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**TOWN OF DEDHAM  
COMMONWEALTH OF MASSACHUSETTS  
ZONING BOARD OF APPEALS  
DECISION**



<b>APPLICANT:</b>	<b>850 Providence Highway Associates</b>
<b>PROJECT ADDRESS:</b>	<b>55 McNeil Way, Dedham, MA</b>
<b>CASE #</b>	<b>VAR-05-14-1850</b>
<b>PROPERTY OWNER/ADDRESS:</b>	850 Providence Highway Associates, 75 McNeil Way, Dedham, MA
<b>MAP/LOT AND ZONING DISTRICT:</b>	149/2, Research, Development & Office
<b>DATE OF APPLICATION:</b>	May 22, 2014
<b>MEMBERS PRESENT AND VOTING:</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E., Jessica L. Porter, Jared F. Nokes, J.D.
<b>PETITION:</b>	To be allowed a Special Permit to change the existing nonconforming warehouse use to another less detrimental nonconforming use of retail showroom (building materials)
<b>SECTION OF ZONING BYLAW:</b>	Section 3.3.2, Nonconforming Uses
<b>REPRESENTATIVE:</b>	Edward J. Richardson, Esq., 339 Washington Street, Dedham, MA
<b>DATE FILED WITH TOWN CLERK:</b>	<b>JULY 14, 2014</b>

The Zoning Board of Appeals ("Zoning Board of Appeals") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, June 18, 2014, in the Town of Dedham Office Building, 26 Bryant Street, Dedham, MA. Present were members of the Zoning Board of Appeals, James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, Vice Chairman, Scott M. Steeves, E. Patrick Maguire, LEED AP, 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 consecutive weeks in *The Dedham Times*. In addition, abutters within 300 feet of the property in question received notification of the hearings.

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.

At 7:29 p.m., the Chairman called for the hearing on the petition of 850 Providence Highway Associates (hereinafter referred to as the "Applicant"), 75 McNeil Way, Suite 301, Dedham, MA. The Applicant is seeking a Special Permit to change the existing nonconforming warehouse use to another less detrimental nonconforming use of retail showroom (building materials) at 55 McNeil Way, Dedham, MA. The property is located in the Research, Development, and Office zoning district. *Town of Dedham Zoning Bylaw Section 3.3.2*

The subject property is known and numbered as 55 McNeil Way, Dedham, MA, and is shown on Dedham Assessors' Map 149, Lot 2. The certified plot plan indicates that the Subject Property contains one acre of land and has over 250 feet of frontage. 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 light industrial warehouse. According to the records maintained by the Dedham Board of Assessors, the building was constructed in 1967.

Mr. Richardson presented the Board with a map showing the proximity to any residences; there are none. He also presented a rendering of the showroom. There will be no changes to any footprints; it is strictly a lateral change of use. He explained that the business will be a warehouse lighting showroom called "Symphony of Light." He will be seeing the Planning Board for major site plan review. The Planning Board granted a waiver for a traffic study.

E. Patrick Maguire, LEED AP, made a motion to approve a Special Permit to change the existing nonconforming warehouse use to another less detrimental nonconforming use of

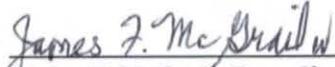
retail showroom for building materials at 55 McNeil Way. J. Gregory Jacobsen seconded the vote. The vote of the Board was unanimous at 5-0.

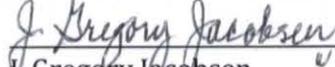
The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant would incur a hardship if the Special Permit was not granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting said special permit, the ZBA finds that, after consideration of the criteria in the Dedham Zoning Bylaw, the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and the neighborhood, and will not be substantially more detrimental to the neighborhood.

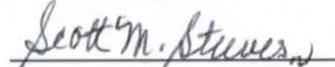
The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County. The Applicant is further advised that no waivers/variances 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.

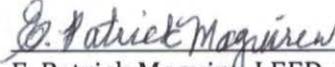
Dated: June 18, 2014

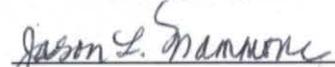
Attest, by the Zoning Board of Appeals:

  
James F. McGrail, Esq., Chairman

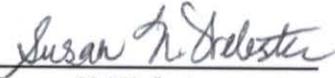
  
J. Gregory Jacobsen

  
Scott M. Steeves

  
E. Patrick Maguire, LEED AP

  
Jason L. Mammone, P.E.<sup>10</sup>

Attest, by the Administrative Assistant:

  
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
- Petition statement prepared by Edward J. Richardson, Esq.
- Site Plan dated May 29, 2014, prepared by Norwood Engineering Co., Inc., 1410 Route One, Norwood, MA 02062
- Rendering of proposed showroom