**TOWN OF DEDHAM**

**COMMONWEALTH OF MASSACHUSETTS**

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**John R. Bethoney, Chair**

**Ralph I. Steeves, Vice Chair**

**Robert D. Aldous, Clerk**

**James E. O’Brien IV, Member**

**Michael A. Podolski, Esq., Member**

**Richard J. McCarthy, Planning Director**

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**PLANNING BOARD**

**MINUTES**

**Thursday, August 24, 2017, 7 p.m., Lower Conference Room**

Present: John R. Bethoney, Chair  
 Ralph I. Steeves, Vice Chair

Robert D. Aldous, Clerk

James E. O’Brien IV

Michael A. Podolski, Esq.

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Staff: Richard J. McCarthy, Planning Director

Susan Webster, Administrative Assistant

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. The recording of the meeting was insufficient for transcription, so the meeting was transcribed based on the administrative assistant’s notes.

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| Applicant: | John Shaw |
| Project Address: | 159 Meadowbrook Road, Dedham, MA |
| Zoning District: | Single Residence A |
| Representative(s): | Paul Lindholm, P.E., 80 Tarbox Street, Dedham, MA |
| Town Consultant: | Steven Findlen, McMahon Associates |

Mr. Shaw had previously received endorsement of an ANR, but Land Court had issues with it. Mr. Lindholm has prepared another one, and Land Court approved it. He is requesting that the Board sign the new Mylar and plans. Mr. Podolski moved to approve the new plan, seconded by Mr. Steeves. The vote was unanimous at 5-0. The Mylar and plans were signed.

Mr. Bethoney said both 270 Bussey Street and 15 Powers Street have been taken off the evening’s agenda. He also said that Peter Zahka, Esq., would be late for the meeting. The Board undertook clerical matters.

**Certificate of Action: Chick-fil-A, 140 Providence Highway, Dedham, MA**

The Board was given a copy of the draft Certificate of Action for review and approval. Plans were also available for endorsement. Parking has been added to the right corner of the site, and some of MassDOT’s comments were incorporated. A landscape island has been added. The plan reflects all of these changes. Mr. Findlen said there were issues raised after approval. Bohler Engineering updated the plans; he said they were fine and now accurately reflect the changes. Mr. Aldous signed the Certificate of Action and the plans.

**Discussion of Rain Garden, Dunkin Donuts, 36 Sawmill Lane, Dedham, MA**

The Board did not like the use of a rain garden as stormwater management because of its appearance. These must be planted well, must function, and have aesthetic value. It has been determined that it must be removed. Mr. O’Brien said he understood that it was not installed by a landscaper who was familiar with rain gardens, and it was not cleared by the Conservation Commission. The owner put in flowers for safety, but it was never property installed.

**Review of Minutes**

March 24, 2016: Mr. Podolski asked that a statement be put in about the gift of a gavel to the Board by Rita Mae and Lloyd Cushman. Mr. Podolski moved to approve the minutes as amended, seconded by Mr. Steeves. The vote was unanimous at 5-0.

March 24, 2016, Public Hearing on Zoning Articles: Change page 2, 2nd paragraph to “by the number of bedrooms per the A,” delete the word “size.” Mr. Podolski moved to approve the minutes as amended, seconded by Mr. O’Brien. The vote was unanimous at 5-0.

March 10, 2016: Mr. Steeves moved to approve minutes as presented, seconded by Mr. Podolski. The vote was unanimous at 5-0.

February 25, 2016: Mr. Steeves moved to approve minutes as presented, seconded by Mr. Podolski. The vote was unanimous at 5-0.

February 18, 2016: On the last page, 3rd paragraph, highlight “Civil War Memorial Stone.” Mr. Podolski moved to approve the minutes as amended, seconded by Mr. Steeves. The vote was unanimous at 5-0.

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| Applicant: | Supreme Properties |
| Project Address: | 360 Washington Street, Dedham, MA |
| Zoning District: | Central Business |

**Mr. Bethoney recused himself from this discussion due to a professional relationship between the agency at which he works and the applicant. He did not participate in any of the previous meetings or discussion of the proposal, nor was he present in the meeting room.**

Mr. Aldous signed the plans. Mr. McCarthy explained the reason for the new page in the plans.

**Mr. Bethoney returned to the Board at 7:52 p.m.**

Quarry Road Layout, presented by Jason L. Mammone, P.E., Director of Engineering

Mr. Mammone said the residents unanimously requested that Quarry Road be accepted as a public way. This is in process with the Board of Selectmen, which requires a report and recommendation from the Planning Board. After discussion, Mr. Steeves moved to make a recommendation for it become a public way and to prepare a report for the Board of Selectmen. Mr. Podolski seconded the motion. The vote was unanimous at 5-0.

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| Applicant: | John Aplin, Aplin Realty Trust |
| Project Address: | 331 Whiting Avenue, Dedham, MA |
| Zoning District: | General Residence |
| Representative(s): | Peter A. Zahka II, Esq., 12 School Street, Dedham, MA  Scott Henderson, P.E., P.O. Box 626, Lexington, MA 02420  John Aplin, Owner/Applicant |
| Town Consultant: | Steven Findlen, McMahon Associates |

The applicant submitted an application for site plan review; this is now in peer review. This was a non-advertised Public Meeting, and abutters were notified.

The property, which is in the General Residence zoning district, contains 22,291 square feet with 57.68 feet of frontage on Whiting Avenue. There are four commercial buildings and a two-family dwelling on the site. The common buildings have a floor area of 4,952 square feet. The property has been used as a contractor’s yard for many years, and Mr. Aplin has been on the site since 1981 as a contractor/landscaper.

The proposal is to demolish the four commercial buildings and construct one 5,850 square foot building with 5,500 net square feet of floor area. The submitted parking plan shows 11 outdoor spaces; 15 are needed for the activity. There is room for four parking spaces in the proposed building. Landscaping would increase from 1.6% to 6.3%. The applicant proposes to rehab/rebuild the numerous retaining walls around the property. Fencing and plantings would be added, some on abutters’ properties. The use is nonconforming (commercial in residential). The Zoning Board of Appeals granted relief, and the proposal is being reviewed by the Conservation Commission. The Design Review Advisory Board supported the plans.

There will be no change of use, and no increase in the intensity of use. Activities will remain the same. Mr. Aplin performs plowing in the winter, but there is no salt on site; this will improve the overall aesthetics. With the proposed changes, the site will operate more efficiently and safely, and parking will be better defined. Outdoor storage will be designated on the site, and screening will be improved. More trucks could be stored inside the building. Workers go to customer sites and customers rarely, if ever, come to the site.

McMahon Associates identified 21 issues. Mr. Henderson made appropriate changes and resubmitted the plans, and all issues have been resolved, including submission of a revised site plan. The plan will require waivers.

Mr. Henderson said the site is 5-8 feet below grade from south to east. There are retaining walls on the east side of the property. The left side has a stockade fence, grass, and concrete blocks. There is a retaining wall and a fence along the south property line facing into the site. The walls will be rehabbed and reconstructed. They propose lowering the grade slightly on the existing pavement. The tallest wall is six feet high along the rear of the site. The land slopes down from the rear to Whiting Avenue. Trucks access the site via the existing curb cut on Whiting Avenue. There is not much room for vehicles to circulate, so the new plan opens up the pavement and provides better maneuverability. Emergency vehicles and trucks must pull in from Whiting Avenue. There is an agreement with an abutter to maintain the 6-8’ fence on the east property line. Giant green arborvitae will be planted on the abutter’s property. The rear stockade fence belongs to abutters and will remain; there will be plantings along this area. After completion of the construction, there will be a short wall along the west property line with a screening fence on top. The entire site will be fenced and screened. The fence along the frontage will be removed and a five-foot wide planting bed put in with 2.5-3’ high plants. Mr. Zahka said that all direct abutters signed a petition for the Zoning Board of Appeals in favor of the construction; this is included in the Planning Board package. The building will be prefab, ash gray with a steel roof, and facing toward the commercial abutter. There will be no signage. All lighting will be directed toward the west property. Mr. Aplin’s father and grandfather owned the site and lived in the existing dwelling. The back of the property was used for their construction business on River Street.

Mr. Findlen performed peer review of the project on behalf of the Planning Board. This peer review was paid for by the applicant. Twenty-one issues were identified and included:

* Site plan, circulation, and safety
* Parking: The applicant proposes 11 parking spaces; 15 are required per the Zoning Bylaw, so they are requesting a waiver for four spaces. Employee and house spaces will be designated. One issue was identified regarding interior parking spaces; this will be updated on the detail sheet.
* Signage: There will be no signage.
* Pavement markings: This will be done.
* Sight distance
* Snow storage and removal: This has been provided.
* Landscaping: See above.
* Dumpster location: Dimensions, location, screening, and hour of operation have been provided.
* Landscaping: A stamped landscaping plan has been provided, and tree heights have been identified.

Mr. Findlen said that he is comfortable in saying that all 21 issues have been resolved.

Mr. Bethoney asked about lighting, and whether it conforms to the ZBL with no spillage. Mr. Zahka said that a lighting plan was submitted. There will be no pole lights on the property. Lighting will be on the building and will face the commercial property to the west. There is no spillage. A lighting plan stamped by a lighting engineer was submitted. Mr. Findlen said this was no issue.

Mr. O’Brien was concerned about noise. He understood the need to warm up the vehicles, but the neighborhood needs to be respected. There should be conditions for reasonable hours of operation and noise levels. Mr. Zahka said the activity entails loading trucks with equipment. Mulch is on the plan in the far corner. Trucks pull down and load light tools at 6:30 a.m. They do not start the heavy equipment until after 7 a.m. They work six days a week, although Saturday is not too busy. Work times vary, but they rarely finish after 8 p.m.

The house will remain the same. There is a large parking area in front of it, and Mr. Aldous asked if this was included in the parking counts. Mr. Henderson said these are dedicated to the house, and that three spaces are required. Mr. Aldous noted that the plans indicate a dwarf blue Alberta spruce, which must be pruned every year to preserve the sight line. He asked if this could be changed. Mr. Aplin said they will change it to Sargent juniper.

Mr. Bethoney said that this is a public meeting, and the Board has no obligation to hear from the public. He said there is a neighborhood concern, so the Board would hear limited input.

Edward Mahoney, 337 Whiting Avenue: He said that not all abutters were notified, and provided a list of these. He spoke with the Meyer-Curleys, who are not concerned. He had many concerns:

* Arborvitae planting: The building has a five-foot offset and the applicant wants to put arborvitae between the building and retaining wall. Mr. Mahoney did not think the space was large enough. Mr. Henderson said that if the plantings do not last, they will have to be replaced or the landscape plan would have to be revised. Mr. Mahoney asked if they could use the waiver to not plant. Mr. Bethoney said they would need to return to the Board for that. Mr. Mahoney asked if it was true that the height would be 12 feet, and some 16-18 feet. Mr. Henderson said that 16 arborvitae would be 12 feet, planted about 10 feet apart. The giant green variety is tighter, and that the plans specify 16-18 feet; this is what will be purchased. Mr. Mahoney said that, according to the Internet, the elegant variety should be three feet apart. He lives two lots over, and can see the whole outline of the building from his deck. The arborvitae will help, but the ones down below will be at ground level. He said they will never come to the top. He said the ones planted on the neighbors’ property will be better.
* Lighting at night: Mr. Mahoney did not think it would affect him. Mr. Bethoney said it will not shine on abutting properties, so this is a non-issue. Mr. Mahoney asked if they would be on all the time. Mr. Aplin said that it will be only when someone is on the property.
* Operational hours of the workforce: Mr. Mahoney said he heard a sledge hammer being used at 6 a.m. on a workday. He went to the property on a Sunday, and they were sharpening blades. He told the applicant that they should not be on the site on Sunday. He is worried about promises. Mr. Bethoney said that minor things are done at 6:30 a.m. The employees are not on site after 8 a.m. because they are working.
* Traffic: Mr. Mahoney said he is worried about traffic on Saturdays. He said he is trying to help a nonconforming site. Mr. Bethoney said it is a pre-existing use. What is being proposed is better than it is currently. The Board is trying to make the business function the best it can.

Mr. Steeves went to the site a couple of weeks ago. The buildings barely function now. The new building will be much better. Mr. Podolski said the applicant needs to work on the hours of operation, suggesting the possibility of no work on Sunday. He said this would help the neighborhood. Mr. Aplin said there was no problem with that. He said that nobody is there at 6 a.m.; the workers show up at 6:20-6:30 a.m. Mr. Steeves said that some of the noise may be from utility work. Mr. Aplin should tell his workers to shut the door of the bay when they are servicing equipment. Mr. Bethoney said the new building will provide a more user-friendly environment. Mr. Podolski said Mr. Aplin agreed to no Sunday work. The work is usually underway at 6:30 a.m. on weekdays and Saturday. He said the noise should be kept down. He suggested that the Board review the site in a year to see how it is functioning. If there are complaints, the Board will need to address them. Mr. Zahka agreed.

Mr. Bethoney said that all of this is on public record and will be incorporated into the decision. He said that in circumstances like this, the Board requires re-review. The applicant will return with a report, and the abutters will be notified. If everything is going as planned, that is fine, but if there are significant differences in what is happening, the Board will need to take action. This will be built into the approval.

Mr. Aldous said that the business will be almost identical to what it has been for many years. It will be cleaner and better looking. He said the proposal is good, and the Board should help him accomplish it. Mr. O’Brien agreed, but said they need to be more efficient with noise and light spillage. Mr. Henderson said the arborvitae will provide screening, but not in back until the grade goes up. He explained this in detail. Mr. Bethoney asked Mr. Aplin if he would consider increasing the arborvitae along that stretch, and Mr. Aplin said he would. Mr. Henderson proposed 20 plants with 9 being giant green. Mr. Bethoney asked if they could plan 12-13 giant green, spaced equidistant. Mr. Zahka said they are trying to make the site the best it can be. The landscape requirement is to buffer the parking lot, not for screening. Mr. Aplin will plant as many as will grow in that area. Mr. Bethoney said the Board would appreciate this. Mr. Aplin agreed to replace any plants that do not survive over the next five years. Mr. Bethoney said that after that, he is on his own. He said there is no denying that the project will improve the site, and there will be no increase in intensity. Mr. Aplin will tighten the hours of operation, and encourage employees to be courteous to neighbors.

Waivers requested:

1. 11 parking spaces. Fifteen spaces are required. Peer review does not count the four spaces inside the building, although they will remain there. Visitors do not come to the site.
2. Pinch point aisle width is not wide enough. Only the employees use this.
3. 6.3% interior landscaping. It is virtually impossible to do more.
4. Walls and fences.
5. Plan scale to be 1:20 instead of 1:40.
6. Traffic impact and access study. This is a minor site plan review. The applicant is replacing a 5,000 square foot building with a 5,800 square foot building. A traffic report needs a purpose, and in this case, there will be no change in use or intensity. A traffic report was done for the Raftery building on Whiting Avenue, and it was determined that the issue was not volume but speed. Mr. Raftery participated in placement of temporary speed humps. Mr. O’Brien asked that this traffic study be included in the application. Mr. Zahka will make a copy of the minor traffic report and put it in the file. Mr. O’Brien suggested an additional speed hump; this would have to be done by the Board of Selectmen. Mr. Mahoney said the speed humps should be painted yellow. Mr. Bethoney said this is not within the purview of the Planning Board, and he would need to talk with the Board of Selectmen.

The Board had no issue with the waiver requests. Mr. Bethoney said that if the Board approves the proposal, all discussions this evening will be incorporated into the Certificate of Action and reviewed prior to signing.

Mr. Podolski moved to deem the proposal a minor site plan review, seconded by Mr. Steeves. After discussion, the vote was unanimous at 5-0. Mr. Podolski moved to approve the six waivers as set forth on the plan and in Mr. Zahka’s memo, seconded by Mr. O’Brien. The vote was unanimous at 5-0. Mr. Aplin will return in one year; this will be noted in the Certificate of Action.

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| Applicant: | Dedham 800, LLC |
| Project Address: | 750 Providence Highway, Dedham, MA |
| Zoning District: | Highway Business |
| Representative(s): | Peter A. Zahka II, Esq., 12 School Street, Dedham, MA |

The applicant returned for modification of the site plan. Mr. Zahka noted that on July 20, 2017, the Planning Board deemed the modification to be insubstantial not needing peer review but requiring abutter notification. The changes included incorporating walkways across a rain garden. The requirement for 15% landscaping is being met. Additional evidence to support the insubstantial modification is that the use of the building will be less intense. Revised plans were submitted on July 26, 2017, showing the walkways. Landscaping has increased to 34.6%, which is well in excess of the requirement. Parking has been decreased by five spaces. The traffic engineer provided trip generation. Mr. Zahka asked that the insubstantial modification be approved and then the project approved. Mr. McCarthy said that notice was sent to abutters as required. He talked with Elissa Brown, the Conservation agent, and she will ensure that the plantings for the rain garden are approved and planted prior to issuance of the Occupancy permit.

Stephen A. Greenbaum, Esq., Greenbaum, Nagel, Fisher & Paliotti, LLC, attorney for the abutter, Pearl Realty, said he did not believe he has seen the plan, so it is difficult to comment. Mr. Zahka said the Zoning Bylaw is clear that this is a two-step process. Mr. Greenbaum argued that this is not an insubstantial modification, and he is unaware of the plan. Mr. Zahka said that Ashley Feldman, Esq., Greenbaum, Nagel, Fisher & Paliotti, LLC, was present at the July 20, 2017, meeting. The only difference in the plan is the incorporation of the walkways as publicly stated at the last meeting. His firm knew of the increase in landscaping and that the Board would look at the ITE data.

Mr. Bethoney stated that the proposal was deemed insubstantial at the July 20, 2017, meeting. Mr. Podolski moved to approve the revised plan as presented, seconded by Mr. O’Brien. The vote was unanimous at 5-0.

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| Applicant: | RK Associates, Inc. |
| Project Address: | 450 Providence Highway/62 Eastern Avenue, Dedham, MA |
| Zoning District: | Highway Business |
| Representative(s): | * Peter A. Zahka II, Esq., 12 School Street, Dedham, MA * Mike Regan, RK Associates, Inc., 50 Cabot Street,  Suite 200, Needham, MA 02494 * Forrest Lindwall, P.E., Mistry Associates, 315 Main Street, Suite 300,Reading**,** MA 01867 |

The applicant presented for a ***scoping session***.

The property contains significant frontage on both Providence Highway and Eastern Avenue, and has just shy of 140,000 square foot of land. The building at 456 Providence has a Staples store with approximately 93,000 gross square feet and is two and a half stories. In back, RCN is expanding to 4,600 square feet. Stadium Performance is also located there. The building at 62 Eastern Avenue will be demolished. A rendering of the building was submitted to the Board. It will expand to the rear and the front door will face the interior parking lot. The driveway will be 24 feet. Site plan review in June 2014 showed 175 parking spaces; the required amount was 264. The applicant proposes to reduce the number of spaces further to 173. There would be a significant drop in the number of parking spaces. Landscaping would be added on Eastern Avenue.

Mr. O’Brien did not like the design on the rendering. Mr. Zahka said he will be meeting with Building Commissioner Cimeno, and may need to go to the ZBA. Mr. Bethoney suggested that they consider a traditional New England design since it is a very visible location.

Mr. Lindwall said that a photometric plan was done in 2014. There are two spotlights in the back of the existing building. These will be replaced in the new building, and there will be no spillage of light. There will be a light pole. They will present a stamped landscape plan, although this is a minor installation. The plan will show a list of the plants that will be used.

After discussion, the Board will review the proposal when the applicant formally files.

Mr. Steeves moved to adjourn, seconded by Mr. Aldous. The vote was unanimous at 5-0. The meeting ended at 9:39 p.m.

Respectfully submitted,

Robert D. Aldous, Clerk

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