**TOWN OF DEDHAM**

**COMMONWEALTH OF MASSACHUSETTS**

**Planning Board**

John R. Bethoney, Chair

Ralph I. Steeves, Vice Chair

Robert D. Aldous, Clerk

James E. O’Brien IV

Michael A. Podolski, Esq.

**Planning Director**

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**PLANNING BOARD**

**MINUTES**

**Thursday, September 28, 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.

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. Bethoney called for public comment prior to beginning the meeting. This is required by public statute. There was none.

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| **Applicant:**  | **T-Mobile Northeast, LLC**  |
| **Project Address:** | **5 Incinerator Road, Dedham, MA** |
| **Case #:** | **SITE-7-17-2247** |
| **Zoning District:** | Highway Business  |
| **Representative(s):** | Wayne Stott, Project Engineer, Network Building and Consulting, LLC, 100 Apollo Drive, Suite 303, Chelmsford, MA 01824  |
| **Town Consultant:** | Steven Findlen, McMahon Associates |

This meeting was a continuation from September 14, 2017, at which time Martin Cohen, Esq., presented the application for wireless at 5 Incinerator Road. At that time, the Board questioned the grounding wire for the project, which included the addition of three antennae and three remote radio units to the smokestack. They will remove three existing antennae, bringing the total to nine. McMahon Associates reviewed the project and found two issues: signage for emergencies and painting the equipment to match the existing smokestack. In addition, the wire inspector was asked to review the grounding. At the September meeting, Mr. Aldous requested that the grounding wire be AWT 2, which is larger than that indicated on the plans. The Board continued the meeting until September 28th.

Mr. Stott explained that the plans have been changed to AWT 2, although some components cannot handle the AWT 2 wire because it is too large. He said there was nothing they could do about that because they come from the manufacturer with the wires attached; this is a #6 wire. The main grounds will accept the AWT 2. Going forward, all their sites will be AWT 2 for the main ground. Mr. Podolski moved to approve the plans as presented, seconded by Mr. Steeves. The vote to approve was unanimous at 5-0. Mr. Steeves asked Mr. Stott if this information can be furnished to other companies. Mr. Bethoney said that Mr. McCarthy is doing that.

**REVIEW OF MINUTES**

April 27, 2016: Mr. Podolski moved to approve the minutes, seconded by Mr. Aldous. The vote to approve was unanimous at 4-0. Mr. O’Brien was not present for this meeting and thus did not vote on the minutes.

May 12, 2016: Mr. Steeves said the parking spaces at Stop & Shop are 9’ 6” on either side; from the center of the barrier, there is have no room for people to get out of their vehicles. There needs to be an additional six inches on either side. There is two feet from the center of the barrier, 9 feet, and another two feet. This allows vehicles to swing in and gives people room to get out. Legacy Place does not have this. Mr. Podolski asked if the bylaw should be changed. Mr. Steeves said something needs to be done. Mr. Podolski moved to approve the minutes as presented, seconded by Mr. Steeves. Mr. O’Brien asked for discussion. On page 7, second paragraph, third sentence, there was discussion regarding East Dedham Plaza and the East Dedham Guidelines. He said he is okay with what a private developer wants, but not building according to the East Dedham Guidelines. He would like it changed to rebuild “according to the East Dedham Guidelines, which reflect the old way in which buildings are built closer to the street.” Mr. Podolski amended his motion to change the language as requested and to approve the minutes as amended. Mr. Steeves seconded the motion. The vote was unanimous at 5-0.

May 26, 2016: Mr. Podolski moved to approve the minutes as presented, seconded by Mr. Steeves. The vote to approve was unanimous at 5-0. Mr. Bethoney was happy to say that Chick-fil-A does have the American flag prominently displayed in front of the building, as they said they would.

June 9, 2016: Mr. Podolski asked Mr. McCarthy what is going on at 83 Washington Street. The site is now dug up and they found an underground gas tank that no one knew was there. The Board never approved a site plan for that. Mr. McCarthy said they are putting in housing for the disabled, which did not need Planning Board approval. Mr. Steeves noted that this is commercial property, and Mr. Podolski said it is grandfathered commercial property. It is Single Residence B. Mr. O’Brien asked why the Board did not receive notice of this. He felt that the Building Department needed to communicate about what is going on. Mr. Podolski agreed. He asked that page 5, Liana Estates, reflect that four lots will be held in escrow, not two, and that the Planning Board release two lots. Mr. Steeves moved to approve the minutes as amended, seconded by Mr. Podolski. The vote to approve was unanimous at 4-0. Mr. Bethoney did not vote on these minutes because he recused himself from this subdivision.

June 23, 2016: Mr. Podolski said that the stormwater system needs a basin with a grid on top at Dunkin Donuts. Mr. Podolski moved to approve the minutes as amended, seconded by Mr. Steeves. The vote to approve was unanimous at 5-0.

**REVIEW OF CERTIFICATE OF ACTION**

Mr. Podolski moved to approve the Certificate of Action for an insubstantial modification for Chick-fil-A, 100 Providence Highway, seconded by Mr. Steeves. The vote to approve was unanimous at 5-0. Mr. Aldous signed the Certificate of Action.

**PUBLIC HEARING**

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| **Applicant:**  | **ACP Properties, LLC**  |
| **Project Address:** |  **910-928 Providence Highway, Dedham, MA** |
| **Case #:** | **SITE-05-17-2228** |
| **Zoning District:** | Highway Business  |
| **Representative(s):** | * Keith Hampe, Esq., 411 Washington Street, Dedham, MA
* Scott Henderson, P.E., Henderson Consulting Services, P.O. Box 626, Lexington, MA 02420
* Chris Priore, Owner/Applicant
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| **Town Consultant:** | Steven Findlen, McMahon Associates |

Mr. Podolski moved to waive the reading of the public notice, seconded by Mr. Steeves, and voted unanimously 5-0. Mr. Podolski moved to open the Public Hearing, seconded by Mr. Steeves, voted unanimously 5-0. Mr. Podolski noted that the Public Hearing notice was published in the Dedham Times on September 8, 2017, and September 15, 2017. Postcard notices were mailed to the surrounding towns (Boston, Canton, Westwood, and Needham), as well as to abutters to abutters within 300 feet of the property because there are Special Permits. All the statutory requirements have been met.

Mr. Hampe asked that this Public Hearing be continued to October 12, 2017. Mr. McCarthy agreed that this is because the second peer review was just received and it has not yet been evaluated. Mr. Podolski moved to continue the Public Hearing to October 12, 2017, at 7:30 p.m. Mr. Steeves seconded the motion. The vote to continue was unanimous at 5-0.

**OLD/NEW BUSINESS**

Public Safety Building: Mr. Podolski asked Mr. McCarthy what the status of the Public Safety Building is and when they will come before the Board. At the last meeting, it appears to be going forward without coming to the Planning Board, even for a scoping session. Mr. McCarthy’s understanding, after talking with Assistant Town Manager Nancy Baker, is that they are working toward a joint meeting with the Board and the Board of Selectmen. Selectman Chairman, Dr. Dennis Teehan, alerted Mr. Bethoney that he desires that meeting, but he would speak with those involved with the project and get back to him. Mr. Bethoney asked when the Board would see the Applicant. Dr. Teehan said they will see the Board of Selectmen in a Public Meeting, but he understood the Board’s position. He saw the article in the Dedham Times, and realized that the Planning Board wants to see them sooner, rather than later, and acknowledged that the Planning Board is one of the regulatory board that would sign off on the project. Mr. O’Brien asked what the reason is for the joint meeting. Mr. Bethoney said that Dr. Teehan did not have an answer as to when they would come to the Planning Board, but he would have no problem with a joint meeting. Mr. Bethoney asked Dr. Teehan to talk to the people involved and let them know that the Planning Board needs to see them sooner, rather than later.

Mr. Podolski would agree to meeting with them, but talking about it delays the Planning Board’s review of the project. He asked why they would meet with the Board of Selectmen when it is the Planning Board who signs the plans. Mr. Bethoney said that Dr. Teehan should not tell them where they need to be seen; the development team should do that. Mr. Podolski said that every two weeks it is delayed and the Board has not started its review, it puts the two weeks further out. He wants to know, for the record, why the Fire Department bays are in front of the building and the Police Department is on the side, and why the Fire Department bays are not as close to Washington Street as possible since that is where they will have to go to get out. Putting the bays on the front of Bryant Street would mean traffic would have to stop when the bays are open. He questioned how the cars would get out of the way so the fire trucks could get out. Every second counts in an emergency. He did not understand why it has been designed that way, and wanted answers. The fear is that they will go through site development to such a degree, only to end up at the Planning Board to hear that it is flawed. Mr. O’Brien said that a recent newspaper article said the same time. He believed that they are trying to get so far into the design that they it would be too much money to go back, and the Board has to go along with it. Mr. Steeves said he will not sign the plans if they are wrong. He could not see how a fire truck could get out onto Bryant Street under any circumstance with even one vehicle on the street, and it could only turn one way onto Bryant Street. There would have to be a firefighter on both sides of the street to stop traffic so the engines could go out.

Mr. Bethoney said they have not even filed an application with the Board, and have only had a cursory, informal review so far. They want to avoid allegations that the Planning Board cost them more money. Mr. Aldous would rather see them without the Board of Selectmen, and Mr. Steeves said he wants the Board of Selectmen to come to the Planning Board meeting, not the other way around. Mr. Bethoney said the only reason it was suggested is because there is already a meeting scheduled with the Board of Selectmen. Mr. Teehan said he would check, but said the Planning Board could come to that meeting as a joint meeting. This would be a presentation by Brad Dore, the architect, with an invitation for the Board to hear what he had to say. Mr. Bethoney will ask about this.

Mr. O’Brien said that, after reviewing Mr. Dore’s brief presentation, the crowd reaction was not very enthusiastic; about 85% did not like it. He asked if they would be making changes or continuing as is. Mr. Aldous said that, from past experience, whatever they say, they will do. They will find excuses not to make the changes the Board asks. Mr. Bethoney said that, when they come before the Board, he can ask “as a result of the Public Hearing, what about your plan has changed,” and then he will have his answer. Mr. O’Brien said he already sees the answer: they will do what they want despite the Planning Board. At a meeting of the Building, Planning, and Construction Committee of which he is a member, Mr. Aldous discussed the height of the bays would be 14 or 16 feet. He was concerned about this because the height of trucks on the highway is exactly the height of the doors. This means that engines would have to be the same height as the trucks on the street; this is all right when they are going to a fire, but when they return, they are not packing equipment neatly in the interest of time, and they will probably not be able get into the bays. The bays would be too small, which is the exact situation now. He asked for an extra foot or two, but Mr. Dore said they would have to change the floors, etc. Mr. O’Brien said that no matter what is offered, they do not follow it.

Mr. Bethoney said they know the Board’s level of urgency in them coming to begin the discussion. He advised the Board to have all its questions, concerns, etc., and to detail them when they come in. He also said the Board should let McMahon Associates’ peer reviewer know its concerns so he can pay special attention. Up until that, there is no law that they have to see the Board until they are ready for the Board to consider the project. They are going forward at their own free will and at their own peril. Mr. McCarthy will check to see if the bylaw requires a scoping session. If it is not required, they can just come in and file. He will let Dr. Teehan know that they are waiting for the process to play out appropriately, i.e., scoping session, formal filing, and formal review.

ACP Properties, LLC, 910-928 Providence Highway: Mr. O’Brien asked about this application. It will be four stories, mixed use with commercial on the first floor and apartments on the upper floors. He questioned people living in that part of town, but Mr. Podolski said that people could walk over to Legacy Place. Mr. O’Brien had no issue with that, but he thought it would be better to continue it to Wigwam Pond. Stergis Way is zoned for Highway Business, as this is. He said that surrounding the area would be better.

Mr. Podolski moved to adjourn, seconded by Mr. Steeves. The vote to approve was unanimous at 5-0. The meeting concluded at 8:00 p.m.

Respectfully submitted,

Robert D. Aldous, Clerk

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