**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, September 14, 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: | T-Mobile Northeast |
| Project Address: | 5 Incinerator Road, Dedham, MA |
| Zoning District: | Highway Business |
| Representative(s): | Martin Cohen, Esq., Network Building and Consulting |
| Town Consultant: | Steven Findlen, McMahon (not present) |

Mr. Cohen presented the latest T-Mobile modification to the smokestack wireless array. Three antennae would be added with three remote radio heads below. Three would be removed. This brings the total to nine. Mr. Findlen performed peer review of the project on behalf of the Planning Board. This peer review was paid for by the applicant. The site needed signage for emergencies, and the equipment should be painted to match the smokestack. Electrical Inspector Carmen DelloIacono has been asked to review the grounding, but has not done so yet. Mr. Bethoney said the proposal can be approved pending his review.

Mr. Aldous said the grounding on the plans is difficult to understand and needs to be re-written. There is no mention that the grounding wire needs to go down the chimney, and that it needs to be AWT 2 wire, which is larger and provides more safety. He reminded Mr. Cohen that if the chimney comes down due to lightning, the applicant is responsible, not the Town. He said he wanted the plans rewritten. Mr. Steeves insisted that this be done as well, noting that there would be two no votes tonight, and possibly three. Mr. Cohen said he would take the plans back to the engineer. He said that this is a site plan review, not an electrical review. However, he is willing to cooperate. Mr. Podolski agreed with Mr. Aldous and Mr. Steeves, and said the change in wire must be indicated on the plan. Mr. Bethoney said that the Board would approve the application when the plan is resubmitted. Mr. Cohen must change any future plans to AWT 2 wire, or else he should not come back to the Board. The applicant will return on September 28, 2017.

Mr. Bethoney advised Mr. McCarthy that any cellular company that submits plans to install or modify any antennae in town in the future must have an AWT 2 grounding system on the plan before going on the agenda.

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| Applicant: | Jack Audy |
| Project Address: | 227-235 Bridge Street, Dedham, MA |
| Zoning District: | Local Business |
| Representative(s): | Jack Audy, Owner |

Mr. Audy is seeking an insignificant modification to remove two diseased trees that are dangerous to the property, a neighbor’s fence, the building, and wires. He proposed replacement of the existing 6’ cedar fence with a 6’ vinyl fence. The trees are located in back and in front. He needs a determination from the Board that this is an insignificant change. Mr. Bethoney commented on how good the building looks since Mr. Audy has renovated it. Mr. McCarthy said the plan shows two trees and a fence; it will have to be changed if the proposal is approved. He said the abutter had objections to removing the trees. Mr. Audy came to the Board to help her understand why he wants to do this. She was notified by phone of the meeting, but was not present. The Board waited until 7:20 p.m. to see if s, but she came but she did not. No one in the audience had any comments.

Mr. Steeves moved to deem the proposal an insignificant modification, seconded by Mr. Podolski. The vote was unanimous at 5-0.

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| Applicant: | David McKay |
| Project Address: | 60-70 Milton Street, Dedham, MA |
| Zoning District: | Central Business |
| Representative(s): | Scott Henderson, P.E., P.O. Box 626, Lexington, MA 02420  David McKay, owner/applicant |

This is a ***scoping session***. Mr. McKay bought the property earlier this year. An adult daycare facility occupies the first floor; the Board approved this. There are two 5,000 square foot areas on the lower level; this can accommodate one tenant or as many as four depending on the use. A plumber has expressed interest in this area, as has a cabinet showroom. Basically, those interested have been in the light professional or industrial businesses. He is renovating the building, including the outside. There will be planters in front. There are parking constraints in the rear. He would like to discuss parking and tenants on the lower floors.

Mr. Henderson said the back can fit about 13 compact spaces. They cannot get a 24’ drive aisle on the site. The pavement extends off the property line, and there is an easement due to the seasonal height of Mother Brook (15’). If necessary, cars can park against the building. There is a fence against the Mother Brook condominiums. Because the property is so close to the brook, there may be environmental issues. They do not plan to change anything on the site, and have already spoken with the Conservation Commission about repaving.

The parking spaces are 9’ x 17’ as shown on the plans. They are technically in compliance because of a two foot overhang. Aisle width will be narrow. They will be requesting a waiver for the parking count. If the entire building was occupied, the demand would be for 75 parking spaces, and they only have 13. A waiver will also be requested to have a landscaping plan stamped by an architect. They will only have planting beds in front. There are buffers on each side. There will be no change in lighting, and they will request a waiver for a photometric plan. There is no snow storage on site, and it will be collected and trucked off site.

Mr. O’Brien said he would like to see the building used. Mr. Podolski asked about a fog line. Mr. McCarthy talked with Jason Mammone, P.E., Director of Engineering, who agreed that a fog line can be used for defined parking, but Mr. McKay would have to go to the Board of Selectmen, the street commissioners, for that. Mr. Bethoney said that it is a big building, but the site is what it is. There is not much parking. The Board will work with Mr. McKay, and urged him to make the site look and function the best it can be. There is nothing else the Board can do. Mr. Henderson will produce a plan as soon as possible, and was reminded to put the waivers on the plan, i.e., landscaping, parking, lighting, screened accessible dumpster. It will require peer review because it has more than nine spaces. Mr. Bethoney suggested that Mr. McKay look for users that are not intense.

**Review of Certificates of Action**

331 Whiting Avenue: Mr. Podolski was fine with this decision. Mr. O’Brien asked that his name be changed to James E. O’Brien IV. Mr. Steeves moved to approve the Certificate of Action, seconded by Mr. Aldous. The vote was unanimous at 5-0. Mr. Aldous signed it.

750 Providence Highway: Mr. Aldous moved to approve the Certificate of Action, seconded by Mr. O’Brien. The vote was unanimous at 5-0.

**Review of Minutes**

April 12, 2016: The time should be changed to 3:30-4 p.m. Mr. Steeves moved to approve the minutes as amended, seconded by Mr. O’Brien. The vote was unanimous at 5-0.

April 14, 2016: Mr. Bethoney was not present for the meeting, so this should be noted. The motion, second, and vote count on the first meeting should be checked and corrected if necessary. Mr. Steeves move to approve the minutes as amended, seconded by Mr. O’Brien. The vote was unanimous at 5-0.

Review of the rest of the minutes supplied to the Board in their packages was continued.

Mr. Podolski asked if the new town hall would be opened prior to talking to the Planning Board and starting any second phase. Mr. McCarthy said they will need to return to the Board regarding realigning the Washington Street intersection.

Mr. Podolski said the Public Safety Building is being looked at as a fait accompli. He has not heard when they are coming to the Board. Mr. Bethoney recommended that see the Planning Board for review sooner rather than later than most other projects; the Board is the one that signs the plans. If they are shopping the plan around to others, they are wasting their time. They need guidance from the Planning Board, and they have been advised of that. Mr. McCarthy said they were to come before the Board in August, but their approach and the appearance of the building have changed, so the course has changed. Mr. Podolski said he was afraid that they were going to go so far, that the Planning Board would pull them back and get painted as bad guys. They should at least come in for a scoping session. Changing the appearance is minor. He wants to hear how they will get fire trucks out of the building with the traffic. He wondered if the street would need to be reconfigured, and how cars would be stopped if there was two-way traffic. He did not want to hear it in six months; he wanted to hear it now. They have designed a building without egress. Mr. Steeves agreed. Mr. Bethoney said they have been warned and are well aware. Mr. Aldous said there will be a meeting at the Middle School concerning how the building will be built, but it has not been approved. Once their minds are made up, they will not change it.

Mr. Bethoney said a letter needs to be sent imploring them to come to the Planning Board as soon as possible. Mr. Steeves said they were told to come, but they are going forward anyway. Mr. Bethoney said they intend to come, but after the fact. He said they are too far into it. Mr. O’Brien said he would have voted against Dore and Whittier just like Mr. Aldous. They are not cooperating and assume they will get their way by popular vote.

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| Applicant: | Dedham Marketplace |
| Project Address: | 95 Eastern Avenue, Dedham, MA |
| Zoning District: | Highway Business |
| Representative(s): | Peter A. Zahka II, Esq., 12 School Street, Dedham, MA  David Johnson, Norwood Engineering |

This is a ***scoping session***. The owner of the site, Stephen Steinberg, was not present. The site, which is over 10 acres of land, contains several lots, including 600 Providence Highway and 95-115 Eastern Avenue. It is occupied by Papa Gino’s and other businesses. It was originally developed and approved in 1986 when the parking requirements were very different.

The proposed project started out as maintenance work including repaving of a portion of the site. However, it was determined that they must come to the Planning Board. The applicant has modified the plan, and said it would improve the site and be insignificant in scope. A question was raised about change of use for a 1,200 square foot area that was previously an office. A letter was sent to the Planning Board addressing this, explaining that it was not a change of use but that vans would be parking on site. This dropped the overall number of parking spaces from 470 to 373. The access point would not be changed, but landscaping would be updated. The parking space sizes would remain the same, and there would be more spaces. They would land bank some spaces.

There is an entrance on Route One and an entrance on Eastern Avenue that goes from Eastern Avenue to the building. Existing conditions were shown. The applicant proposes elimination of 17 spaces along the access road. To recapture these spaces, the parking stall sizes will be made uniform at 9’ x 20.’ Aisle width would be 26 feet. They would land bank 49 spaces along Eastern Avenue and Lechmere road and install landscaping. The frontage strip would have a 5-10’ setback. The pavement would be broken up into six sections with a landscape island. The site has been unchanged since it was originally approved. The applicant would just restripe and repave the lot. The land banking is to try to reduce the impervious area. They would add three internal spaces, eliminate 17 spaces, and land bank 49 spaces. There are 24 tenants on two floors. The required parking count is 373, and they have 469; with elimination and land banking, this would change to 406 spaces, which is more than required. Interior landscaping is currently 2.4% but would increase to 4.5%; 15% is required. There would be no change to the access points. All modifications would be internal with landscape islands. There would be no change to internal circulation, aisles, or spaces. They will be filing a Notice of Intent with the Conservation Commission.

The owner wrote a letter to the Planning Board explaining that this is not a change of use. The prior use was office, and this will continue. The new tenant, Support Management, provides van transportation to the elderly and disabled. Drivers are employees of the company. Even with land banking, there will be a surplus of 30 spaces over what is required. Mr. Zahka said that this is an insubstantial change and does not need peer review. Mr. Bethoney questioned this, saying they are proposing substantial improvements but call it insubstantial. The site is viewed as one lot and the Zoning Bylaw says that when a lot like this is modified, the entire lot has to be reviewed for site compliance. If the applicant does not want that, he needs to request a waiver.

Mr. Aldous asked how many vans would part at the site. Mr. Johnson said it would vary depending on what they were doing. There are currently 11 vans on site overnight. Mr. Bethoney said that he should give accurate information on how many would be there at night. Mr. Johnson said the land banked area would be grass and would not need irrigation. Mr. Podolski said that he would need arid-loving plants, and asked if this would include ornamental grasses. Mr. Johnson said the landscaping plan has not been done yet. Stormwater management would be from the Conservation Commission. Mr. Podolski agreed that the site needs to be cleaned up, and said they need more landscaping in the interior.

Mr. Podolski was fine with looking at just this area, not the whole lot. Mr. Zahka said they can look at the other side and then request a list of waivers. Mr. Bethoney said that if there is a major deficiency on the other side, it should be addressed now. Land banking should be changed to pavement removal and installation of detailed landscaping. The land banked spaces could be used in the future for parking if it is necessary. The site is in a flood zone and the lot is in poor condition because of that. He advised them to look at irrigation, and said they should put in as much landscaping around the perimeter as possible.

Mr. Aldous asked who takes care of Lechmere Road. The he applicant owns this road, but Pearl Realty, which includes Best Buy and BJs, has right of way over it. The owner cannot go out of Pearl’s property. Pearl has agreed to share the cost of repair of the potholes. Mr. O’Brien noted that Pearl has threatened to close their end of the road. Mr. Zahka said they could put up a gate if they wanted. Mr. Bethoney said the parking lot will be nice, but questioned if they would leave the road is its present condition. There needs to be a maintenance plan from the owner to maintain the road; this should be filed with the site plan. Mr. O’Brien said that the maintenance of the parking lot needs to be defined. Mr. Bethoney said the applicant has an obligation to maintain the islands to keep the plants alive and looking good.

Mr. Bethoney asked the board about determining whether the change is insubstantial or if peer review is needed. He wondered if there could be a quid pro quo, i.e., road maintenance in exchange for no peer review. Mr. Podolski did not think the changes would be adding traffic or parking, so he would be in favor of deeming it insubstantial as long as the applicant maintains the road. Mr. Steeves agreed. Mr. Aldous did not, saying that the site has not been looked at for many years and he would like peer review. Mr. Zahka addressed this. Mr. Bethoney said that if the Board looks at the road, the necessary repairs needed, and the landscaping, he is okay with deeming it insubstantial. Mr. Zahka said he would take this information back to the owner and discuss it.

Joe Heisler, 27 Meadow Street: He was happy to see that it will be improved. The litter in the area is horrible, and suggested that the applicant address this problem.

Mr. Podolski moved to deem the proposal as an insubstantial modification of the parking lot with conditions. Mr. Steeves seconded the motion. Mr. O’Brien agreed, but with respect to Mr. Aldous, said the site has not been looked at since 1986. If the owner goes through with the improvements, that gives it leeway to deem it insubstantial. The Board agreed. Mr. Steeves asked about lighting, and Mr. Bethoney requested that a flag pole be installed. With the motion on the table, the Board voted 5-0 to approve.

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| Applicant: | Dela Plaza East, Inc. |
| Project Address: | 270, 290 Bussey Street, Dedham, MA |
| Zoning District: | Central Business |
| Representative(s): | * Peter A. Zahka II, Esq., 12 School Street, Dedham, MA * James J. DeVellis, P.E., DeVellis Zrein, Inc., P.O. Box 307, Foxborough, MA 02035 * Douglas Annino, AIA, Annino Associates, 125 North Washington Street, North Attleboro, MA 02760-1673 |

This is a ***scoping session***. Mr. Zahka outlined the proposal to redevelop East Dedham Plaza (a/k/a Delapa Plaza) into a Mixed Use Development. The applicant would add two floors over the commercial space, rehabilitation and reface the whole building, and make significant landscaping enhancements. The lower level commercial would be replaced parking under the building. The project originally started in 2007, and there have been many meetings over the years with the public, the last being at the Endicott Estate in 2007. The applicant has met with the Mother Brook Community Group and the East Dedham Revitalization Committee, and has had smaller meetings to discuss ideas. Over the last year, they have formed a development team and a design team, and they are ready to file a formal application. The rezoning of East Dedham has had a major impact.

The property, which is in the Central Business zoning district, contains two lots, 270 and 290 Street. There is 100,000 square feet of land with 324 feet of frontage on Bussey Street and 200 feet of frontage on Sawmill Lane. There is 36,000-38,000 square feet of floor area. CVS is the major anchor of the plaza. There are 147 parking spaces; this will be significantly improved. With the exception of the ATM machine, the site lacks landscaping.

The proposal is for the addition of two upper floors (not over CVS) with 26 apartments. Of the 26, 22 would be one-bedroom, 2 would be 2-bedroom, and two would be studios. They propose 165 parking spaces. Surface parking would be 143 spaces, and there would be 22 under-building spaces that would probably be for apartment tenants. The decrease in surface parking would allow improvement in the perimeter and interior landscaping. The current building requires 191 spaces; they have provided 147, so there is a deficit of 44. In the proposal, the requirement is for 175 spaces. They have provided 165, so there would be a deficit of 10. Existing and proposed conditions plans were shown.

Mr. Annino said the building has good bones, but needs renovations. He reviewed the proposed architecture and site. Please see the applicant’s file for details.

Mr. Zahka said they will do a detailed formal filing, including lighting, landscaping, etc. The applicant is having internal discussions regarding internal security. The units facing Mother Brook will be very popular. A Special Permit will be required for mixed-use and Major Nonresidential Project. Parking analysis has been done. If they put in a nice restaurant, which will required a Special Permit, the parking numbers will change. They will be going before the Conservation Commission and the Design Review Advisory Board. A peer review will look at everything, including parking counts and traffic, and all town departments will review the application.

Mr. Aldous asked what the height of the building would be to the roofline. Mr. Annino said it would be 40 feet. Mr. O’Brien was skeptical that the structure could support the upper floors. Mr. Annino said that a structural engineer performed a preliminary analysis and thought it would. The foundation will be investigated. Mr. O’Brien asked if it would be a safety issue if the businesses continue to be open during construction. Mr. Annino said that CVS will remain open and the business can be open. Mr. O’Brien asked if an elevator could be installed in the existing building. Mr. Annino said he needs to research this.

Mr. O’Brien said that it can be more expensive to renovate than to start from scratch, and they have a long way to go. He asked why they are not willing to invest in a newer structure. This could probably add to the number of tenants and would be more financially viable. He also asked if the building follows the East Dedham Design Guidelines, and if the neighborhood wants this. Mr. Zahka said they had a preliminary structural review, and were told that it was viable. They are aware of the design guidelines and have reviewed them. He believes they have fulfilled a lot of the points, and noted that the guidelines are not a mandate.

Mr. Podolski said this proposal is what the Board is looking for in East Dedham, as this building would improve it. He was not concerned about whether it can be done because, ultimately, it is the applicant’s problem. If the engineers say it is okay, he is fine with it. The concept is what the Board wants. Mr. Steeves agreed, saying it is in a great spot and would be the jewel of East Dedham. He said he would be surprised if they did not need more footings, but thought it was a great project.

Dennis Guilfoyle, Board of Selectmen and East Dedham Revitalization Committee: He met with Mr. Delapa, Mr. Zahka, and Joe Heisler many times, and this is what they are looking for. It is a large investment to East Dedham. The zoning was done to see if owners would invest in their properties. He is excited about it and hoped it worked out. Mr. Bethoney asked if the East Dedham Revitalization Committee would take an opinion; Mr. Guilfoyle said it would not at this time, but may in the future.

Virginia Brobst, 28 Myrtle Street: She uses the plaza all the time, but was concerned about the Post Office still being there, as she cannot get to Dedham Square. Mr. Zahka said that Mr. Delapa wants the Post Office to be in the front of the building. They will be offered an opportunity to remain a tenant.

Joe Heisler, Town Meeting member, Mother Brook Community Group, 27 Meadow Street: He is thrilled about the proposal. The group has not taken a position, but has always supported redevelopment and recognizes the importance of Mixed Use Development. He would like the applicant to meeting with neighbors and the East Dedham community to explain the details. There may be issues with the design and parking, and how the waterway would be handled. He is aware that the East Dedham Design Guidelines are not mandatory, but asked that the Planning Board encouraged him to comply.

Brian Keaney, 183 Grant Street, owner 106 and 126 Bussey Street: He is happy about the proposal but said that people are skeptical. He asked if there is the same number of apartments as in the first proposal. Mr. Annino said the first proposal had 39 apartments on three floors. Mr. Keaney said this is much more reasonable.

Charlie Krueger, 11 Stafford Street: He commended Mr. Delapa. He said that the town is changing, and if East Dedham does not change, it will fall into disarray. He hoped it would work out well.

Dan Hart, 75 Harvard Street: He thanked Mr. Delapa for consideration of the project. He was happy with the landscaping, and thrilled about the back of the building and keeping the historical aspect, i.e., the cupola. He said this is heading in the right direction.

Mr. Zahka said that every member of the development team has a copy of the East Dedham Design Guidelines. He said that all of the guidelines cannot be put in, but he has reached out to Mr. O’Brien and Mr. Hart for their advice, i.e., a fountain. The plan is still in progress, and Mr. Delapa will meet with everyone. Mr. Podolski reminded him that there should be a flag.

A report on the structural integrity will be submitted. Mr. Bethoney said that any guidelines and/or Master Plan information should be documented and well known as to why they are or are not complying. He requested that Mr. Delapa perform community outreach at Mother Brook Arts and Community Center or his restaurant to answer questions in a less formal setting. He reminded them that any representations made on the drawings, photos, and comments are made part of the decision and are required. There is no existing site plan other than for the ATM. The applicant will return when he is ready to file.

Mr. Podolski moved to adjourn, seconded by Mr. Aldous. The vote was unanimous at 5-0. The meeting ended at 10:12 p.m.

Respectfully submitted,

Robert D. Aldous, Clerk

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