicles. In the event of a lack of agreement on such matter by the aforesaid Town officials, Applicant may submit the proposed use/tenant to the Planning Board for final resolution.
- e) The Applicant's dumpsters located on the Subject Property shall be screened and maintained in strict compliance with all Dedham Zoning By-laws and all Board of Health Regulations.
- f) 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) subject to applicable safety requirements as established by the Applicant or its Contractor.
- g) The Applicant agrees that, no later than one year from the date of the Certificate of Occupancy, it shall file a written report with the Planning Director/Department 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.
- h) 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.
- i) 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

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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.

- j) All invoices generated by the Board's peer reviewers shall be paid prior to the issuance of any building permits or occupancy certificates.
- k) 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.

Dated:

Dedham Planning Board

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Robert D. Aldous, Clerk

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**EXHIBIT A**  
**DOCUMENT LIST**

1. Site Plan Review Application “package” consisting of the following:
  - a. Form X: Application for Site Plan Review
  - b. Project Narrative
  - c. Plant List
  - d. Plan sets consisting of the following:
  - e. “Existing Conditions – 70 Milton Street, Dedham Massachusetts”, dated August 25, 201, by R.E. Cameron & Associates, Inc.
  - f. “Site Plan Review Plan” (Sheet C1), dated September 25, 2017, by Henderson Consulting Services
  - g. “Construction Details” (Sheet C2), dated September 25, 2017, by Henderson Consulting Services
  - h. Building Permit Plans (consisting of 16 sheets) entitled “Building Shell (Phase #1) Renovations to 60 Milton Street, Dedham, Massachusetts”, dated July 24, 2017, by CME Architects, Inc.
2. Memorandum dated October 6, 2017, from Director of Engineering Jason L. Mammone, P.E., to Planning Director Richard McCarthy
3. Peer Review Report dated November 2, 2017, from McMahon Associates to Planning Director Richard McCarthy
4. Peer Review - Issues Summary dated November 2, 2017, from McMahon Associates to Planning Director Richard McCarthy
5. Letter with attachments (Response to Peer Review Report) dated November 9, 2017, from Henderson Consulting Services, LLC, to Planning Director Richard McCarthy
6. Letter with attachments (Response to Director of Engineering Memorandum) dated November 9, 2017, from Henderson Consulting Services, LLC, to Planning Director Richard McCarthy
7. Peer Review Report dated November 21, 2017, from McMahon Associates to Planning Board
8. Peer Review - Issues Summary dated November 21, 2017, from McMahon Associates to Planning Board



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9. Email dated November 28, 2017, from Fire Chief William Spillane to Planning Board and Henderson Consulting Services, LLC
10. Letter with attachments (Response to Peer Review Report) dated December 4, 2017, from Henderson Consulting Services, LLC, to Dedham Planning Department
11. Chart entitled “70 Milton Street, Dedham, MA – Permitted Uses Under Dedham Planning Board Site Plan Approval”

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**EXHIBIT B**  
**RECORD PLANS**

Plan sets consisting of the following:

1. “Existing Conditions – 70 Milton Street, Dedham Massachusetts,” dated August 25, 2017, by R.E. Cameron & Associates, Inc.
2. “Site Plan Review Plan” (Sheet C1), dated September 25, 2017, revised through December 4, 2017, by Henderson Consulting Services
3. “Construction Details” (Sheet C2 and C3)), dated September 25, 2017, revised through December 4, 2017, by Henderson Consulting Services
4. Building Permit Plans (consisting of 16 sheets) entitled “Building Shell (Phase #1) Renovations to 60 Milton Street, Dedham, Massachusetts,” dated July 24, 2017, by CME Architects, Inc.