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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**

**July 21, 2016, 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 7:08 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. O’Brien arrived late at 7:21 p.m.

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| **Applicant:** | **Martin Grealish, Phoenix Holdings, 59 Bayard Street, Dedham, MA 02026** |
| **Property Address:** | **331-333 High Street, Dedham, MA 02026** |
| **Case #:** | **ANR-07-17-1792** |
| Property Owner: | Same as above |
| Map/Lot, Zoning District: | 95/8, General Residence |
| Application Date: | July 13, 2016 |
| Present and Voting: | Michael A. Podolski, Esq., Chairman, John R. Bethoney, Vice Chairman, Robert D. Aldous, Clerk, Ralph I. Steeves, and James E. O’Brien IV |
| Representative: | Martin Grealish |

Mr. O’Brien was absent for this meeting. Mr. Grealish wants to create two separate lots on the property. The property contains 26,000 square feet. He plans to create one 10,000 square foot Lot A and 16,369 square foot Lot B. He purchased the property on in November 2015, and converted it into two condominiums. He felt that the properties should be on smaller lots. There are no plans for the other lot that would be created, as this is considered unbuildable in its present condition with no frontage.

Mr. McCarthy reviewed the application, and found that it meets criteria for endorsement. It has adequate access to High Street, and the width and frontage are sufficient. The rear lot is unbuildable at this time because it has no frontage. It does run along O’Neil Drive, but this is considered a private drive. Mr. Grealish has not consulted a zoning professional or an attorney, but to his knowledge, it is not a public way. It is his understanding that the Town considers it a driveway. He has not met with the Building Department, but will do that. Mr. McCarthy had a direct conversation with the Building Department, and is willing to discuss it again if the Board desires. There is a list of private ways, and this will be consulted. No easement is proposed on the front lot to access the back lot, as Mr. Grealish wants to keep his options open. Mr. Steeves asked where the access is for the garage. Mr. Grealish said that the plan shows that the driveway goes along the right side of the lot to the garage, and it is paved.

Mr. McCarthy will determine the status of O’Neil Drive. The Board was baffled as to why Mr. Grealish would come in after a building is already built in the front and lop off the back of the lot. He thought the people who buy the condos would like a larger back yard, but he did not think the Board had any legal grounds to deny the petition, assuming that the Board confirmed that it is not a private way. Mr. McCarthy said that O’Neil Drive does not have any layout, and is part of a larger parcel. Mr. Grealish assured the Board that he had no mysterious plans in the background; he just wanted to keep his options open. Mr. McCarthy said that O’Neil Drive is part of a larger parcel, but there was no layout done.

Mr. Podolski said that the Board will approve the ANR and sign the plans, but will hold them until Mr. McCarthy confirms whether it is a public or a private way. Mr. Bethoney moved for endorsement of the plan as presented subject to a brief discussion with a second. Mr. Aldous seconded the motion.

Discussion: Mr. Bethoney wants to be sure that Lot A should be marked as Parcel A, not Lot A due to discussions in the past regarding the words “parcel” and “lot,” and the word “lot” having some definition of buildability. He wondered, if the Board is noting Lot A to be a nonbuildable lot, is the Board implying that it could be built on sometime in the future. He asked if it should be labeled “parcel” as opposed to lot; if so, he would ask Mr. Grealish to label it as “Parcel A,” with alludes to the fact that it is not buildable. He asked that Mr. McCarthy speak with Jonathan Eichman at Kopelman and Paige.

After discussion, the vote of the Board was unanimous at 4-0.

Mr. O’Brien arrived at 7:21 p.m.

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| **Applicant:** | **EG/GP3 480 Sprague Street, LLC, c/o Griffith Properties** |
| **Project Address:** | **480 Sprague Street, Dedham, MA** |
| **Case #:** | **SITE-05-14-1844** |
| **Zoning District:** | Limited Manufacturing A, Map 157, Lot 7 |
| **Representative(s):** | * Bradley Cox, Amazon * Donna Pennino, Principal, Griffith Properties, 260 Franklin Street, 5th Floor, Boston, MA 02110 * Marcie Loeber, Managing Principal, Chief Investment Officer, Griffith Properties, 260 Franklin Street, 5th Floor, Boston, MA 02110 |

The Building Department reported that the site is being overwhelmed with Amazon trucks and parking in unpaved areas. This has occurred without submission of a new site parking plan for approval as requested by the Board at their last meeting on 6/9/16. Ms. Pennino showed a modification of the previously approved plan. Phase 3 was approved but did not allow access to the DPW site; it now shows an opening for the DPW trucks to enter on the Restoration Hardware side of the building. Mr. McCarthy has not reviewed the plan, which was just submitted today. They are adding 160 parking spaces in the areas where vehicles are parking on gravel; these will be paved and striped. Nothing is being done in the front. Phase 1 has been completed. Phase 2 is relocation of the driveway abutting Manor Fields to allow DPW access. Phase 3 will be changed from tractor trailer parking in the rear to 9’ x 19’ spaces for the vans. The total amount of parking on the site will then be 294 spaces. Ms. Pennino asked that discussion on parking be deferred to the next meeting. Mr. McCarthy said this meeting is for operation issues and the neighborhood.

Mr. Bethoney said that when the Board originally approved the plan, it was not as intensive as it is now. Tractor trailers did not go in or out very much during the course of the day. This type of operation was never considered by the Board or by the peer reviewer when traffic was evaluated for the initial proposal. It is not simply a modification, and it is not parallel to what was originally approved because it is a more significantly intensive use. As a result, the traffic and site plan need to be re-evaluated. Mr. Cox said that Amazon maintains 25 vans on site, and these are in shifts; the total may be more during operation of the facility. He did not know how many vehicles would enter/exit the site during the course of a day, or how many trucks there are now.

Mr. Bethoney asked how many parking spaces are being requested over and above what was approved. Ms. Pennino said it was the same number as the original plan, less the spaces to get into the DPW site. They are changing the tractor trailer spaces into regular parking spaces. Mr. Bethoney asked how many additional vehicles will be on the site than were originally proposed; this needs to be considered when the revised site plan is presented. He said that when anything is changed on an approved site, even insignificant changes, it needs to be reviewed. The type of intensive use placed on the site, in opposition to what was originally thought was going to be there, is certainly a concern. They need to file a revised site plan, and peer review has to be done per the ZBL. Ms. Loeber said they had previously worked with Peter A. Zahka II, Esq., but he is not involved right now. She said they are not prepared at this time. Mr. Bethoney advised them to review the ZBL for the requirements for revision.

Mr. Steeves asked for clarification on the 32 tractor trailers and where they will be parked if they are removed from the back of the site. Ms. Pennino said they are parked in bays on Sprague Street or by Macy’s. His concern is that there will be 32 13’ boxes open, and there will be a fair amount of parking there. He said at least 64 spaces, in his opinion, will be needed. Mr. Bethoney said that when they return to make their representation as to the needs for the facility, the tractor trailers’ spaces shown on the plan will be only tractor trailers on the site.

Mr. Podolski asked if Ms. Pennino had been on the site while Amazon was there, and whether she sensed that it was an overwhelming site. She said there have been issues. Amazon now rents 110 off-site parking spaces for vans and employee vehicles at a vacant office building; neither she nor Mr. Cox knows where this is. Mr. Podolski asked if they are shuttled to the site. Ms. Pennino said that a security officer is on duty between 7 a.m. and 8:30 a.m. and again in the afternoon to ensure that fire lanes are open.

Mr. Aldous said that he could not make a statement since he had not seen the plan and he was not clear on what was going on.

Mr. O’Brien witnessed the “waves” of vans in the morning coming down Sprague Street to Endicott Circle to gas the vehicles. He asked how many “waves” there are. Mr. Cox said there are ten: the vans go out in the morning, deliver, and return in the evening. Mr. O’Brien said that this means that at any one time, the same number of vehicles are on site, although not now since there is an unknown parking site; this still affects the Town one way or another. This is a misrepresentation to the owner of the rented parking facility. An accident report from 7/21/16 noted a vehicle hitting a phone pole, causing a disturbance to the Town. No answers have been forthcoming, so he would like to hear what the neighbors have to say. He said he sees about 10 vehicles coming down through Endicott Circle in the morning. Mr. Cox said he would convey these concerns to Amazon’s operational office in Seattle. Mr. Podolski said they need to take into consideration that they abut a residential neighborhood, and must come up with a better operational plan. The owner of the rented parking must come to the Board to discuss this unless he had already proposed a rental parking lot in Dedham; if he had not, parking there is not allowed. It needs to be determined exactly where this parking lot is.

Audience

Richard Cimeno, 124 Weatherbee Drive, Westwood: Mr. Cimeno owns a TV studio next to Amazon at 50 This affects his tenant, Dedham TV. They have spent a lot of money for signage, which they should not have had to do, but Amazon does not have any identification signage. Ms. Pennino said they have an Amazon sign and a street number sign ready to put up, but Mr. Cimeno asked that these be large enough for good visibility. The street number they used is 500 Sprague Street. People are coming to Dedham TV, probably to apply for jobs, banging on the door, ringing the bell, and interfering with their business. Mr. Podolski said this is prohibited, and Amazon must adjust their loads on their property and nowhere else. The building must also be marked properly. Ms. Pennino said that Amazon is listed as 502 Sprague Street, which is Mr. Cimeno’s building.

Rose Favret, 53 Hooper Road: Tractor trailer trucks have been going down her street, Louise Road, and Tyler Road with no regard for the neighborhood. One truck took live wires down, breaking the phone pole into three pieces. It took seven hours to get electricity restored. The driver said that it was because of the GPS. The driver had been told not to drive into the neighborhood, and kept going. This also happened with a second driver. Mr. O’Brien said there have been accidents with the vans. Mr. Bethoney said that if Amazon came to the owner with a proposal, the Planning Board would require an operations and management plan and a traffic demand management plan. Routing and staging areas would be discussed. None of this was anticipated. This will need to be submitted for peer review for accuracy and completeness. The truck drivers will no longer be allowed in neighborhoods.

Jim Maher, 22 Sherman Road:He believes it is an employee and GPS issue. There is more and more activity in the Police Blotter with employee issues happening on Sprague Street. At 7 to 8 a.m., employees park wherever they can on both sides of Sprague Street to adjust their loads. Mr. Steeves said this should be done in-house, and then they should be going directly to their deliveries. He said this is unacceptable. Mr. Maher said it seems as though they are being forced out of the lot to go somewhere else to do this. Mr. Podolski said they need a parking area outside of the building, on the site, so drivers can pull over and adjust their loads or check their GPS.

Mr. Maher then spoke about the gas station at Endicott Circle. Thirty vans were in front of him at the rotary, all lined up at the gas station, blocking people from getting gas in the morning to go to work. This happens at every local gas station. Mr. Steeves said they should be fueled at night so they begin the day with a full tank of gas. Mr. O’Brien said they come in “waves.” Tractor trailers come in at night with deliveries. One night he saw a flash go by his window, but did not hear the truck. The truck went down Hooper Road and took the wires and phone pole down; this was one week after the previous truck took down wires. Police had to help him back out. Again, the driver said he was following GPS to Amazon. The driver said he was from New York, but the police said his license said North Carolina, and the truck plates were from Oklahoma. Mr. O’Brien said he has seen plates from Florida and Illinois as well. Mr. Maher said Amazon is great for the neighborhood, but the employees are the issue; there have been police reports of fighting in the parking lot and fighting with the manager after being fired. He is very concerned about the neighborhood. Mr. Podolski said the Board cannot get involved in who is hired.

This project was never done with Planning Board approval, but now that they are here, they will start over. They said they will try some interim measures. He did not understand why tractor trailer trucks are following GPS on residential streets; this should be addressed immediately. Mr. Cox will follow up with the companies that operate these vehicles. These are not Amazon trucks; they are other companies who deliver on behalf of Amazon. Mr. Bethoney said Amazon needs to have an operations management plan approved by the Planning Board. This will obligate Amazon to make sure their vendors visiting the site are aware of the routes they can take and not take. If they do not want to comply, Amazon cannot hire them. Mr. Cox said they take incidents seriously, and will work with the drivers. Mr. Podolski asked him to bring in training materials.

Mr. Bethoney asked if there is an incentive for drivers to meet certain time constraints for deliveries. Mr. Cox did not have an answer for that, but they are given a certain allotment of time and are not paid by package. Mr. O’Brien commented that they just throw packages on doorsteps. Mr. Bethoney asked if they are rushing around if they need to deliver within a set amount of time. If they are, this needs to be considered. He asked Mr. Cox to find this out before the next meeting.

Shadi Abboud, 79 Hooper Road: Wires were ripped off his house on 7/11/16, with live wires landing about two feet from his car. He has an 18-month-old and a three-week-old. The temperature was in the 90’s, and there was no air conditioning as a result of this. The driver kept going. He asked that tractor trailer drivers be educated to use the rotary to turn around. Gene Favret, 53 Hooper Road, said the neighbors chased the driver to find out who did this. Some residents followed the truck to the Amazon lot and got plate numbers. There were live wires down as a result of the accident. Mr. Maher said these two incidents happened at 10 p.m. on 7/11/16 and at 11 p.m. on 7/17/16. It almost happened prior to this as well. Dorothy Victoria, 50 Hooper Road, said it took three days to get her power back. She asked that signs be put up on Sprague Street directing trucks to Amazon. Mr. Podolski said this will probably be part of the peer reviewer’s recommendation. The Board of Selectmen would be in charge of roadway signs.

Mr. Maher asked who would pay for damage. Mr. Cox said they would go to him, and gave his name to residents. He reminded them that these are not Amazon employees, but independent contractors. Jeanine McCartan, 84 Lancaster Road, asked if the Amazon vans are registered in Massachusetts, but they are not. Mr. Cox said they are not Amazon’s property.

Mr. Steeves explained the peer review process. The applicant will have to do as the reviewer says, or the business will be shut down. If there are no signs to prevent customers from visiting the location, it is not acceptable. Two members of the Board of Selectmen, Michael Butler and Brendan Keogh, asked who should be contacted regarding police responses and improved signage in the neighborhood, and Mr. Cox said he should be the contact. Mr. Podolski told the applicant to do something on an interim basis until the next meeting.

The Board took a five-minute break.

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| **Applicant:** | **Legacy Place** |
| **Project Address:** | **Former Levi’s location** |
| Zoning District: | RDO, 162/1 |
| Representative(s): | Peter A. Zahka II, Esq., 12 School Street, Dedham, MA  Beth Winbourne, General Manager, Legacy  Dan Hester, Legacy Place Project Manager  Katherine Wetherbee, Project Development Manager |

Levi’s will be vacating 3,380 square feet at Legacy Place. The applicants would like to change the use to Soul Cycle, a fitness facility, which would be an insubstantial modification. This is an allowed use under their Special Permit. They are here for a determination that this is an insubstantial change under the terms of the Special Permit. The Planning Board can, on a case by case basis, make a determination as to what is an insubstantial change. If it is not an insubstantial change, it re-opens the entire Special Permit.

The parking requirements were explained for a 3,380 square foot retail use vs. that under the Town of Dedham Zoning Bylaw for the proposed spinning facility. Surface parking is full in the evenings, but there is rarely an issue with parking in the garage. Peak hours and demand were discussed in detail, and chart was presented with a parking analysis. Peak hour demand is at 7 p.m. on Saturdays. This increases only slightly. Peak hour demand for a retailer was 10.10 spaces, going to 10.12, which is an insignificant increase. Legacy, from a parking demand perspective, has 2,719 as the demand, which is allowed. There are 2,881 spaces on site, most of which are in the parking garage, as a peak demand point; this allows for a safety valve for times such as the week before Christmas and the biggest blockbuster showing at the cinema simultaneously. At this time, Legacy Place has parking requirement for 2,581 spaces, including the existing retailer. Currently existing, prior to Soul Cycle coming in, is a cushion of 300 parking spaces.

Mr. Podolski said that Soul Cycle has to be a more intensive consumer attraction than the Levi’s store, and they will bring in more people more consistently during the day. Gross demand will be about six more customers, but there will be two less employees. Total change will be six spaces. Mr. Hester said that the business will add demand when Legacy Place is slower. There will be 56 bikes and five classes a day. The last class will be at 7 p.m., after which they will close. There will be a locker area and changing rooms, but no shower.

The impact will not be known until it is open. Mr. Podolski said he is willing to treat it as insubstantial for six months, and see what happens. If it overwhelms the site, the Board will revisit it. He has no intention of re-opening the Special Permit. He asked if there was credibility to Mr. Hester’s assertion that people will come at off-peak hours, because he is not buying that. Mr. Hester said that peak demand for this type of use is usually in the morning before people go to work or directly after work. Mr. Bethoney said he needs to make certain representations to back this up.

Mr. Steeves asked who the tenants are on either side. Mr. Hester said that Express is on one side, and the other side is vacant. Mr. Steeves asked if the bikers hollered to each other, or if there was loud music or vibrations, as he was concerned about the noise level. Mr. Hester said they work with a sound consultant and an engineer to make sure there is no disturbance to the other tenants or the parking garage.

Mr. Bethoney moved to determine that the proposed change of use is insubstantial, but that a six-month review will be done just in case there are issues. Mr. Steeves seconded the motion. The vote was unanimous at 5-0.

**Old/New Business**

* Oxbow Partners, 19 Court Street: Peter Smith brought the Board up to speed on the site. The first tenant is moving in on August 1, 2016. The landscape plan has been changed and the Board needs to approve it. The fenced-in trash enclosure and the transformer were removed. The paths now have curves. They planted behind the garage per the neighbor’s request. There were four deciduous trees planned for along the sidewalk, but Mr. Smith was concerned at these would block the building, so he changed it to magnolias. The shutters are in place in front, and will be put up throughout the building. There will be planting urns in front. An 18’ maple was planted along the back property. A raingarden with a very intricate drainage system was put in, and existing walls were restored. They need a Certificate of Occupancy so the new tenants can move in. Mr. McCarthy inspected the property, lights, and as built plans. The change in landscaping is the only thing left. Mr. Bethoney moved to approve the minor changes in the landscaping plan as proposed by the applicant, seconded by Mr. Steeves, and voted unanimously, 5-0. A Certificate of Occupancy can be obtained.
* Review of Certificate of Action for 450 Washington Street: Mr. Bethoney moved to approve the COA as presented, seconded by Mr. Steeves, and voted unanimously at 5-0.
* Dunkin Donuts, 36 Sawmill Lane: **Prior to the beginning of this discussion, Mr. Bethoney recused himself from this meeting. He explained that the agency at which he works has a professional relationship with the owner of the property. He left the hearing room and the building at 9:09 p.m. and did not participate in any part of this meeting or consideration of the proposal.**

Mr. Podolski made multiple calls for the Dunkin Donuts meeting, but no one was present. Mr. O’Brien said that the concrete pipe hole still needs to be painted. This is underneath the drive-up window. The flagpole is not in yet. Mr. Aldous thought that larger signage was needed. The applicant is going before the Zoning Board of Appeals in September for the sign at the exit and for the two-way in/out on Milton Street. Mr. Podolski did not understand why the applicant needs to go to the ZBA; Mr. McCarthy explained that it is because it will have the Dunkin Donuts logo on it. Mr. Podolski said a “Do Not Enter” sign needs to be at the drive-thru; the applicant could put it there himself without having to go to the ZBA if he takes the Dunkin Donuts logo off. The bushes to the right of the drive-thru still need to be trimmed. Mr. Steeves asked about the “Do Not Block the Box” pavement signage. The Board needs to get a plan to the Board of Selectmen regarding this. Traffic was discussed in detail.

Mr. Steeves asked about the stormwater management (rainwater) area. Mr. Podolski said that this is not graded to go into the stormwater system because it is higher than the grade coming down. Mr. McCarthy said the Conservation Commission has not yet signed off on this. He looked at the plans in the Conservation Commission office, and there is supposed to be planting there. The applicant did not tell the Board about this when he wanted his occupancy permit. This has already caused an accident, and Mr. Podolski said he has to get those in. He will have to stripe the lot if people continue to drive over it or put up small reflector stakes along the inside edge that say “Do Not Drive Here” to give a driver some warning. Supposedly this rainwater area is catching the entire parking lot. Mr. Steeves said that all it has to be is a manhole cover/sewer grate. The Board, however, does not control that. Mr. Podolski suggested that the applicant meet with him and Mr. McCarthy to discuss this.

Mr. O’Brien said there is an electric outlet that comes up at the exit, and eventually someone will run it over. This is for another sign that is not there yet.

* Re-use of Legacy Place area: Mr. Podolski asked that the Board look at this.

Mr. O’Brien moved to adjourn, seconded by Mr. Steeves, and vote unanimously at 4-0, with Mr. Bethoney having left the meeting without voting. The meeting ended at 9:21 p.m.

Respectfully submitted,

Robert D. Aldous, Clerk