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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.**

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**TOWN OF DEDHAM**

**PLANNING BOARD**

**MEETING MINUTES**

**April 13, 2017, 7 p.m., Lower Conference Room**

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

John R. Bethoney, Vice Chair

Robert D. Aldous, Clerk

Ralph I. Steeves

James E. O’Brien IV

Richard J. McCarthy, Jr., Planning Director

Call to order 7:02 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. Public Hearing for Article 1 for Town Meeting is on a separate set of minutes, as is the reconsideration of Article 24. These minutes are for the regular Planning Board meeting. Mr. Podolski congratulated Mr. Aldous on his re-election as a Planning Board member.

**Master Plan Implementation Committee Five-Year Update**

W. Shaw McDermott gave a history of the preparation of the Master Plan. The Town passed a bylaw requiring the preparation of a Master Plan every ten years, and an update every five years. The Planning Board and the Board of Selectmen originally appointed the members, but this has recently been reconfigured. The idea is to catalogue as things happen, and then propose to the Planning Board the process by which the MPIC would begin the required ten-year Master Plan. He anticipates that this will occur in 2020. It would take advantage of the United States census material; the last plan did not have the advantage of the census. The objective for the actual presentation would be at Town Meeting at the end of 2020.

With regard to the update, the committee has recognized that much of the plan that was recommended has been accomplished. Mr. McDermott thanked Mr. McCarthy for his hard work with the committee, as well as his extensive knowledge. In Chapter 8 of the Master Plan, the Planning Board, for the first time, approved a planned development on West Street. The Planning Board also commissioned the Bluestone report, which was prepared by Northeastern University. The Board has also approved mixed use developments throughout Town. This chapter needs a little work because these things have occurred but were not noted. Housing has also been a topic but never got much attention in an organized way. The MPIC is trying to determine the changing demographics and what they reveal. There is an aging population that would like to stay in Dedham, but wants to do it in a setting that requires less work and is maybe not so expensive. There is also a younger population is coming into Town, which is very encouraging. They are looking at lower cost housing altogether in the metropolitan area, including Dedham. This will be amended to Chapter 8. Mr. McDermott requested that the Planning Board allow the Master Plan Implementation Committee to spend the next two weeks or so in continuing to work on this. The Planning Board can provide comments that hopefully they can be put in the document.

Mr. McDermott then discussed the Community Preservation Act (CPA); this has not been adopted. The Master Plan update noted that certain things can be financed through CPA funds; this will not be changed in the update. The Master Plan Implementation Committee is in favor of adopting this. There has been a beneficial effect based on the Robin Reyes fund, which was a product of a recommendation that he found in the Master Plan. There was a lot of debate on this, with people wanting to concentrate taxation, evaluation, and tax rate to determine what to do. Many, if not all, people in town feel that taxation is a huge issue.

Mr. Podolski brought up the abandonment of the Police Station and the Capen School, saying that policies are needed before that happens. He would like specifics on buildings that the Master Plan Implementation Committee thinks should be on the Planning Board’s radar. He said that his generation has been criticized over the years for disposing of the Ames School, the Quincy School, and Memorial Hall, and this still happens today. He does not like the fact that people continue to criticize the Planning Board as not knowing what it was doing despite it being many years ago. If the Town is going to tear down the Police Station, this needs to be publicized. Mr. O’Brien noted that some of Section 8.4 has been done, particularly with regard to the Norfolk prison and Norfolk Inn.

Mr. Podolski said the Master Plan Implementation Committee has made an incredible effort. He said that there needs to be an historic inventory. Mr. McDermott said there is no funding for this. Mr. Podolski was amazed that the Town does not have that inventory, and wondered if the Historical Society had some type of roll of historic buildings. Kevin Hampe, Esq., said they do not have the funding, which is obtained by a grant, to do the study necessary to identify those buildings. Mr. Podolski suggested that someone could drive around town to find historic buildings. Mr. O’Brien said he has a book at home that points out unique buildings and architectural styles. Mr. McDermott said that at their last meeting, there was a discussion regarding the previous sequencing of events. A consultant was hired under a contract through appropriation at Town Meeting. They are thinking about starting the process in November 2017 and getting something in the warrant. Mr. Podolski asked if the process had been funded to get the National Historical designation for Mother Brook. Mr. McCarthy did not know. They need to hire an expert to do the paperwork.

Mr. McDermott said the expenditure for the Master Plan last time, which was $100,000, has paid off and has helped the Town a lot. He and Mr. McCarthy discussed doing an informal scope. Judy Barrett did the last Master Plan, and did a fantastic job. Mr. McDermott said the five-year update was done without funding to save the Town money, and to put some money aside for the next effort. Mr. McCarthy explained how the five-year update was done. There were students from Framingham State, an intern from Northeastern University, and a lot of writing from the committee members. These were all volunteers.

The last time the Master Plan was done, they were determined, once funding was received, that the Master Plan Implementation Committee would get a plan on the table in 18 months. He felt that the committee could do better, and said there could be an interesting town-wide dialogue about critical issues. He said the target date for the new Master Plan would be 2020 or 2021, but he would like it to be called Dedham 2020. He said they would be happy to return on April 27, 2017, before Town Meeting.

Mr. Aldous said that the summary goes up to 11.8, but the articles go up to 12.8, so ten articles were missed. Mr. McDermott clarified this. Mr. Aldous said that two articles, 5.8 and 12.1, were purely advertising for political reasons. He said the CPA was voted down three times before this; it has now been turned down four times. Mr. McDermott said that the original Master Plan did advocate for the CPA. Section 5.8 is just a description of what happened in the past. He said the committee did advocate for the CPA in this report. With regard to 12.1, this is about cycling and pedestrian infrastructure to encourage alternative forms of transportation. This applies to the initiatives from the State Department of Transportation to study how people get around the Town (roadways, pedestrian walkways, cycling opportunities). The funding would be through Complete Streets, which the Board of Selectmen just adopted. Mr. Aldous again said they seem like political ads, and they were written incorrectly. He asked Mr. McDermott to think about this. He did not think the Master Plan should say that this should be passed or adopted; it should only be recommended. Mr. McDermott heard Mr. Aldous’ point, and will take it back to the committee. He said they are not trying to make a political statement, just talk about planning tools. Mr. McDermott will be put on the agenda for April 27, 2018.

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| **Applicant:** | **Robert Reissfelder** |
| **Project Address:** | **277 Milton Street, Dedham, MA** |
| **Case #:** | **SITE-12-16-2177** |
| **Zoning District:** | LMA/General Residence |
| **Representative(s):** | Robert Reissfelder |
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Mr. Reissfelder would like to construct a 30’ x 20’ garage that will be in both the commercial (LMA) zoning district and the General Residence zoning district. He was before the Board in January 2017 for a scoping session. The driveway comes in on the right side, which is in the LMA zoning district. The parking spaces are marked out, and waivers are shown on the plans. He has been to the Building Department, and they are fine with this proposal.

Mr. Podolski noted that he has added two spaces down below, razed an old barn, moved the driveway to the commercial side, and removed the driveway on the south side. He asked if he is leaving bituminous in the front yard on the south side, and he is. Mr. Aldous said he has done everything the Board asked. No one had any questions.

Mr. Aldous moved to approve the building permit plan dated February 28, 2017, as proposed by Mr. Reissfelder. Mr. Bethoney seconded the motion. The vote to approve was unanimous at 5-0. Mr. Bethoney moved to approve the requested waivers:

1. **WAIVER** from the Zoning Bylaw Section 5.1.4 Required Parking Spaces

The garage requires six (6) parking spaces under this section. The operation of the contracting business and vehicle only needs three (3) parking spaces because the public does not come to the property, and employees go directly to various job sites.

1. **WAIVER** from the Zoning Bylaws Section 5.1.7 Parking Lot Design Standards

The setback of the house to the property on either site is less than 20 feet. The east side of the house is in the residential zoning district, which limits using this side for commercial purposes. The west side is wider at 17 feet.

1. **WAIVER** from the Zoning Bylaws Section 5.1.8. Construction Standards

Driveway lighting will be mounted on the garage. The garage faces commercial property and does not have any off-site glare that would impact residential property.

1. **WAIVER** from the Zoning Bylaws Section 5.2.2.3 Perimeter

A reduction of no buffer is needed to in order to provide adequate access to the rear portion of the lot where the garage will be located.

Mr. Bethoney seconded the motion. The vote to approve was unanimous at 5-0.

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| **Applicant:** | **Boston Bread d/b/a Panera Bread** |
| **Project Address:** | **725 Providence Highway, Dedham, MA** |
| **Zoning District:** | Highway Business |
| **Representative(s):** | * Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA * Jeffrey Dirk, Principal, Vanasse Associates, 35 New England Business Center Drive, Suite 140, Andover, MA 01810-1071 |
| **Town Consultant:** | Steven C. Findlen, McMahon Associates |

The Applicant is here to discuss traffic issues. Mr. Hampe said that a subsequent meeting, maybe in two weeks, will deal with other site plan issues; they are still working with McMahon Associates. At this meeting, they will discuss various traffic issues that have come about as a result of the site construction, and some issues that were brought up by McMahon and how they have dealt with them. They have worked through a long list, and have resolved a lot of issues.

Mr. Dirk has worked with McMahon, which he felt has resulted in a better project. Four review letters were received, and the questions probed the underlying facets of the traffic study, making sure that the numbers, facts, and figures are correct. the original traffic study was done in December 2016. The study included all access points from Route 1 and Washington Street, traffic volume, speed of traffic, crashes at all the intersections, and how the site impacts existing conditions. Locations with the most impact were identified. As part of the assessment, they assumed that the existing Panera will be occupied by a similar type of use, and they have added the new building to the parking lot area. They worked closely with the Town to identify other expected projects in the area that will add traffic. The study looked at the next seven years to make sure that the impacts of the project can accommodate the volumes.

The signalized entrance will have no significant effect in terms of increasing delays or queuing at that location, but some of the movement are at their design capacity. The issue on Route 1 is not delays as much as it is traffic operations and level of service, whether left turn lanes spill into the adjacent three lanes, what happens with respect to that, and whether it impedes the flow along Route 1. They proposed re-timing the signal to make sure that any increases in queuing are accommodated by increasing “green time,” specifically the left turn into the Plaza; they will do this through MassDOT. With regard to crash history, they worked with the Police Department and determined that the intersection to the north is a cut-through to get from Route 1 to Washington Street. The data showed that it is not disproportionate to the volume of traffic on Route 1; however, it is high enough that it warrants further review. They looked at the police records of the crashes in detail, and there are a large volume of crashes at the driveway with people changing lanes and jockeying for position as they came to the signal. These are predominantly side-swipe crashes. An added benefit of re-timing that traffic signal will be to reduce the queuing, and to make sure the yellow/red signal is properly timed. Mr. Dirk believed that some of the crashes can be addressed through proper timing.

In looking at cut-through traffic, the study noted that this occurred more on Saturdays and in the evening peak hours. They have recommended that the site be entered from the first intersection, which is a three-way intersection at this time. This is close to where the new Panera is located. They have recommended all-way stop control within the Plaza to reduce speed, although it will be longer. Beyond that, it would be a good idea to have two or three speed humps to reduce speed to about 15 mph; any faster would damage the muffler.

With regard to parking, improved signing is necessary within the project, i.e., STOP signs, one-way signs, and reallocation of the parking site, potentially moving employee parking closer to Route 1 to free up spaces for customers. This will require enhanced signing, cross walks, and clear pedestrian paths to get from the parking spaces to the front of the retail stores to ensure that the site functions in a safe and efficient manner.

Mr. O’Brien asked if there is a sign for “Left Turn Only” at the intersection of the Plaza hearing toward Dedham Square. Mr. Dirk said there is. Mr. Hampe said there is no sign prohibiting U-turns, and this happens frequently. Steven Findlen, the peer reviewer, noted that the U-turn number in the original analysis was not included. He requested that this be obtained so they can see what happens and the result for the re-timing of the signals. Mr. O’Brien said that he thought more people are using it as a U-turn than they are going into the Plaza. Mr. Dirk agreed. Mr. Podolski said this lane is frequently backed up to the travel lane because the queue gets so long. Mr. Bethoney thanked Mr. Dirk for acknowledging that the peer review has resulted in a better project; applicants rarely say this, and complain that the money is spent unnecessarily. It is well known that the review produces a far superior project to the original submission.

Mr. Findlen, Senior Project Manager at McMahon Associates, is the peer review consultant retained by the Planning Board to do site plan review; the Applicant pays for this. He does not work for the Applicant or the Town. He noted that he had requested a traffic study, and the Applicant was more than willing to do this; he was very appreciative of this. He said that all sixteen issues he identified have been resolved, including traffic counts and trip generation. He indicated his concerns about the traffic analysis, and the Applicant re-ran the analysis. They worked together to address the impacts, and they will, at some point, present a revised traffic plan to address signal timing. This will result in improved operations to offset the impacts.

Mr. Podolski agreed with moving the employee parking. Because it is a restaurant site, there will be people parking at times in the upper field by Planet Fitness and walking across the travel lane. His concern is how a crosswalk will be designated. There will be a path coming down from the top, almost like a sidewalks, that will cross the parking lot and into the site. He said that clear markings will be necessary. Mr. Findlen said this has been discussed, but it is an onsite issue. It will probably be discussed at the next meeting. Mr. Findlen also said they have been working closely on the drive-thru operations. They looked at three sites and compared the data, and did a thorough review of it.

Mr. Podolski was very happy with re-timing the lights, as was Mr. Aldous, who said the State did a terrible job with the lights. He said that Dedham Square is more dangerous now because of this. He thanked Mr. Dirk and Mr. Findlen for what they have done. Mr. Findlen said they are getting close with regard to on-site issues, and was confident that they would be ready for the April 27, 2017, meeting.

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| **Applicant:** | **Moylough (David Raftery)** |
| **Project Address:** | **333 East Street, Dedham, MA** |
| **Case #:** | **SITE-05-13-1675** |
| **Zoning District:** | Central Business |
| **Representative(s):** | Peter A. Zahka II, Esq., 12 School Street, Dedham, MA 02026 |
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**Prior to the beginning of the meeting, Mr. Bethoney made the statement that he is recusing himself from this meeting. He explained that the agency at which he works has had a professional relationship with Mr. Raftery in the past. He left the hearing room at 8:17 p.m. and did not participate in any part of this meeting or consideration of the proposal.**

The Applicant is requesting an insubstantial change. The original approval in August 2013 was for a mixed use building. Mr. Zahka explained that the gas company has relocated the gas meter due to access issues. The Applicant has accordingly had to re-stripe a parking space to the appropriate size of a handicapped space. He has also installed a bike rack. By re-striping the space, they have lost one parking space. When the project was approved, there was 934 net square feet of commercial space and 14 apartments. The Board approved 18 parking spaces when the Zoning Bylaw did not necessarily require additional parking spaces; this bylaw has changed since then. Mr. Zahka provided a letter from the architect stating that the ground floor commercial space went down to below 800 square feet. This was a minor change, but it shifted it enough that, instead of five parking spaces required for the commercial space, it now goes down to four parking spaces. He has submitted a full as-built plan of the premises. He hoped that the Board would deem this an insubstantial change, and waive a peer review and notice. He would return to the Board on April 27, 2017, for a vote.

Mr. Podolski asked Mr. Zahka to speak with the Applicant about the screening equipment on the roof of the building. In addition, Mr. McCarthy had issues with completion of the storm drain, which had sunk and needed to be brought up. This has been completed. There is an ongoing issue with the parking coming under the building and the audible alarm to warn pedestrians. The neighbors have been complaining about the noise, so the Applicant had someone come out to try to lower the volume. A neighbor verified that he did this, but it is still too loud. Mr. Zahka will speak with Mr. Raftery about the screening.

Fred Johnson, Assistant Building Inspector, has issued a temporary Certificate of Occupancy that is good for 30 days maximum. The reason that it is temporary is because of the audible alarm issue that needs to be resolved.

Mr. Steeves moved to deem the change to the handicapped parking space and the installation of the bike rack as insubstantial changes. Mr. Aldous seconded the motion. The vote was unanimous at 4-0, with Mr. Bethoney not being present in the room and not voting on this motion. Mr. O’Brien moved to allow temporary occupancy permit for 30 days, seconded by Mr. Steeves. The vote was unanimous at 4-0, with Mr. Bethoney not being present in the room and not voting on this motion.

Mr. Bethoney returned to the Board for the remainder of the evening.

**19 Court Street, LLC, 19 Court Street:** The Applicant is seeking an insubstantial change for a gate in the fence in the back. At the meeting on April 6, 2017, the Planning Board voted unanimously to deem it an insubstantial change. The neighbors are in agreement with this proposal. Mr. Aldous moved to approve the insubstantial change to add a gate to the fence in the back, seconded by Mr. Steeves. The vote to approve was unanimous at 5-0.

**Certificate of Action, Amazon, 500 Sprague Street: Discussion and vote**

**Present:** Michael S. Giaimo, Esq., 1 Boston Place, Boston, MA 02108

Marc deBourbon, Amazon Headquarters

Dan Barrett, Station Manager, Amazon/Dedham

A Certificate of Action has been prepared for consideration. Mr. Podolski said he had some changes as follows:

1. On item #11 in Background and Findings of Facts, add “per submitted plan, incorporated by reference.”
2. On item #15 in Background and Findings of Facts, add “use and operations do not require insignificant modifications…other than as provided herein.”
3. On item #16 in Background and Findings of Facts, where the carbon monoxide report is mentioned, attach the report to the Certificate of Action, and “incorporated by reference.”
4. On item #1 of the decision, add “provided that the parking conforms to all applicable building, fire, and safety requirement, as determined by appropriate town officials.”

Mr. Bethoney said he is comfortable with the Certificate of Action as amended, as is the rest of the Board. Mr. O’Brien thanked the Applicant for adding the exhaust, and Mr. Podolski asked that it be attached to the exterior plans. Mr. McCarthy said that the Building Department wants to know the number of vans on the property. This is their one comment on the Certificate of Action. He asked the Applicant to try to quantify early processing on the site. Mr. Podolski asked about a maximum number, as he did not want to get into minimums. Mr. Giaimo said they are trying to stay away from that, which is why they put in the operational conditions, rather than having someone count the vans, and that they are all on their site. Mr. Podolski would rather say that as long as they are all on the site and are not interfering with safety regulations *unintelligible*. Mr. Giaimo said they have a lot of controls through the Certificate of Action. Mr. Podolski said he would insert a sentence that “at no times shall vans interfere with the ingress or egress from the building on the site.” Mr. O’Brien questioned fire lanes, and Mr. McCarthy will make sure it is in the Certificate of Action. Mr. Podolski will forward his changes to Mr. Giaimo for his approval. Mr. O’Brien found this information in item 8e of the Background and Findings of Facts, so it has been addressed.

Mr. Podolski reminded the Applicant that a lot of people live in the area, and will be watching. Everyone understands that Amazon is a highly successful company, and the residents want them to be a good neighbor. He said it sounds like they are there now, but he cautioned them to keep the tractor trailers off Holmes Road and other residential streets.

Mr. Aldous moved to approve the Certificate of Action as proposed by the Applicant as amended. Mr. Steeves seconded the motion. The vote to approve was unanimous at 5-0.

Mr. Bethoney moved to adjourn, seconded by Mr. Aldous. The vote to adjourn was unanimous at 5-0. The meeting ended at 9 p.m.

Respectfully submitted,

Robert D. Aldous, Clerk

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