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**Planning Board**

**Michael A. Podolski, Esq., Chair**

**John R. Bethoney, Vice Chair**

**Robert D. Aldous, Clerk**

**Ralph I. Steeves**

**James E. O’Brien IV**

**Planning Director**

**Richard J. McCarthy Jr.**

[**rmccarthy@dedham-ma.gov**](mailto:rmccarthy@dedham-ma.gov)

**TOWN OF DEDHAM**

**PLANNING BOARD**

**MEETING MINUTES**

**February 23, 2017, 7 p.m., Lower Conference Room**

**Present:** Michael A. Podolski, Esq., Chair

John R. Bethoney, Vice Chair

Robert D. Aldous, Clerk

James E. O’Brien IV

Richard J. McCarthy, Jr., Planning Director

Call to order 7:00 p.m. The Pledge of Allegiance was recited. Plans, documents, studies, etc., referred to are incorporated as part of the public records and are on file in the Planning and Zoning office. Mr. Steeves was not present because he was out of town.

**PUBLIC HEARING**

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| **Applicant:** | **Supreme Development, Inc.** |
| **Project Address:** | **360 Washington Street, Dedham, MA** |
| **Case #:** | **SITE-08-16-2117 – *SCOPING SESSION*** |
| **Zoning District:** | Central Business |
| **Representative(s):** | Peter A. Zahka II, Esq., 12 School Street, Dedham, MA |

**Prior to the beginning of the meeting, Mr. Podolski made the statement that Mr. Bethoney recused himself from this meeting. The agency at which he works has a professional relationship with the Applicant. He was not present in the building and did not participate in any part of this meeting or consideration of the proposal.**

Mr. Aldous moved to open the Public Hearing, seconded by Mr. O’Brien, and voted unanimously 3-0. Mr. Aldous moved to waive the reading of the Public Notice, seconded by Mr. O’Brien, and voted unanimously 3-0. Mr. McCarthy noted that the Public Hearing was advertised in *The Dedham Times* on January 27, 2017, and February 3, 2017. Notice was sent to abutters within 300 feet of the property and sent to abutting communities as required by statute.

Mr. Podolski said that, due to Mr. Steeves’ absence, they do not have the supermajority of Planning Board members sitting to begin the Public Hearing. The project is a new mixed use building that will be constructed by Giorgio Petruzziello at the old District Attorney’s building; the existing building will be razed. Mr. Zahka requested that this Public Hearing be continued to Thursday, March 23, 2017. Mr. Aldous moved to continue this until March 23, 2017, at 7:00 p.m., seconded by Mr. O’Brien, and voted unanimously 3-0[[1]](#footnote-1).

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| **Project Address:** | **Lot 9, Odyssey Lane (16 Odyssey Lane)** |
| **Zoning District:** | Single Residence B |
| **Representative(s):** | Amanda C. Collins-Kelly, Esq., SKM Title & Closing Services, P.C., 619 Washington St, South Easton, Massachusetts, 02375 |

**Mr. Bethoney was not present in the building for this meeting.** Ms. Collins-Kelly is seeking release of Lot 9, a/k/a 16 Odyssey Lane. This dates back to August 9, 2001. The road is all constructed and is a public way. Mr. Aldous moved to release Lot 9, a/k/a 16 Odyssey Lane, seconded by Mr. O’Brien, and voted unanimously 3-0. The covenant release was signed[[2]](#footnote-2).

**Planning Board Appointment to Design Review Advisory Board**

**Mr. Bethoney was not present in the building for this meeting.** Mr. Podolski introduced Christine Perec, the Planning Board appointee to the Design Review Advisory Board. She has a background in design. Mr. Podolski, on behalf of the Board and the Town, thanked her for volunteering her services. DRAB does serve a purpose, especially on the commercial side. He spoke for the Board saying he hoped she had an enjoyable tenure, and invited her to stay as long as she wants. Mr. Aldous moved to approve Ms. Perec’s application to DRAB, seconded by Mr. O’Brien, and voted unanimously, 3-0[[3]](#footnote-3).

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| **Applicant:** | **Motherbrook Realty Trust** |
| **Project Address:** | **20-30 Milton Street, Dedham, MA** |
| **Case #:** | **SITE-10-16-5153 – *SCOPING SESSION*** |
| **Zoning District:** | Central Business |
| **Representative(s):** | Peter A. Zahka II, Esq., 12 School Street, Dedham, MA  Michael McKay, McKay Architects, 35 Bryant Street, Dedham, MA  Renato Reda, 15 Felix Street, Dedham, MA, owner and principal  Antonio Reda, 15 Felix Street, Dedham, MA, principal |

**Prior to the beginning of the meeting, Mr. Podolski made the statement that Mr. Bethoney recused himself from this meeting. The agency at which he works has a professional relationship with the Applicant. He was not present in the building and did not participate in any part of this meeting or consideration of the proposal.**

The property, in the Central Business zoning district, also includes 36 Sawmill Lane, and have been combined to contain 34,000-35,000 square feet of land. There is over 380 feet of frontage on Milton Street, and about 78 feet on Sawmill Lane. There is currently an approximately 12,000 square foot two-story office building on site, as well as Dunkin Donuts with a little under 1,800 square feet. The parking lot has 60 spaces.

In October 2017, the Applicants came in for a scoping session for a proposal to convert the office building to a mixed use building. The proposal has been changed to a 2½ story building with 4,500 to 5,000 square feet of commercial space on the first floor and 10 one-bedroom apartments. They are here for a further scoping session. The total increase of the gross floor area of the building is about 2,500 square feet, which will be for dormers. The units will be essentially on the second floor, and some will have an upper floor. There is no third floor. The new parking lot will have 53 spaces, decreased from the existing 60 spaces. Some of the nonconforming parking spaces will be eliminated. There will still be 4-5 spaces over what is required; 49 spaces are required, 14 for Dunkin Donuts and 10 (one per apartment), and 25 for first floor retail/office.

The building has been redesigned, but there are no additions. The roof will be removed and rebuilt. The box of the building remains the same. The commercial space will have a side entrance. There will be an entrance/egress to the apartments, and a new stairway on the right side with a secondary means of egress for the residential area. The first floor has the potential for two tenants. Two second floor apartments on each end will be one-bedroom units. The middle six apartments will be one-bedroom townhouse style apartments. The building will be brought up to code with sprinklers and fire alarms. The back of the building has a drive-thru to Dunkin Donuts. There is a series of parking spaces along the right edge and back; they propose removing these because they are not safe, are unnecessary from a zoning standpoint, and this will make the drive-thru easier. Other existing spaces will be re-striped. The back of the building, which has mechanicals and dumpsters, will be cleaned up and new parking spaces put in. Mechanicals will be on the roof. The rest of the site will stay the same. One existing entrance will be removed and completely landscaped; they will go to Design Review Advisory Board for this. The building will be refaced with a shingle style design. The central entryway will be removed and two entries will be constructed on either side of the building. There will be no rear exit. They have four spaces more than is required by the Zoning Bylaw.

A Special Permit is required because it is a mixed use development, and it will also require minor site plan review since it is significantly below 5,000 square feet. Because it is a minor site plan, there will be no traffic report. When the application is submitted, they want to discuss the landscape plan and a polar diagram. The parking lot was extensively reviewed for the Dunkin Donuts project. The current parking demand is 60 spaces. This will be reduced to 49 despite adding 2,700 square feet to construct a third floor. There will still be an excess of four spaces. It will be tailored to a project that is reducing the parking requirement on the site when they submit their application for site plan approval and McMahon performs peer review.

There is an unsightly island in the Dunkin Donuts parking lot into which many people have driven. Discussions were held with the chairman of Conservation Commission about the possibility of closing this island. The island must remain open, but it can be significantly landscaped including trees. This will serve aesthetics and prevent people from driving into it. When the application is filed, the Applicant will propose removal of the rock and landscape. The plans will show the proposal.

Mr. Podolski said the proposal is significantly better looking than what is there now. It is smaller, and fits the lot much better. Mr. O’Brien asked how much the landscaping would be increased. Mr. McKay showed this on the plan submitted this evening; an official plan will be submitted and the landscaping further delineated. People currently park against the building on the right side; this will be changed. The Dunkin Donuts dumpster will be used for trash. Mr. Podolski wanted McMahon to review the radii at the in/out curb. Mr. O’Brien said it is a bit sharp coming from Boston. The Board was happy with the proposed changes, saying it is a significant change for the better. The Applicant will return to the Board when ready.

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| **Applicant:** | **David Raftery** |
| **Project Address:** | **333 East Street, Dedham, MA** |
| **Case #:** | **SITE-05-13-1675** |
| **Zoning District:** | Central Business |
| **Representative:** | Peter A. Zahka II, Esq., 12 School Street, Dedham, MA |

**Prior to the beginning of the meeting, Mr. Podolski made the statement that Mr. Bethoney recused himself from this meeting. The agency at which he works has a professional relationship with the Applicant. He was not present in the building and did not participate in any part of this meeting or consideration of the proposal.**

At the last meeting, the Board voted that modification of the site plan was insignificant and did not warrant peer review or notice to abutters. The Marinos asked that the chain link fence remain and the new fence be built abutting the chain link but on the Applicant’s side. The Applicant will then give the Marinos a license agreement to use the area on his property. The change is basically the location of the new fence, and will be on the as-built plan. Mr. Aldous moved to approve the insignificant modification, seconded by Mr. O’Brien. The vote was unanimous at 3-0.[[4]](#footnote-4) Mr. Podolski asked that Mr. Raftery look into screening the equipment on the top of the building because it can be seen when driving down Route 1, and is not aesthetically pleasing. Mr. McKay said they spoke about this a couple of weeks ago. Mr. Podolski suggested a nice fencing for the screening.[[5]](#footnote-5)

**Mr. Bethoney joined the meeting at 7:39 p.m.**

**Birch Street: Laying Out as Public Way, Referral from Board of Selectmen**

Jason L. Mammone, P.E., Director of Engineering, has been before the Board of Selectmen to change Birch Street from a private to a public way. The Town performed a lengthy review two years ago on how a private way can become a public way. The Board of Selectmen approved Road Acceptance Policy and Procedures on March 19, 2015. Birch Street, currently not built to town standards, would be the first private way to get to this stage of the policy. It is presented to the Board for its comment and report back to the Board of Selectmen before they proceed with the other items in the policy.

Mr. Mammone explained the proposed layout of Birch Street, which runs from Berlin Street to a dead end. The plan shows a 40-foot right of way; this does not need to be changed. The design standard could then be implemented very easily. If it is accepted as a public street, the Town will pay to build it to town standards; the money will need to be approved at Town Meeting for the Pavement Management Program. It will put into the data base of ongoing public way streets. When the program sees the benefit, cost analysis, and it meets the requirement, it will be done accordingly. Widths can vary from 22 to 28 feet wide; they try to fit within the design standard. If it does not meet that, they have to acquire additional land to meet it. This project is considered Group 3, “a dead end road that intersects a Public Way with a length of greater than or equal to 200 feet with a minimum of 5 residences with access to Private Way *(Road Acceptance Policy and Procedures)*.” Concrete curbs and sidewalks would be done on a case by case basis. If there are sidewalks on adjacent streets, the Department of Public Works will do them. Birch Street does not have sidewalks, so none are proposed. The road would be configured to a width of 24 feet with bituminous Cape Cod berms and the required stormwater management. They will perform reclamation, as they do with other roads that have severely deteriorated. Driveways would be repaired as necessary to meet the new grade of the roadway.

Mr. Aldous was uncomfortable with this. He was not sure that he wanted to accept it, and would prefer leaving it as a private way if they do not have everything that they can use. He said that they are building a road that developers usually build. He realized that there are houses there now, so no builder can do the job. The Town is now doing it in this case and he was not sure that he was ready to start doing that, saying it starts a bad precedent that will cost the Town a lot of money over the years. He wanted a complete layout of what is there and what the Town would have to do, i.e., take land. Most of the houses are very close to the street, so not much land could be taken. Mr. Mammone worked closely with the neighbors and gave them plenty of opportunity to say they did not want to proceed. He said that 100% of the neighbors must agree to go forward. Several iterations of the road design and the final design were shown to them.

Mr. O’Brien said there are other documents that he has not seen before. The Board of Selectmen approved the road acceptance policy in 2015, which included a form for applicants to come before them and Engineering to ask for a private road to be accepted as a public road. He said he did not know who comes to the Town to request this. Mr. Podolski, who sat on the committee for this, said that the entire street must agree to this. The form has been part of the process since 2015, but no one has requested this until now. Per Town bylaw, The Board of Selectmen will be able to assess the cost of the betterment to the neighbors if they think it is too expensive. The neighbors are know this. He assured the Board that all of this is vetted out.

Mr. Bethoney asked who the proponent was. Mr. Mammone said it is a resident, Christine Smith. She was responsible for obtaining public notary signatures from all the owners of record who abut the private way stating that they would like to proceed with the process. They must understand that if the cost is more than anticipated, a betterment would be assessed for any improvement. Everyone has to agree and understand that any of their perceived ownership of property that abuts the current roadway, which is not their property because it is a 40 foot right of way, may disappear in making this. Once everyone. The Planning Board needs to take a position on this per Massachusetts General Law. Mr. Mammone agrees and understands that a betterment may be assessed, then the Town would consider doing it explained that process. The Board has to do a layout plan report.

Mr. Bethoney said he thinks Mr. Aldous’ concern is that all they need is a neighbor and a group of abutters on dilapidated private ways meet and say they would like their private way to become a public way. The Town then has to bring their private way, which has been left for years to become the condition it is in, to a certain standard. Because of this opportunity, they want the Town to rebuild a private way that they did not want to maintain. He believes this is how Mr. Aldous is seeing this. The Board shares this concern, but as long as there is a method to recoup money spent in excess of what would normally be spent in changing to a private way, he is fine with that.

Mr. Podolski said that what drove this implementation was the continuing complaints by people who live on private ways but who did not know they live on private ways, and the condition of the street. This prompted the Board of Selectmen to develop what he feels is an elaborate process to make these roads public ways. Quarry Road is another street that will come before the Board for review. Mr. Podolski asked if the Board needed to vote on this now; they have to do something before March 5, 2017, which would be the 45-day deadline. Mr. Mammone said that no vote needs to be taken, just a report from the Planning Board to move the process along. Mr. Bethoney asked if the process would be, in its entirety, compliant with this. Mr. Mammone said this has to happen in order for it to go forward.

Mr. Bethoney moved that the Board send a report stating that it supports the proposal as long as it follows all the guidelines of the 2015 policy. Mr. O’Brien seconded the motion. The vote of the Board was 3-1, with Mr. Aldous voting no.[[6]](#footnote-6)

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| **Applicant:** | **Boston Bread d/b/a Panera Bread** |
| **Project Address:** | **725 Providence Highway, Dedham, MA** |
| **Case #:** | **SITE-08-16-2119** |
| **Zoning District:** | Highway Business |
| **Representative(s):** | * Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA * David Webster, Director of Development, Federal Realty Investment Trust, 450 Artisan Way, Suite 320, Somerville, MA  02145 * David J. LaPointe, RLA, LEED AP, Beals and Thomas, Reservoir Corporate Center, 144 Turnpike Road, Southborough, MA 01772 |
| **Town Consultant:** | Steven Findlen, McMahon Associates |

This was a **PUBLIC MEETING** for minor site plan review for a 4,000 square foot free-standing Panera Bread with drive-thru on a pad site in the parking lot at Dedham Plaza at the northeast end in front of Planet Fitness. Federal Realty is re-developing the Plaza, which was constructed in 1959, to be more competitive and beneficial to the Town and other tenants. The site is approximately 18 acres in the Highway Business zoning district. The Zoning Board of Appeals granted a Special Permit for the drive-thru and a setback variance from the highway. They have been before the Conservation Commission because of the brook on the northern border of the property and for storm water improvement measures, and are awaiting their Order of Conditions. They are working with the peer reviewer, Steven Findlen, and are trying to narrow the issues. They are not yet ready to discuss traffic, but will do so when the traffic engineer is present.

The building will have 74 seats inside and 21 seats on the patio. There are 911 existing parking spaces on the site, which they feel is more than adequate for the tenants. They will be requesting a waiver for 38 spaces. Landscaping will be improved on the entire site, and pedestrian safety will be increased and improved. They will be improving the impervious surface. They believe they can do all this without significantly increasing traffic to the site. There will be no impact on municipal services. It will increase the tax base and revenue to the Town.

The Dalzell Volvo site is not included since it is a separate lot. The site is bounded to the east by Route 1, to the west by Washington Street, to the north by a section of Lowder Brook and a commercial site, and to the south by undeveloped land. There are several retail buildings on the site including Planet Fitness, Star Market, and AutoZone, as well as smaller commercial stores. The restaurant would be in the northeast corner of the property. Access would be from within the Plaza. There is an existing right turn only entry from Route 1 into the Plaza, and an existing entry at the signalized intersection off Route 1. They propose 42 parking spaces with two handicapped spaces at the front door of the restaurant. The drive-thru allows 12 cars to queue around the building. They propose widening two islands to provide a walkway instead of walking through the parking area down the drive aisles. There will be crosswalks at driveway intersections to alert for pedestrians. They propose improvement and replacement of landscaping throughout the entire plaza to upgrade and update the plantings. They have filed with the Conservation Commission and are awaiting a response from a peer reviewer regarding storm water; they will make significant improvements in this. They have been working with McMahon and addressing their and town reviewer comments. Many comments have been addressed with the latest plans. The building has not yet been designed; the images presented are only conceptual. Panera will bring the design to both the Design Review Advisory Board and the Planning Board.

Mr. Findlen, Senior Project Manager at McMahon Associates, is the peer review consultant retained by the Planning Board to do a minor site plan review; the Applicant pays for this. He does not work for the Applicant or the Town. He has come up with 22 issues, particularly the need for a traffic study. This was done, and he submitted 16 comments on this. He is still reviewing the Applicant’s comments on the 22 site plan issues, including site access, safety, and lighting. He has asked for information regarding parking demand. He met with the Applicant last week to discuss the issues and should have a report by the next meeting.

Mr. Bethoney asked about the landscaping improvements. They will be replacing all plantings on the islands and along Route 1, and adding native trees, shrubs, and grasses that are drought tolerant. Mr. Bethoney wanted landscaping that was hardy and looked good for as much of the year as possible. There will be no rain gardens. The percentage of landscape for the site is proposed to be 21.6%. Mr. Podolski reminded the Applicant that no lighting should spill off site. Mr. Bethoney asked what the plans are for the existing Panera next to Star/Shaw’s Market. Mr. Webster said there is nothing definitive, but it will probably be a restaurant use, possibly for two tenants. Mr. Podolski noted that the entire site has a waiver for parking now, and asked how many spaces would be lost. Mr. Webster said there are 911 spaces. The existing waiver was in 2001. The requirement at that time was for 1,361 spaces, and they have a waiver for 400. With this project, they will lose 38 spaces.

There is no direct access from Route 1. Mr. Findlen asked the traffic engineer to look at potential queuing back onto Route 1. An existing “STOP” is for people inside the plaza on the main aisle, not for people coming in off the highway. If someone wanted to get on the main road, he would have to take a left, and there would be a queue in front of Panera’s entrance. Mr. Findlen asked the Applicant to look at that as an intersection. Mr. Podolski asked if the crosswalk would be painted or raised. Mr. LaPointe said the intent is for painted crosswalks with landscaping on either side. Mr. Podolski asked Mr. Findlen to review this. Mr. Aldous suggested that they look into a different material for this, citing Legacy Place’s crosswalks. The issue is getting pedestrians across the drive aisle safely. People driving down the drive aisle to the existing “STOP” sign turn left to go out the back, and tend to go fast. He wanted “STOP” lines called out better on the plans coming off Route 1. With regard to the drive-thru, it will go around the building from the west to east. Vehicles queuing in the pick-up line will exit on the other side, going through the area marked for 42 parking spaces, then out to the exit. Mr. Findlen has asked them to look at comparable sites. Mr. Podolski suggested that they look at the Walpole restaurant building for design ideas. The dumpster site has not been finalized. Mr. Webster said that pick-up will be early. Mr. Findlen will look at this.

Mr. Webster was asked if it was possible to give the Board a concept of the building design. He said he can get concepts, but he did not want to commit these to the Board because there is a process through which it has to go. Mr. Bethoney said there is no matter of right to this project, and it will require significant waivers. The site has to work for him, but the building appearance is very important as well. He reminded the Applicant that in 2001, they said they would not ask for any more waivers. Mr. Bethoney moved that the Applicant return on March 23, 2017, seconded by Mr. Aldous. The vote was unanimous at 4-0.[[7]](#footnote-7)

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| **Applicant:** | **1000 Washington Street Realty, LLC** |
| **Project Address:** | **1000 Washington Street, Dedham, MA** |
| **Case #:** | **SITE-02-17-2194 – *SCOPING SESSION*** |
| **Zoning District:** | RDO |
| **Representative(s):** | * Peter A. Zahka II, Esq., 12 School Street, Dedham, MA * Michael McKay, AIA, 35 Bryant Street, Dedham, MA * Joseph Mousalli, owner * Gerry Nassif, owner |
| **Town Consultant:** | Steven Findlen, McMahon Associates |

This ***scoping session***is for a proposal for a mixed use building on the Dedham/Westwood border. There is over 33,000 square feet of land with significant frontage on Washington Street. It is in the RDO zoning district, but the front property line is the division between the Single Residence B and RDO districts. Under the Zoning Bylaw, there are various requirements in terms of setback from the residential zoning line; in this case, the Single Residence B district is across four lanes of Washington Street. The site contains remnants of a 2,600 square foot gas station with garages and a canopy. The Applicants propose to demolish this and construct a three-story mixed use building containing 27,000 gross square feet. The first floor will have 3,100 gross square feet of office/retail space, and 14 apartments on each of the upper two floors for a total of 28; the ZBL does not allow more than this in the RDO district. There will be 43 parking spaces on site; the Zoning Bylaw requirement is 42. This project will require major site plan review and a Special Permit under the Mixed Use Development bylaw.

Mr. McKay presented this exact same design two years ago. The applicants are resuming this application now. They saw the Planning Board several times, and went to the Design Review Advisory Board, who gave them good feedback. Setback will be 40 feet from the residential area. They previously had several meetings with the abutters across the street, and they were in favor of the project. They will meet with them again to make sure they are still in favor.

The entrance will be from Gay Street at the right of the site, and the exit will be onto Washington Street. The commercial area is located in front, with apartments located above. There is a trash/recycling area in the back. The rest of the perimeter is parking. There will be significant landscaping in front. They propose walkways connecting at least two tenants, possibly three, in front. There is elevator access on the right with stairways and a laundry room. There will be 14 one-bedroom apartments on the second and third floors. The third floor is broken down into a series of gables with dormers, giving the appearance of a two-and-a-half story building. The building appears like an oversized residential structure with commercial storefronts. There will be transom windows in the commercial area to give good visibility. The back of the building has a mansard roof with windows cutting into it. The project proposes 43 parking spaces. Based on the applicant’s calculations, 42 spaces are required, so there is one extra space. There would be some parking under the building. There is a sliver of property located in Westwood, but they are not touching that. All utilities will be on the roof, which is flat.

Mr. Podolski said they need to look at turning left toward Westwood, as vehicles would have to cross two lanes of traffic. Mr. McKay said that information is on the drawings from the recommendations that were made. Mr. Podolski and Mr. Bethoney remarked that the two pillars on the end make it look like a pier. He suggested adding small trees in front of the pillars. Mr. Aldous said that the abutter behind the property (Dedham Fee, 990 Washington Street) had previously complained about this when the applicant brought this before the Planning Board a few years ago. He asked if the applicant had talked with them. Mr. McKay said they tried to stop the applicants, buy the property, and tried to hire him to design a mixed use building. They submitted approximately the same plan to the applicants. Mr. Zahka said they will be notified when they get the Special Permit. They intended to talk to the residential neighbors. There has been dialogue since then with the applicant that they were not having a separate meeting with them to show them the plans.

The plan is to formally submit the application April or May 2017. Everything is done, but it has been two or three years since the traffic study was done. Under the Zoning Bylaw, the traffic counts are supposed to be within 12 months, so it will be re-done.

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| **Applicant:** | **Empire Telecom USA d/b/a Verizon Wireless** |
| **Project Address:** | **8 Industrial Drive, Dedham, MA** |
| **Case #:** | **SITE-12-16-2178** |
| **Zoning District:** | Limited Manufacturing A |
| **Representative(s):** | None |
| **Town Consultant:** | Steven Findlen, McMahon Associates |

No one was present for this application.

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| **Applicant:** | **ACP Properties, LLC** |
| **Project Address:** | **910-928 Providence Highway, Dedham, MA** |
| **Case #:** | **SITE-02-17-2197 – *SCOPING SESSION*** |
| **Zoning District:** | Highway Business |
| **Representative(s):** | * Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA * Michael McKay, AIA, 35 Bryant Street, Dedham, MA * Chris Priore, owner |
| **Town Consultant:** | Steven Findlen, McMahon Associates |

This ***scoping session***is for a proposal for a mixed use building at 910-928 Providence Highway in the Highway Business zoning district. The property contains approximately 56,318 square feet of land with approximately 174 feet of frontage on Providence Highway. The existing property, which is a series of storefronts, is set back from Providence Highway. The site drops down ten feet from Providence Highway, which will allow the applicant to provide parking and access to the residential units from the rear (Whole Foods side). It will be at grade when entering the building from Providence Highway, but the entrance will be under the building when accessed from Legacy Boulevard. Primary access to the building and retail parking will be from Providence Highway. The lower level can only be accessed from Legacy Boulevard.

The applicant proposes a 40 foot high four-story mixed use building with 9,000 square feet, net 8,000 square feet, of retail space on the first floor, and 48 one bedroom and two bedroom apartments on the remaining three floors. They anticipate having 106 parking spaces, which is more than the Zoning Bylaw requires. The project meets all Zoning Bylaw requirements. Existing conditions and rendering of the proposed building were shown to the Board. The footprint of the building is T-shaped with two areas of parking underneath, one for retail and one residential, and there is also exterior parking. There is a 30 foot easement for the adjacent properties. They have the right to drive on it for access, but it will be for the other tenants. The building is set back 67 feet from the property line. They propose 11 parking spaces in front. There is an existing retaining wall that is the sight line showing the change in grade. There would be access to an underground parking garage at this point, where there would be another 21 parking spaces for the retail. This is at the elevation of Providence Highway, and is over the residential parking garage. There will be elevators to access the retail space. The building will improve the appearance of the Route 1 retail, and provide access and visibility to Whole Foods and Legacy Place. There will be pedestrian access and an elevator so that retail tenants coming from Legacy Place can access the site from the rear. There will be two residential elevators and one retail elevator.

Mr. McKay showed the floor plan for the three levels of residential units. The first two floors are identical with two two bedroom units per floor and 16 one bedroom units per floor. The fourth floor will have nine two bedroom units and a single one bedroom unit. The apartments on the Providence Highway side will be 25 feet from the highway. Towers will give visual relief in that it will appear to be a three-story building. There will be retail in the front and glass along the back. The building steps back in the rear. Both sides have great views. He would like feedback on doing some outdoor space, whether they are balconies or decks. The residential lobby will be located in the rear, although there is access from the front. The parking entrance would also be located in the rear. There will be a retail tenant in the back on the ground floor, possibly Dedham Cabinet’s showroom. Materials for the building will be glass and brick. They tried to match Legacy Place, i.e., LL Bean, which is semi-modern architecture.

Mr. Bethoney said the pedestrian consideration must be taken seriously. He asked about the height of the building. Mr. McKay said the rear of the building is 48 feet high, which will require a waiver. The front of the building will be less than 40 feet high measured from Providence Highway. He is contemplating a roof deck with a railing. Mr. Podolski said that the next time they come in, he would like them to get a feel for what the back of Whole Foods looks like if you were walking out of the residential apartments. Mr. McKay showed the Board exactly what would be taken down and where the new building will be going. They propose some type of crosswalk for pedestrians to get to Legacy Place. They plan to landscape all along the side, including trees, the lower parking lot, and 20 feet in front. They are providing 106 parking spaces; 98 are required.

Mr. Hampe said he understood that certain projects are required to go to architectural peer review. He said this is an expense to the applicant, and wondered if this would require a peer review. He asked what the Board’s position on this would be. Mr. McCarthy explained the requirements for architectural peer review per the site plan section of the Zoning Bylaw. The applicant is required to submit architectural elevations of the proposed building. The Board can hire an architect to review this if it feels it is necessary. He met with an architect for another project, and one of the suggestions was that architectural peer review would be good at this stage of the project since they do not have a full design and full design development drawings. The cost of this varies and can be as much as $10,000 depending on the project. He has reached out to another architectural firm that does peer reviews for another community. Mr. Podolski said that the Board is very familiar with Mr. McKay’s work and, in his opinion, most of his work is exemplary, so he is not sure it is necessary. Mr. O’Brien said that a lot of applicants are willing to work with the Board. He felt that peer review is geared more to someone who is stuck on a design. He and Mr. Aldous agreed that they did not think it was necessary.

Mr. McCarthy said they want to put an auto leasing company in an existing building. Mr. Bethoney asked if the Board would make them have an architectural peer review because they use Mr. McKay. If the answer is yes, the Board needs to be consistent with everyone. He is not in favor of picking and choosing who has what. He also said that $10,000 is ridiculous. Mr. McCarthy said it might be advisable to have a list of what the Board would like to see done, and then he could get a better estimate. There are no guidelines to see what the community wants, and design can be subjective. There are things, i.e., massing and access that can be reviewed. He thought that a scoping session was a good time to do it before a full design was created, but the Board could also come up with a list of things that it wants reviewed and then have it priced out. Perhaps there needs to be a determination on what needs to be reviewed.

Mr. McKay met with the potential peer reviewer, and a lot of comments on another project were access and safety issues. McMahon already looks at these. Design, on the other hand, is subjective. Mr. Hampe said this is the first time he has heard of this as a requirement and expense for a developer, and was not sure the Board had any jurisdiction due to the issue of subjectivity. He knows of no case law in which a Planning Board was able to turn down a project because they did not like the design. Mr. Bethoney asked if other communities had design review built into the Planning Board process, and Mr. McCarthy said Westwood does. Mr. Bethoney suggested that this be discussed with Mr. Findlen to determine what he would not review, and put a scope together to give to someone to review. The review is in the Zoning Bylaw for a reason. Mr. Findlen thought this was a great idea, as he does not have the background for architectural review. He will talk with Mr. McKay. Mr. Podolski said there must be architectural standards; Mr. McKay said this is in the Building Code. Mr. McCarthy said the review should be more general, i.e., how the mass of a building fits the surrounding area.

The Board thought this was very exciting. The building is very attractive, and quite a change from what is there now. Architectural review will be discussed again at the next meeting. Mr. McCarthy will attempt to get pricing.

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| **Applicant:** | **Marybeth Reddish** |
| **Project Address:** | **25 Eled Way, Dedham, MA** |
| **Case #:** | **SITE-01-17-2191 – *SCOPING SESSION*** |
| **Zoning District:** | Limited Manufacturing A |
| **Representative(s):** | * Marybeth Reddish, owner * Matthew Bombaci, P.E., Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772 |
| **Town Consultant:** | Steven Findlen, McMahon Associates |

The building is a warehouse building with a contractor’s yard in the LMA zoning district. There is a lumber yard in front, a pizza shop and condominiums to the right, and a collision center in back. The new tenant will be Uber, and there will be an exchange leasing center that leases vehicles to people to drive for them. The cars will be stored on the site. A person comes in, leases a vehicle for any purpose, and works off the hours of the lease, after which the car is his. Usually no one parks a car on the site to get a lease; they are dropped off. They hope to start the program locally. It is similar to a leasing dealership in that once someone leases a car, they have it until they turn it in. The property, which has been in her family since 1981, was previously used as an auto mixed use, i.e., body work or sales. An ambulance company, Town of Dedham fire trucks, and an eco-friendly company have also used the site. There are currently 80 parking spaces on site.

There will be 8-10 employees on site and 10-20 cars. They do not plan any change to the site or the building. They want to use the space to the right of the building. A masonry contractor will remain in the left side of the building. There will be customer and employee parking up front, and the rest of the property have car storage. Access is off River Street. There is an approved plan from 1981. Uses have been similar for years. The applicant will need approval for a change of use. Approximately 4,500 square feet of the building was previously permitted as a warehouse. The total amount of leasing is over 5,000 square feet, but net is 4,500 square feet. There will be an office. A floor plan of the entire building was provided including a loft and office space below. Ms. Reddish supplied a rendering of proposed landscaping; this does not meet landscaping requirements. Mr. Bombaci discussed this at length.

The Board could consider the proposal as a brand new site plan, which would include peer review and notice to abutters or, alternatively, no notice but peer review. There is an argument for deeming it minor site plan review without taking into consideration the office. If it is considered major site plan review, it needs to comply today’s requirements, i.e., landscaping, parking, etc. The site is not typical and has no public face on the street, but it does not comply right now. He asked to what extent the Board would like it to comply. The parking lot does not meet today’s standards for drive aisle, etc., but it could meet parking requirements.

Mr. Bethoney had no issue with autos, but wanted to know what the property is now, what is proposed, if would be more professional than it is now, and how many vehicles would be on the lot. Ms. Reddish said there would be 70-80 vehicles stored on site, going out one at a time. There would be about 10 employees and occasional customers. Most people do not come to the site in their own vehicle.

Mr. Bethoney said the property definitely needs site plan and peer review, but he would accept minor site plan review, which would not require a traffic study; Mr. Podolski agreed. The ZBL is very precise regarding change in use triggering full site plan compliance to today’s standards. The site may not even make full site plan compliance, which is why the Board needs to review it; it is outrageous to say that nothing has to happen on a plan put in place in 1981. The applicant has to do what everyone else has to do. He is hoping for “site plan light,” which would be review of parking and use.

Mr. Aldous was concerned about the information presented. Eighty spaces are requested, which is reasonable for a business but not necessarily for the area. The spaces do not fit the bylaw with regard to size of vehicles; required size is 9’ x 19.’ The applicant proposes 14’ 6” long spaces. He suggested that he purchase a Zoning Bylaw to read what is required; this is also on the Town website. Mr. Bombaci said the preliminary layout was for spaces measuring 9’ x 19’ in front for customers and employees. The Bylaw shows the parking demand for this type of use would be for the building area and for the outdoor storage area. He did not think they would need that many spaces; he estimated about 50 spaces would not be needed. Mr. Aldous said this is a very busy area, and he questioned storing 80 cars. He wondered if they were figuring that the cars would be only 14.’ Mr. Bethoney said there is an exemption for storage of smaller vehicles. Mr. Findlen will look at the plan to determine compliance, and the Board will work with them to put together something that works. They can make the spaces smaller by using the overhang adjustment. Mr. McCarthy asked whether stacked vehicles in 9’ x 19’ spaces would work. Mr. Bethoney told him to look at the car storage bylaw.

Mr. O’Brien said Uber is acting as taxi drivers. He was concerned about how many cars will be sitting there for a long time and what business will be like. He was also concerned about disturbing the abutting neighborhood. Mr. Bombaci thought the activity would be less than what has been going on presently. Mr. O’Brien asked if the neighbors should receive notice so they know what is going on; they will be notified. Ms. Reddish said that this is not the type of business in which cars return the same day. Cars would be turned in when the lease was over. Mr. Bethoney asked if there was a facility for cleaning those cars, and Ms. Reddish said the lessees are responsible for regular maintenance. Mr. O’Brien wanted this in the Certificate of Action. Ms. Reddish said the cars would be buffed down, but they cannot wash them. Mr. Aldous asked if there was a minimum lease time, and Ms. Reddish said she thought Uber worked that out with the customer. It could be 12, 24, or 36 months. It is not a monthly lease. Mr. Bombaci said that every once in a while, someone will abandon a car because they do not want to do it anymore, and there is a fee for that. She said she gave Mr. McCarthy a business plan from the attorney; Mr. Aldous said he wanted to see something written down, and wanted to see a plan produced after they have read all the Zoning Bylaw. They will need to ask for waivers for anything with which they cannot comply.

Mr. Bethoney said that when a site plan is approved, there is an operations and management discussion. Ms. Reddish owns the property, but will not run the business. She is somewhat familiar with the business, but has never been part of it. Typically, the lessee comes in during the review process to discuss hours of operation, type of operation, number of employees, etc. It would be to her benefit to have a representative from Uber come to a meeting to discuss this. The operation has to do with the way in which the site is used, and this is not a typical use of the site, i.e., not having standard parking spaces. He asked that a representative come before the Board to discuss this. Mr. Findlen, Senior Project Manager at McMahon Associates, is the peer review consultant retained by the Planning Board to do a minor site plan review; the Applicant pays for this. He does not work for the Applicant or the Town. He said he is not familiar with this type of use or operation, and agreed that a representative from Uber should come before the Board. Mr. O’Brien said that seeing the Uber representative is necessary. He wants to know how this business will be done.

Mr. Bethoney said he did not care if it was Uber, Ford, or any other type of dealer. The Applicant wants to lease to an operation that is leasing cars. It does not matter who the business is. He suggested that Ms. Reddish consider local legal assistance with someone who is familiar with the Zoning Bylaw when she submits her plan. Mr. Podolski said the site has to be as close to the ZBL as it can be. He asked the Applicant to follow these instructions and let the Board know how they wish to proceed.

**Old/New Business**

**Moratorium on Recreational Marijuana**

Mr. Podolski said the Board needed to make a decision on whether they will put in a moratorium on recreational marijuana. Contrary opinions were presented by Town Counsel. One said the Town is not at risk if it waits, but the other said to put it in. Mr. O’Brien showed a picture of the “smoke shop” at East Dedham Plaza. Mr. Podolski said this is not a discussion about businesses opening up, but about whether they will do a moratorium now for May 2017 Town Meeting, or whether they will wait until the November 2017 Town Meeting. Town Counsel’s time line claims that nothing can be done before March 2018. The Board has received conflicting opinions on this. There is a placeholder in the warrant for a moratorium if the Board wants to do it. Town Counsel gave the Board the proposed language for this. Mr. Aldous asked how long the moratorium would last. Mr. McCarthy this would be from June 2018, but he has asked that it be extended to December 2018 to give the Board additional time. Mr. Podolski said he preferred December 2018; Town Counsel Jonathan Eichmann said that is fine.

Mr. Podolski said he preferred to put in the moratorium now, and Mr. Aldous agreed, saying the State cannot do anything before March 2018. Mr. Podolski said that if the Board let it go after July 2018, someone could come in without regulations. Mr. O’Brien agreed. The moratorium will be done now. If anything happens between now and May 2017, it could be indefinitely postponed.

Mr. Bethoney moved to adjourn, seconded by Mr. Aldous. The vote to approve was unanimous at 4-0.[[8]](#footnote-8)

Respectfully submitted,

Robert D. Aldous, Clerk

/snw

1. As noted, Mr. Steeves was not present for this meeting. Mr. Bethoney had recused himself from this meeting and was not present in the building for this agenda item. [↑](#footnote-ref-1)
2. As noted, Mr. Steeves was not present for this meeting. Mr. Bethoney was not present in the building for this agenda item. [↑](#footnote-ref-2)
3. As noted, Mr. Steeves was not present for this meeting. Mr. Bethoney was not present in the building for this agenda item. [↑](#footnote-ref-3)
4. As noted, Mr. Steeves was not present for this meeting. Mr. Bethoney recused himself from this meeting and was not present in the building. [↑](#footnote-ref-4)
5. [↑](#footnote-ref-5)
6. As noted, Mr. Steeves was not present for this meeting. [↑](#footnote-ref-6)
7. As noted, Mr. Steeves was not present for this meeting. [↑](#footnote-ref-7)
8. As noted, Mr. Steeves was not present for this meeting. [↑](#footnote-ref-8)