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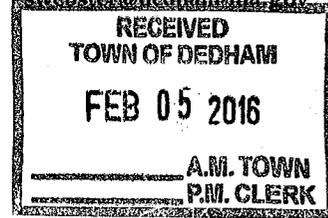


DEDHAM TOWN HALL
26 BRYANT STREET
DEDHAM, MA 02026-4458
PHONE 781-751-9242
FAX 781-751-9225

ASSOCIATE MEMBERS

JESSICA L. PORTER
JARED F. NOKES, J.D.

SUSAN WEBSTER
ADMINISTRATIVE ASSISTANT
swebster@dedham-ma.gov



TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS

DECISION

APPLICANT: Ursuline Academy Dedham, Inc.
PROJECT ADDRESS: 65-85 Lowder Street, Dedham, MA
CASE # VAR-12-15-2055
PROPERTY OWNER/ADDRESS: Ursuline Academy Dedham, Inc., 85 Lowder Street, Dedham, MA
MAP/LOT AND ZONING DISTRICT: 106/12, Single Residence A

DATE OF APPLICATION: December 23, 2015
MEMBERS PRESENT AND VOTING: J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jared F. Nokes, J.D.
PETITION: To be allowed a Special Permit for a retaining wall with a height of approximately 12 feet, i.e., with a height in excess of 4 feet.
SECTION OF ZONING BYLAW: Town of Dedham Zoning Bylaw Sections 6.5.2, 9.2, and 9.3
REPRESENTATIVE:

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- Rosann M. Whiting, President, Ursuline Academy
- Mark Dolny, AIA Leed AP, ARC/Architectural Resources Cambridge, 5 Cambridge Center, Cambridge, MA 02142
- Robert Corning, Senior Principal, Community Development, Stantec, 311 Summer Street, Boston, MA 02210-1723

DATE FILED WITH TOWN CLERK: FEBRUARY 5, 2016

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday, January 20, 2016, in the Town Office Building, Bryant Street, Dedham, MA. Present were members of the ZBA, Acting Chairman J. Gregory Jacobsen, Scott M. Steeves, and Jason L. Mammone, P.E. In the absence of James F. McGrail, Esq., and E. Patrick Maguire, the Acting Chairman appointed Associate Member Jared F. Nokes, J.D., to sit for this hearing. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7: 30 p.m., the Acting Chairman called for the hearing on the appeal of Ursuline Academy Dedham, Inc., 45-85 Lowder Street, Dedham, MA. Applicant seeks to be allowed such special permits as required for retaining walls in excess of 4 (four) feet in height (i.e., retaining walls of varying heights not exceeding 12 feet in height). The property is located at 45-85 Lowder Street, Dedham, MA in the Single Residence A (SRA) Zoning District. *Town of Dedham Zoning By-Law Sections 6.5.2, 9.2 and 9.3.*

Applicant was represented by Peter A. Zahka, II, Esq., 12 School Street, Dedham, MA. Also present on behalf of Applicant were Rosann Whiting, President of Ursuline Academy, Bob Corning, Principal, Stantec (Project Site/Civil Engineers and Landscape Architect); and Mark Dolny, Principal, Architectural Resources Cambridge (Project Architect). Attorney Zahka had previously submitted a plot plan of the Subject Property and various floor plans, exterior elevations, and planting plans. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference. At the hearing, Applicant was afforded an opportunity to make a full presentation.

The Subject Property, shown on Dedham Assessors' Map 106, Lot 12, contains approximately 27.6 acres of land and has approximately 1,596 feet of frontage on Lowder Street. The Subject Property is located in the SRA Zoning District (with a portion in the SRB Zoning District). Applicant utilizes the Subject Property for operation of a (middle and high) school.

The Subject Property is currently occupied by five (5) existing buildings: the main academic/school building, art center, maintenance building, a convent, and the provincialate building. The Applicant will be constructing a new 2-story, 39,115 square foot Athletic and

Convocation Center with approximately 40,000 square feet of floor area. This new building will consist of a gymnasium, lockers and bathrooms, fitness and exercise space, classroom space, storage and a faculty lounge. In addition, this project includes demolition of the existing arts center and maintenance building and construct a new two-story 4,556 square foot maintenance building with corresponding dumpster space. This project has already received Site Plan Approval from the Dedham Planning Board and required approvals from the Dedham Conservation Commission.

Adjacent to the proposed new maintenance building will be retaining walls of various heights not exceeding 12 feet in height. These retaining walls are an extending from the foundation of the maintenance building. Applicant indicates that the proposed retaining wall is not readily visible off-site. In addition, Applicant will be planting additional trees to further screen the wall. Specifically, the landscape plan submitted by Applicant depicts white pines planted in front of the retaining wall. Applicant also proposes an ornamental fence along the top of the retaining wall for safety.

Section 6.5.2 of the Dedham Zoning By-Laws provides that a special permit is required for retaining walls in excess of four (4) feet in height. As indicated, Applicant's retaining walls will be of various heights not exceeding twelve (12) feet. Accordingly, Applicant requests such permits as required retaining walls not exceeding twelve (12) feet in height. In 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 Section 9.3.2 of the Dedham Zoning By-Law.

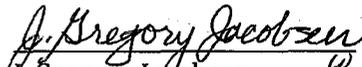
Applicant respectfully submits that it satisfies the requirements and criteria for the issuance of the requested special permits. As stated above, the retaining wall is not readily visible from the street or any abutting properties and will be further screened by the planting of additional trees. In addition, the proposed fence along the top of the wall will provide necessary safety. It is noted that the project described above has been fully reviewed and approved by the Dedham Planning Board. This review include a peer review of the proposed site plan for the project.

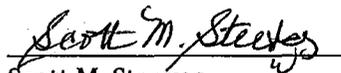
No one appeared at the hearing in opposition to the requested special permit.

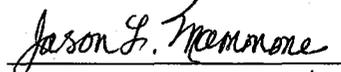
Upon motion duly made by Scott M. Steeves and seconded by Jared F. Nokes, J.D., the ZBA voted unanimously (4-0) to grant and approve such permits as required for retaining walls in excess of 4 (four) feet in height (i.e., retaining walls of varying heights not exceeding 12 feet in height) at 45-85 Lowder Street. In granting of said special permits, the ZBA finds that, after consideration of the criteria in Section 9.3.2 of the Dedham Zoning By-Law, the adverse effects of Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood.

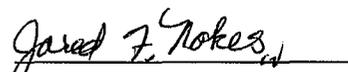
Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no special permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has 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.

Dated: January 20, 2016


J. Gregory Jacobsen


Scott M. Steeves


Jason L. Mammone, P.E.


Jared F. Nokes, J.D.

Attest, by the Administrative Assistant:


Susan N. Webster

Copies of this decision are filed in the Dedham Town Clerk's office. Copies of all plans referred to in this decision and a detailed record of the Zoning Board of Appeals proceedings are filed in the Dedham Planning/Zoning Department.

Materials Submitted:

- ZBA application
- Plot plan prepared by Architectural Resources, 5 Cambridge Center, Cambridge, MA 02142
- Elevations of facility building, prepared by Architectural Resources, 5 Cambridge Center, Cambridge, MA 02142