

PLANNING BOARD

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TOWN OF DEDHAM

May 10, 2019

This Report summarizes and explains each of the five (5) zoning articles that appear in the 2019 Spring Annual Town Meeting Warrant and provides the Planning Board's Recommendations to Town Meeting.

ARTICLE NINETEEN: *By the Planning Board.* To see if the Town will vote to review mixed-use residential development in the Town, and for such purposes:

1. Impose a seven-month moratorium on mixed use developments by amending the Zoning Bylaws to insert the following new section, Section 7.4.5 Moratorium, as follows:

7.4.5.1 Purpose

The Town amended the Zoning Bylaw in 2004 to include regulation of mixed use developments. Since that time, multiple mixed-use projects-buildings have been approved and built with residential apartments over commercial spaces.

The continuing high demand for mixed-use developments, including development of commercial space and apartments, as well as condominiums, raises novel legal, planning, economic, and public safety issues and creates a need to review the current regulation of this use. The Town needs time to consider and study the future implications and impact of mixed use developments upon the Town as a whole, as well as the consistency of the already completed mixed-use developments with the Town's current and future development and housing goals. Imposition of a temporary moratorium on mixed use developments will allow sufficient time to simultaneously assess the challenges and successes of existing mixed-use projects, determine consistency of additional mixed-use development with the Town's overall development and housing goals, and,

further, determine whether refinements or modifications of the mixed-use zoning bylaw could better align the Bylaw with the Town's future economic and housing goals.

7.4.5.2 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a Temporary Moratorium on issuance of special permits for the use of land or structures for mixed use developments. The moratorium shall be in effect through **November 30, 2019** or the date on which the Town adopts amendments to the Zoning Bylaw concerning Mixed Use Development, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to study, review, analyze and address whether any revisions the Zoning Bylaw relative to Mixed Use Development are needed or desirable to provide for mixed use development consistent with the Town's future general planning goals for economic development and housing.

2. Raise and appropriate or transfer from available funds the sum of \$50,000 for consultant services to study, review, analyze, and if necessary propose revisions to the Zoning Bylaw, to provide for Mixed Use Development consistent with the Town's general and specific planning goals.

or take any other action relative thereto. *Referred to Finance and Warrant Committee and Planning Board for study and report.*

PURPOSE OF ARTICLE NINETEEN: The purpose of Article 19 is to allow the Planning Board to commission a study of the community impacts of Mixed-Use Developments in Dedham since 2004. In addition to appropriating funding for this study, the article also imposes a seven-month moratorium on the issuance of a special permit for a Mixed-Use Development. The seven-month time frame was calculated to span the time between the date of the first public hearing advertisement for the warrant article and the start of the 2019 Fall Town Meeting. It is the intention of the Planning Board to have the study completed and any recommendations about zoning by-law amendments stemming from the study ready to be considered at the 2019 Fall Town Meeting.

PLANNING BOARD RECOMMENDATION ARTICLE NINETEEN: The Planning Board conducted their required Public Hearing on April 25, 2019. At their meeting on May 9, 2019 they voted 5-0 to recommend approval to Town Meeting.

ARTICLE TWENTY: *By District Four Town Meeting Representative Brian M.B. Keaney.* To see if the Town will vote to amend Section 7.8.3 (C) (1) of the Zoning By-Law by inserting the word “Notwithstanding” immediately prior to the words “anything herein to the contrary,” or take any other action relative thereto. *Referred to Planning Board for study and report.*

PURPOSE OF ARTICLE TWENTY: Warrant Article 20 is sponsored by Town Meeting member Brian M.B. Keaney. This Article would simply correct a Scribner’s error in Section 7.8.3 (c)(1) of the Zoning By-Law. In the Spring of 2018, Town Meeting members approved an article, as amended, relating to adding a new use category for an “Age Restricted Housing Development.” The new Section 7.8.3(c)(1) requires that at least one person in any dwelling unit in this development be at least 55 years or older. However, this section also intended to allow a “non-Qualified Occupant” to “continue to occupy the unit for one year beyond the term of any then existing lease” if the resident aged 55 or over stops living there. Unfortunately, the text amendment adopted on the floor of Town Meeting is not clear on this intent. Mr. Keaney asserts that by inserting the word “Notwithstanding” at the start of the fifth (5th) sentence in Section 7.8.3(c)(1) the original intent is restored.

PLANNING BOARD RECOMMENDATION ARTICLE TWENTY: **The Planning Board conducted their required Public Hearing on April 25, 2019. At their meeting on May 9, 2019 they voted 5-0 to recommend approval to Town Meeting.**

ARTICLE TWENTY-ONE: *By District Four Town Meeting Representative Carmen Dello Iacono.* To see if the Town will vote to amend the definition of “Mixed Use Development” set forth in Section 10 of the Dedham Zoning By-Law by deleting “at least 10 percent (10%)” as the same appears therein and replacing with “at least twenty percent (20%),” or take any other action relative thereto. *Referred to Planning Board for study and report.*

PURPOSE OF ARTICLE TWENTY-ONE: Warrant Article 21 is sponsored by Town Meeting Member Carmen Dello Iacono. The intent of Article 21 is to require that a Mixed-Use Development be comprised of at least 20% commercial or non-residential uses. Per the current definition of a Mixed-Use Development in Section 10.0 of the Zoning By-Law, at least ten percent (10%) of the development must be commercial or non-residential uses.

PLANNING BOARD RECOMMENDATION ARTICLE TWENTY-ONE: **The Planning Board conducted their required Public Hearing on April 25, 2019. At their meeting on May 9, 2019 they voted 5-0 to recommend to indefinitely postpone the article.**

ARTICLE TWENTY-TWO: *By District Four Town Meeting Representative Carmen Dello Iacono.* To see if the Town will vote to amend Section 7.4 (Mixed Use Developments) of the Dedham Zoning By-Law by adding thereto the following new Section 7.4.3.5:

For any Mixed Use Building with ten or more dwelling units, a minimum of 10% of the total number of dwelling units shall be restricted, designated, and dedicated as affordable dwelling units. The affordable dwelling units under this ByLaw shall be Local Action Units developed in compliance with and approved pursuant to the requirements for the same as specified by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), or successor agency, or (if approved by the Planning Board) affordable dwelling units developed under such additional programs adopted by the Commonwealth of Massachusetts or its agencies. All such affordable dwelling units shall count toward the Town of Dedham's requirements under Sections 20-23 of Chapter 40B of the General Laws of Massachusetts, and shall be listed on the Subsidized Housing Inventory (SHI) maintained by DHCD. This requirement shall be in place in perpetuity or such maximum time as may be allowed under applicable law. Such requirements and restrictions shall be articulated in the decision of the Planning Board and in such other recordable documents as determined appropriate by the Planning Board.

or take any other action relative thereto. *Referred to Planning Board for study and report.*

PURPOSE OF ARTICLE TWENTY-TWO: Warrant Article 22 is sponsored by Town Meeting Member Carmen Dello Iacono. The intent of Article 22 is to require that at least 10% of the dwelling units proposed in a Mixed-Use Development be designated as "affordable" under the Commonwealth definition and shall be eligible to be included in the Town of Dedham's Subsidized Housing Inventory (SHI) maintained by the Department of Housing and Community Development (DHCD).

PLANNING BOARD RECOMMENDATION ARTICLE TWENTY-TWO: The Planning Board conducted their required Public Hearing on April 25, 2019. At their meeting on May 9, 2019 they voted 5-0 to recommend to indefinitely postpone the article.

ARTICLE TWENTY-THREE: *By the Town Manager at the request of the Animal Control Officer.* To see if the Town will vote to amend the Zoning Bylaw to clarify its application to kennels, as follows:

1. Delete the current definition of "Kennel" in Section 10.0;
2. Insert in Section 10.0, in appropriate alphabetical order, the following new definitions:

COMMERCIAL BOARDING OR TRAINING KENNEL:

An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that the term "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under G.L. c.129, §39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding, or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

COMMERCIAL BREEDER KENNEL:

An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

DOMESTIC CHARITABLE CORPORATION KENNEL:

A facility operated, owned or maintained by a domestic charitable corporation registered with the department of public health or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.

KENNEL:

A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

PERSONAL KENNEL:

A pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and

provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

- Amend Section 3.1.6 of the Zoning Bylaw, Table of Use Regulations, Section E, to delete the strikethrough language and insert the language in bold in category 13; insert new use categories 14 and 15 immediately thereafter, and renumber existing categories 14, 15, and 16 accordingly, as follows:

PRINCIPAL USE	DISTRICTS											
	SRA SRB	GR	PR	PC ¹⁹	RDO	AP	LMA	LMB	HB	LB ¹⁸	GB	CB
13. Commercial Boarding or Training Kennel	NO SP	NO SP	NO SP	NO	NO ²³	NO	YES	YES	SP	NO SP	NO SP	NO SP
14. Commercial Breeder Kennel	NO SP	NO SP	NO SP	NO	NO ²³	NO	YES	YES	SP	NO SP	NO SP	NO SP
15. Domestic Charitable Corporation Kennel	NO SP	NO SP	NO SP	NO	NO ²³	NO	YES	YES	SP	NO SP	NO SP	NO SP
16. Drive-through facilities	NO	NO	NO	SP	SP	NO	NO	NO	SP	SP	SP	SP
17. Major Nonresidential Project	NO	NO	NO	PB	PB	PB	PB	PB	PB	PB	PB	PB
18. Marijuana Establishments	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

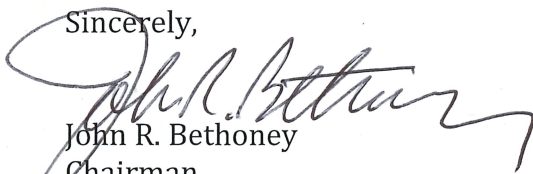
or take any other action relative thereto. *Referred to Planning Board for study and report.*

PURPOSE OF ARTICLE TWENTY-THREE: The Town Manager, at the request of the Animal Control Officer, is the sponsor of Article 23. The purpose of the Article is to expand the definition of “kennel” in the Dedham Zoning By-Law in order to allow small, low-impact dog-related service businesses to operate in the Town.

PLANNING BOARD RECOMMENDATION ARTICLE TWENTY-THREE: The Planning Board conducted their required Public Hearing on April 25, 2019. At their meeting on May 9, 2019, the Planning Board voted 5-0 to indefinitely postpone this article at the request of the Town Manager.

If you have specific questions or concerns prior to Town Meeting, please contact the Planning and Zoning Department at (781) 751-9242.

Sincerely,



John R. Bethoney
Chairman
On behalf of the Planning Board