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TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS DECISION

APPLICANT:	Whole Foods Market
PROJECT ADDRESS:	300 Legacy Place, Dedham, MA
CASE #	VAR-09-14-1889
PROPERTY OWNER/ADDRESS:	Legacy Place, LLC, 1330 Boylston Street, Chestnut Hill, MA 02467
MAP/LOT AND ZONING DISTRICT:	162/1, Research, Development & Office
DATE OF APPLICATION:	October 7, 2013
MEMBERS PRESENT AND VOTING:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E
PETITION:	To be allowed a Special Permit for a temporary trailer during the holiday season
SECTION OF ZONING BYLAW:	*Special Accessory Uses in All Districts, Section 3.2, Trailers*
REPRESENTATIVE:	Dave Filippone, General Manager Jason Poirier
DATE FILED WITH TOWN CLERK:	OCTOBER 20, 2014

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, October 15, 2014, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, Vice Chairman, Scott M. Steeves, E. Patrick Maguire, LEED AP, and Jason L. Mammone, P.E. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11. Legal ads were placed for two con-

secutive weeks in *The Dedham Times*. In addition, abutters within 300 feet of the property in question received notification of the hearings.

At 7:34 p.m., the Chairman called for the hearing on the petition of Whole Foods Market (hereinafter referred to as the "Applicant"), 300 Legacy Place, Dedham, MA, for a Special Permit for a temporary trailer for turkey storage to be housed behind Whole Foods for the holiday season from November 12, 2014, to November 28, 2014. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference. The plans, documents, studies, etc. referred to are incorporated as part of the public record and are on file in the Planning and Zoning office. *Town of Dedham Zoning Bylaw Special Accessory Uses in All Districts, Section 3.2, Trailers*

The subject property is known and numbered as 300 Legacy Place, Dedham, MA, and is shown on Dedham Assessors' Map 162, Lot 1. The certified plot plan indicates that the Subject Property contains 17.4 acres of land. According to the Dedham Zoning Map, the Subject Property is located in the Research, Development, and Office zoning district. Currently, the property is occupied by a lifestyle center with retail stores and restaurants. According to the records maintained by the Dedham Board of Assessors, the building was constructed in 2009.

The Applicant is seeking a Special Permit for a temporary trailer for turkey storage to be housed behind Whole Foods for the holiday season from November 12, 2014, to November 28, 2014. This is an annual request. Last year, Acting Fire Chief William Spillane requested that the trailer not block the fire lane at any time. No one on the Board or in the audience had any objections to the petition.

On a motion made by Jason L. Mammone, P.E. and seconded by J. Gregory Jacobsen, the Zoning Board of Appeals voted unanimously (5-0) to allow a Special Permit to house a temporary trailer at 300 Legacy Place behind Whole Foods Market from November 12, 2014, to November 28, 2014, with the condition that the fire lane must not be blocked at any time that the trailer is present.

The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant would incur a hardship if the Special Permit

was not granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting of said special permits, the ZBA finds that, after consideration of the criteria Dedham Zoning By-Law, the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood and will not be substantially more detrimental to the neighborhood.

The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County. Applicant is further advised that no waivers/variance will be issued by the Building Department until evidence is presented that this decision has been recorded in the Norfolk County Registry of Deeds. The Applicant should furnish the Zoning Board of Appeals with a receipt from the Registry of Deeds indicating that the decision has been filed.

Dated October 15, 2014

Attest, by the Zoning Board of Appeals:

James F. McGrail

James F. McGrail, Esq., Chairman

J. Gregory Jacobsen

J. Gregory Jacobsen

Scott M. Steeves

Scott M. Steeves

E. Patrick Maguire

E. Patrick Maguire, LEED AP

Jason L. Mammone

Jason L. Mammone, P.E.

Attest, by the Administrative Assistant:

Susan N. Webster

Susan N. Webster

Copies of this decision are filed in the office of the Dedham Town Clerk. 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
- Letter of permission from Beth Winbourne, General Manager, Legacy Place, 680 Legacy Place, Dedham, MA
- Photograph of proposed trailer