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ZONING BOARD OF APPEALS

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Associate Members

Jared F. Nokes, J.D.

DECISION

Applicant/Owner	Northeastern University
Property Address	370 Common Street, Dedham, MA
Zoning District	Single Residence A
Map and Lot	51/13
Representative	Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
Legal Notice	The Applicant seeks to be allowed a Special Permit for retaining walls in excess of four (4) feet in height.
Section of Zoning Bylaw	<i>Town of Dedham Zoning Bylaw Sections 6.5.2, 9.2, and 9.3</i>
Date of Application	May 14, 2018
Date of Public Hearing	June 20, 2018
Date of Decision	June 20, 2018
Vote	4-0, unanimously approved
Voting Members	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E.
Date Filed With Town Clerk	June 27, 2018

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on June 20, 2018, commencing at 7:00 p.m. in the Town Office Building, Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, and Jason L. Mammone, P.E. These hearings and meeting of the ZBA were duly advertised in accordance with the requirements of MGL Chapter 40A, Section 11. Member E. Patrick Maguire, MLA, RLA, CLARB, LEED AP® recused himself from this hearing due to a professional relationship with the Applicant. Mr. McGrail informed the Applicant that there would be only four members present for this petition, and

that a unanimous vote to approve would be necessary. He gave the Applicant the option of continuing the meeting until July 18, 2018, but the Applicant chose to continue.

At 7:15 p.m. the Chairman called for the hearing on the appeal of Northeastern University to be allowed a Special Permit for retaining walls in excess of four (4) feet in height at 370 Common Street, Dedham, Massachusetts. *Town of Dedham Zoning Bylaw Sections 6.5.2, 9.2, and 9.3.*

The Applicant was represented by Peter A. Zahka, II, Esq., 12 School Street, Dedham, MA. Also present on behalf of Applicant were Amy Lane, Project Manager for Northeastern University, and Zach Chrisco, of Sasaki Associates, Project Engineer. With the application, Attorney Zahka had submitted a nine (9) sheet plan set as well as photographs of the existing conditions. The transcript from the hearing is the primary source of evidence and is incorporated herein by reference.

The Subject Property, known and numbered as 370 Common Street, and shown on Dedham Assessor's Map 51, Lot 13, is owned by Northeastern University. The Subject Property contains approximately 878,605 square feet of land, and has approximately 899.29 feet of frontage on Common Street. The Subject Property is occupied by an approximate 36,000 square foot building (known as Barletta Hall) and an area for track & field and field hockey events. According the Dedham Zoning map, the Subject Property is located in the Single Residence A (SRA) Zoning District.

Recently, the Applicant constructed a new "throwing area" for track & field events in an existing parking lot behind Barletta Hall. In connection with the Project, a number of retaining walls were erected. Due to the topography of the land, portions of the retaining walls have heights in excess of 4 feet. The maximum height of any portion of the retaining walls is 8 feet. The retaining walls are not visible off the Subject Property. The Applicant notes that the Dedham Conservation Commission has already issued all necessary permits for the Project which included the retaining walls.

Section 6.5.2 ("Retaining Walls") of the Dedham Zoning By-Law provides that "no retaining wall more than four (4) feet in height shall be erected or constructed without first obtaining a Special Permit from the Board of Appeals." In addition, Section 9.3.2 of the Dedham Zoning

By-Law provides that when acting upon requests for Special Permits, the ZBA must determine that the “adverse effects of the proposed use will not outweigh its beneficial impacts” after consideration of the six (6) enumerated factors set forth in said section.

The Applicant respectfully submits that it satisfies the above stated requirements and criteria for the issuance of the requested special permit, and that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or neighborhood. As indicated, the Subject Property contains over 800,000 square feet of the land, and the retaining walls are behind a building and otherwise not visible off the Subject Property. The walls will have no impact on traffic flow or safety, and will not involve any utilities. In addition, any impacts on the natural environment would have been addressed by the Dedham Conservation Commission.

Upon motion being duly made by Scott M. Steeves and seconded by J. Gregory Jacobsen, the ZBA voted unanimously (4-0)¹ to grant the requested special permit for retaining walls with a maximum height of eight (8) feet at 370 Common Street in the Single Residence A (SRA) Zoning District. In granting of said special permit, the ZBA finds that, after consideration of the criteria in Section 9.3.2 of the Dedham Zoning By-Law, the adverse effects of the Applicant’s proposal will not outweigh its beneficial impacts on the Town and neighborhood.

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.

Date: June 20, 2018

¹ As noted, Member E. Patrick Maguire, MLA, RLA, CLARB, LEED AP® recused himself from this hearing and did not vote on the petition.

Attest by the Zoning Board of Appeals:

James F. McGrail
James F. McGrail, Esq., Chair

J. Gregory Jacobsen
J. Gregory Jacobsen, Vice Chair

Scott M. Steeves
Scott M. Steeves

Jason L. Mammone
Jason L. Mammone, P.E.

Attest by the Administrative Assistant:

Susan N. Webster
Susan N. Webster