

**TOWN OF DEDHAM**  
COMMONWEALTH OF MASSACHUSETTS

**PLANNING BOARD**

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**PLANNING BOARD**

November 15, 2018

**Re: Planning Board Report to Town Meeting on Zoning Articles 13 and 14  
2018 Fall Annual Town Meeting Warrant**

Dear Town Meeting Representative:

The Planning Board is charged with the duty of holding public hearings and evaluating any proposed amendments to the Dedham Zoning By-Law and the Zoning Map for the Town. The Board then provides its report and recommendation to Town Meeting.

This Report summarizes and explains each of the two (2) zoning Articles that appear in the 2018 Fall Annual Town Meeting Warrant and provides the Planning Board's recommendations to Town Meeting. The articles addressed in this report include:

**Article 13:** Proposed by the Planning Board for approval of a "Comprehensive Concept Plan" to create a Planned Residential Development at 219 Lowder Street.

**Article 14:** Proposed by Petitioners to amend the Zoning Bylaw to require Town Meeting approval of a concept plan for any mixed-use development after said plan's approval by the Planning Board.

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**ARTICLE THIRTEEN:** *By the Planning Board.* To see if the Town will vote to approve the "Comprehensive Concept Plan," reviewed by the Dedham Planning Board, and on file in the Office of the Town Clerk, for a Planned Residential Development ("PRD") at 219 Lowder Street shown on the Plan entitled "Plan of Land, 219 Lowder Street, Assessor's Map 89, Lot 37, Dedham, Massachusetts 02026 – PRD Concept," with the following conditions: (a) the PRD shall have a maximum of seven (7) dwelling units; (b) the minimum dedicated open space within the PRD shall be 21 percent of the total area; and (c) subject to a comprehensive review of the site development plan by the Planning Board.

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**PURPOSE OF ARTICLE THIRTEEN:**

Dedham Zoning Bylaw Section 7.0 provides for Planned Residential Development, which enables “a well-defined area of higher development density than other residential developments” and is “intended to accommodate dwelling units for small households in a variety of dwelling types, all in a planned setting.” The Bylaw establishes standards for maximum allowable density, minimum natural open space, the use of performance bonds, setbacks, and visual screening of structures. The Bylaw further establishes a process of review. For a Planned Residential Development to proceed, the comprehensive concept plan must be reviewed by the Planning Board and then recommended to Town Meeting. Town Meeting then votes whether to approve the concept plan. If the concept plan receives Town Meeting approval, the detailed proposal and its conformance to the concept plan would then be reviewed in public meetings and potentially approved by the Planning Board.

At several meetings (including at least two (2) public hearings to which abutters were notified and invited to offer testimony) the Planning Board reviewed and discussed the Concept Plan submitted by Gregory Carlevale and Collis, LLC, for a Planned Residential Development (PRD) at 219 Lowder Street. In addition, the proposal was reviewed by the Town Planner and a third-party peer reviewer. The proposal met the requirements under the Dedham Zoning By-Law for a PRD. Under conventional residential zoning, the property could be subdivided into five (5) single family lots. The proposed PRD is for a single mansion-scaled condominium building containing seven (7) dwelling units with the majority of the parking under the building. The units in the PRD would be smaller (all 2-bedroom units and most under 1,800 sf) than would be expected with single family homes. Importantly, overall development intensity as measured by items such as building volume, square footage and impervious coverage, will be no more, and in some cases significantly less, than conventional single-family development would yield on the site. Furthermore, the PRD would allow for a maximization of open space augmented with perimeter landscaping and screening. With the PRD, curb cuts would be limited to two (2) (as opposed to four (4) to five (5) curb cuts with single family homes.) It is noteworthy that the vast majority of the abutters and the neighborhood supported the PRD and offered testimony (in person and in writing) at the public hearings that the proposed PRD best fits into the existing neighborhood (and is preferred over the potential single family subdivision). The Planning Board commends the Applicant for actively engaging the abutters well before submission of any plans to the Planning Board.

**PLANNING BOARD RECOMMENDATION ARTICLE 13: The Planning Board held the required Public Hearing on October 25, 2018, and voted 5-0 to recommend approval by Town Meeting.**

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**ARTICLE FOURTEEN:** *By Planning Board Member Michael A. Podolski and District 4 Town Meeting Representative Carmen E. Dello Iacono, Jr.* To see if the Town will vote to amend the Zoning Bylaws, Section 7.4 entitled “MIXED USE DEVELOPMENTS” to require Town Meeting approval of any proposed mixed-use building, in addition to the Special Permit process overseen by the Planning Board.

**PURPOSE OF ARTICLE FOURTEEN:** The existing Dedham Zoning By-Law enables the development of mixed-use buildings (commercial uses on the first floor and apartments on upper floors) only through the Special Permit process conducted by the Planning Board. If Article Fourteen is approved, the process would be modified to require the additional approval of Town Meeting before a “mixed use” development could be permitted.

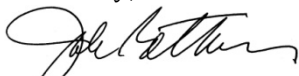
The modified process would be similar to the Planned Residential Development process already contained in the Town Zoning By-laws. For a Mixed-Use Development to proceed in this proposed process, a comprehensive concept plan would have to be reviewed by the Planning Board and then recommended to Town Meeting. If the concept plan received Town Meeting approval, the detailed proposal and its conformance to the concept plan would then be reviewed in public meetings for approval by the Planning Board. If Town Meeting did not approve the concept plan, the proposal would not advance.

As proposed, Article 14 would require Town Meeting approval of a Concept Plan for all mixed-use buildings. Essentially, Article 14 would provide Town Meeting with “veto power” over mixed-use building special permits. Town Counsel has opined that we cannot legally subject a special permit use to Town Meeting for approval. In 2007, the Massachusetts Land Court invalidated an almost identical procedure in the Town of Bellingham as is being proposed by Article 14. In light of these legal concerns, the Sponsors of Article 14 have requested that the same be indefinitely postponed. In making this request, the Sponsors indicated they would pursue Zoning By-Law amendments to mixed-use buildings at future Town Meetings. The Planning Board looks forward to working with the Sponsors on potential amendments.

**PLANNING BOARD RECOMMENDATION ARTICLE FOURTEEN: The Planning Board held the required Public Hearing starting on October 25 and continuing to November 8, 2018. On November 8, 2018, members voted 4-0 to recommend the Article be indefinitely postponed by Town Meeting.**

If you have specific questions or concerns prior to Town Meeting, please contact the Planning & Zoning Department, (781) 751-9240.

Sincerely,



John R. Bethoney  
Chairman  
On behalf of the Planning Board