

PLANNING BOARD

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TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

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DECISION AND CERTIFICATION OF ACTION
ON APPLICATION TO AMEND
SPECIAL PERMIT FOR MAJOR NONRESIDENTIAL PROJECT
AND SPECIAL PERMITS FOR TWO RESTAURANTS

APPLICANT: Petruzziello Properties, LLC

PROPERTY: 338-344 Washington Street/32 Harris Street (f/k/a 350 Washington Street)

DATED: May 25, 2017

Petruzziello Properties, LLC (hereinafter referred to as the "Applicant") submitted an application to amend a previously approved Special Permit for a Major Nonresidential Project, and for Special Permits for two restaurants for the mixed use building at the property known and numbered as 338-344 Washington Street/32 Harris Street (f/k/a 350 Washington Street),¹ Dedham, MA (hereinafter referred to as the "Subject Property"). The Subject Property is owned by Petruzziello Properties, LLC. The Subject Property, shown on Dedham Assessors' Map 92, Lot 62, contains approximately 24,457 square feet of land with over 190 feet of frontage on Washington Street. The Subject Property also has frontage on Harris Street. According to the Zoning Map for the Town of Dedham, the Subject Property is located in the Central Business (CB) Zoning District.

The Subject Premises is currently occupied by a 4-story mixed use building. On or about October 1, 2015, the Dedham Planning Board granted and approved a Special Permit for a Major

¹ At the time of the Planning Board approval for the building on the Subject Property, the same had an address of 346-350 Washington Street. Since such approval, the Dedham Board of Assessors has assigned a street address to the Subject Property of 338 Washington Street. For E-911 (and other purposes) the Department of Infrastructure Engineering/GIS has assigned street addresses of 338-344 Washington Street for the commercial property and 32 Harris Street for the residential units.

1 | Town of Dedham Planning Board Certificate of Action, May 25, 2017
Petruzziello Properties, LLC, 338-344 Washington Street/32 Harris Street (f/k/a 350 Washington Street, Dedham, MA

Nonresidential Project (“MNP”) for this 4-story mixed use building. The building has a net floor area of 52,000 square feet. The first floor contains approximately 6,400 net square feet (6,800) of commercial (i.e., retail/office/restaurant) space. In addition to the MNP Special Permit, the Planning Board² granted a Special Permit for a restaurant (i.e., a use requiring a common victualler license) at said building. The Certificate of Action issued by the Dedham Planning Board provides that this Special Permit is for a restaurant with no more than 3,000 net square feet of floor area and a seating capacity for not more than one hundred (100) patrons. The second, third, and fourth floors each contain twenty (20) one-bedroom subsidiary apartments for a total of sixty (60) such apartments. There are a total of 74 parking spaces distributed as follows: (a) 48 parking spaces are located on the garage/lower level and will be accessible only from Harris Street, and (b) 26 parking spaces are located on the first floor level and will be accessible only from Washington Street.

The Applicant has entered into and executed leases with two restaurants for the first floor commercial space at said building. One lease is for a restaurant (Blue Ribbon Barbecue) with approximately 2,750 square feet of floor area to be utilized and up to sixty (60) seats. The second lease is for a restaurant (RAAL Corporation d/b/a El Centro Restaurant) with approximately 3,220 square feet of floor area with up to one hundred (100) seats³. Accordingly (in addition to the amendment to the MPNP, the Applicant has requested Special Permits for the two (2) restaurants: one containing approximately 2,750 square feet of floor area with up to sixty (60) seats, and one containing 3,220 square feet of floor area with up to one hundred (100) seats at the Subject Property. Said seating is inclusive of outdoor/patio seating.

Table 1 (Principal Use Regulations) of the Dedham Zoning By-Law provides that a use requiring a common victualler license⁴ (i.e., a restaurant) is allowed by Special Permit in the CB Zoning District. Pursuant to Section 9.4.2, 9.4.3.6, and 10 of the Dedham Zoning By-law, the Planning Board is the Special Permit granting authority for an MNP and for all other Special Permits required for the MNP.

On or about May 3, 2017, the Applicant submitted the following material (in requisite number) to the Planning Board:

1. Application to Amend Special Permit for Major Nonresidential Project and for Special Permits for two (2) restaurants (a use requiring a common victualler license) and Project Narrative
2. Application for Abutters List
3. Plan entitled “Foundation As Built Plot Plan, 346-350 Washington Street, Dedham, Mass.,” dated April 26, 2016, by Norwood Engineering, Inc.
4. Photographs of existing conditions

² To avoid a potential conflict-of-interest, Member John R. Bethoney did not participate in any of the proceedings regarding this Project, and was not physically present during the Planning Board public hearing, deliberations, or vote on the matter.

³ It is intended that the all alcoholic beverages on-premises restaurant license held by Supreme Restaurant Group, Inc. for the Subject Property will be transferred to this restaurant.

⁴ Common victualler licenses are issued by the Dedham Board of Selectmen.

5. Check in the amount of \$250.00 for filing/processing fee

On May 25, 2017, the Planning Board held a public hearing on the Application for Special Permit for Major Nonresidential Project. Relative to said public hearing, the following are noted:

1. The Planning Board caused written notice of said public hearing to be mailed as required to abutters to the subject property.
2. The Planning Board caused the notice of said public hearing to be published as required in *The Dedham Times*. Said publications were on May 12, 2017, and May 19, 2017.
3. The Planning Board caused the notice of said public hearing to be posted as required by State law and Town By-Law.
4. The Planning Board distributed copies of the aforesaid plans and reports to and otherwise solicited comments from various Town of Dedham boards, agencies, departments, and officials.

Present and participating in said hearing were Planning Board members Michael A. Podolski, Esq., Chairman, Robert D. Aldous, Clerk, Ralph I. Steeves, and James E. O'Brien IV⁵. Also present on behalf of the Planning Board was Planning Director Richard McCarthy. The Applicant was represented by Attorney Peter A. Zahka II, of 12 School Street, Dedham, MA. Appearing on behalf of Applicant was Giorgio Petruzzello, Member/Manager of Petruzzello Properties, LLC.

The Applicant's representatives made a full and detailed presentation to the Planning Board which included the following:

1. The written Application specifically requested Special Permits to amend the previously approved MNP for a mixed used development and for Special Permits for two (2) restaurants: one with a floor area of approximately 2,750 square feet and up to sixty (60) seats, and one with a floor area of approximately 3,220 square feet and up to one hundred (100) seats. Said seating is inclusive of any patio/outdoor seating.
2. Inasmuch as the Project was initially approved by the Planning Board as an MNP Special Permit, the Planning Board retains jurisdiction over all Special Permits.
3. Under Section 7.4.3.3 of the Dedham Zoning By-law, "All Mixed Use Development shall provide at least one parking space per dwelling unit. Mixed Use Developments in the CB Zoning District shall provide additional parking, if any, for the nonresidential uses as determined by the Planning Board to be sufficient to meet the needs of such Mixed Use Development, taking into consideration complementary uses and activities having different peak demands, joint parking arraignment, the availability of on-street and public parking, and such other mitigating factors and measures as may be appropriate." As noted below, the Applicant submits that there is sufficient on-site, on-street, and municipal parking to meet the needs of the Subject Property.

⁵ To avoid a potential conflict-of-interest, Member John R. Bethoney did not participate in any of the proceedings regarding this Project, and was not physically present during the Planning Board public hearing, deliberations, or vote on the matter.

4. As noted above, the building is served by 74 parking spaces. While the proposed restaurant increases the parking required at the Subject Property, the Applicant submits that there is sufficient parking between on-site parking (noting the shared parking inherent in a mixed use building), on-street parking, and municipal parking. The Applicant notes that a "Dedham Square Parking Management Plan," proposed by the Dedham Economic Development Director and other Town of Dedham officials, is anticipated to "free-up" a significant number of on-street parking spaces as well as parking spaces in the municipal parking lots. A primary component of this "Parking Management Plan" is the agreement by Norfolk County to allow the Post Office and other Dedham Square employees to park in the County's parking lot behind the Norfolk Registry of Deeds.
5. The Applicant is not proposing any other modifications to the site/parking plan.

Upon motion duly made and seconded, the Planning Board unanimously (4-0)⁶ voted to close the public hearing. Upon motion duly made and seconded, the Planning Board unanimously (4-0)⁷ voted to approve the amendment to the MNP Special Permit approved on October 1, 2015, for the mixed used development and to approve Special Permits for two (2) restaurants: one containing approximately 2,750 sf with up to sixty (60) seats and one containing 3,220 square feet with up to one hundred (100) seats, inclusive of outdoor/patio seating. In granting the aforesaid Special Permits, the Planning Board has considered the criteria set forth in Section 9.3.2 of the Dedham Zoning By-Law, and has determined that any adverse effects of the project will not outweigh its beneficial impacts to the Town or the neighborhood. In addition, pursuant to Section 7.4.3.3 of the Dedham Zoning By-law, the Planning Board has determined that no additional on-site parking is required, and is approved with all requested Special Permits upon the following terms and **CONDITIONS**:

1. Except as amended and modified by this Decision and Certificate of Act, all requirements and **CONDITIONS** in the Certificate of Action for the Subject Property dated October 1, 2015, shall remain in force and effect.
2. The owner and successor in interest shall regulate delivery of goods and supplies for both restaurants through their leases. Delivery shall be done in a manner that does not interfere with pedestrian and vehicular travel along Washington and Harris Street. Deliveries may need to be done off-hours and/or by other methods to deliver goods and supplies to both restaurants if the Planning Board finds deliveries are creating safety issues.
3. The owner and successor in interest shall regulate employee parking for both restaurants through their leases. Employees shall be directed to off-premise locations to park in order to maximize on-site parking spaces for the restaurants during evening hours.

⁶ To avoid a potential conflict-of-interest, Member John R. Bethoney did not participate in any of the proceedings regarding this Project, and was not physically present during the Planning Board public hearing, deliberations, or vote on the matter.

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4. The Applicant agrees that, no later from one year from the permanent occupancy permit, the Applicant shall file a written report with the Planning Director detailing the compliance with all terms and conditions of this certificate. 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.

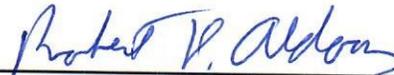
The Applicant is hereby notified that this "Decision and Certification of Action" shall be filed with the Dedham Town Clerk. Any person aggrieved by this decision may appeal to a court of competent jurisdiction by bringing an action within twenty days after the decision has been so filed with the Town Clerk in accordance to the provisions of MGL Chapter 40A, Section 17. The 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: June 14, 2017

By the Dedham Planning Board:



Michael A. Podolski, Esq.



Robert D. Aldous, Clerk



Ralph I. Steeves



James E. O'Brien IV