

**Planning Board**

**John R. Bethoney, Chair**

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

**December 8, 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

**Review of Minutes**

Only Mr. Podolski, Mr. Bethoney, and Mr. Steeves were present for review of minutes.

* May 28, 2015: Mr. Podolski questioned whether he made a motion, saying that if he was chair, he could not have made the motion. Ms. Webster will check to see if he was in fact chair and whether the letterhead was incorrect. She will change the letterhead and the motion if necessary. Mr. Bethoney said that the last page should also be changed if Mr. Podolski was not the chair. Mr. Bethoney moved for approval, seconded by Mr. Steeves, voted unanimously 3-0.
* June 11, 2015: Page 2, regarding deliveries - “This will be a condition and monitored.” Mr. Podolski asked if this was in the Certificate of Action. He said he went by on a late Saturday morning, and a large 60’ box trailer was right in the middle of the parking lot. The applicant had said they were going to use small trucks. Mr. McCarthy will check this. Mr. Bethoney moved for approval, seconded by Mr. Steeves, voted unanimously 3-0.
* June 25, 2015: Mr. Bethoney moved for approval, seconded by Mr. Steeves, voted unanimously 3-0.
* July 8, 2015: Mr. Podolski asked if the Board ever got the letter from the Town Engineer saying that they would not allow a “Do Not Block” box. Mr. McCarthy will check on this. This must go in the file. Mr. Podolski asked that his statement regarding major highways be clarified. Mr. Steeves moved for approval, seconded by Mr. Bethoney, voted unanimously 3-0.
* July 23, 2015: Mr. Steeves moved for approval, seconded by Mr. Bethoney, voted unanimously 3-0.
* October 1, 2015: Add that Mr. Steeves moved to waive the reading of the public notice. Mr. Steeves moved for approval, seconded by Mr. Bethoney, voted unanimously 3-0.

Call to order 7:03 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. Aldous and Mr. O’Brien arrived for the meeting.

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| **Applicant:**  | **Armando Petruzziello** |
| **Project Address:** | **85 Schoolmaster Lane, Dedham, MA** |
| **Case #:** | **ANR-11-16-2160** |
| **Zoning District:** | SRA |
| **Representative(s):** | Peter A. Zahka II, Esq., 3 School Street, Dedham, MAArmando Petruzziello, ApplicantRobert Marcus and Amy Ritzhaupt, Owners |

**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. Petruzziello in the past, as well as members of his family. He left the hearing room at 7:03 p.m. and did not participate in any part of this meeting or consideration of the proposal.**

Mr. Petruzziello has the property under Purchase & Sales with owners, Robert Marcus and Amy Ritzhaupt. The property had been subdivided into two lots in the past. Mr. Petruzziello wants to reconfigure the property as shown on the plans. Both lots will comply with zoning. There will be a large lot surrounding a smaller lot, and this will provide access to the rear of the property and avoid wetlands. Mr. McCarthy said there is sufficient frontage and square footage, and all other zoning requirements will be met. The request will be subject to conditions regarding access. A portion of the barn will be removed closest to the lot line to meet setback requirements.

This ANR will supersede the previous ANR, and once recorded, it will be the plan of record. Per conversation with Town Counsel, an ANR cannot be conditioned. The original conditions in the Marcus Form A have already been complied with. Eventually the whole road will be 18 feet of pavement. A copy of Town Counsel’s opinion is in the file, and Mr. Podolski also has a copy of it. If the Planning Board conditions an ANR, as it has done previously, and it is not appealed, the older conditions on the ones already done will hold. Going forward, there can be no conditions on an ANR.

Mr. Aldous moved to endorse the ANR, seconded by Mr. Steeves. The vote was unanimous at 4-0 **(please see Mr. Bethoney’s recusal)**. The Mylar and plans were signed.

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| **Applicant:**  | **Gregory Carlevale/Concinnitas Corporation: Charlesbend** |
| **Project Address:** | **255 West Street, Dedham, MA** |
| **Case #:** | **SITE-12-14-1930** |
| **Representative:** | Peter A. Zahka II, Esq., 12 School Street, Dedham, MA |

Mr. Bethoney arrived and sat on this meeting. Mr. Carlevale has submitted a second covenant release for the second lot. **TOWN COUNSEL HAD ADVISED THE BOARD THAT, AS THE UNITS ARE RELEASED, IT IS WITH THE EXCEPTION OF UNIT 1, WHICH WILL NOT BE RELEASED UNTIL THE ROADWAY HAS BEEN COMPLETED.** Mr. Zahka said that the Board is basically releasing everything but the unit. No lots are involved because they are condominiums. He used the labels on the recorded plan. Mr. Steeves moved to approve the covenant release as presented by the Applicant, seconded by Mr. Aldous, and voted unanimously at 5-0. Two copies of the covenant were signed and Mr. Zahka notarized them.

**Prior to the beginning of the next meeting, Mr. Bethoney made the statement that he is recusing himself from this meeting. He explained that the agency at which he works has a professional relationship with Supreme Properties and Giorgio Petruzziello. He left the hearing room at 7:17 p.m. and did not participate in any part of this meeting or consideration of the proposal.**

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| **Applicant:**  | **Petruzziello Properties** |
| **Project Address:** | **346-350 Washington Street, Dedham, MA** |
| **Case #:** | **SITE-04-15-1958** |

Mr. Zahka presented a memorandum of understanding between Petruzziello Properties and the Planning Board for 346-350 Washington Street stating that Mr. Petruzziello will pursue whatever legitimate avenues there are available to provide 5% affordable apartments. He had committed to this in the Certificate of Action. Mr. Zahka said that he believes this will work, as the State looks for a regulatory decision of the Town. If not, it can be added to the Certificate of Action. Mr. Steeves moved to approve the memorandum as presented by the Applicant’s counsel, seconded by Mr. O’Brien, and voted unanimously 4-0 **(please see Mr. Bethoney’s recusal)**. Mr. Aldous, as clerk of the Board, signed the memorandum. Mr. Zahka will keep the Board advised on how he makes out with the State.

Mr. Bethoney rejoined the Board for the rest of the evening.

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| **Applicant:**  | **Dedham Realty Ventures** |
| **Project Address:** | **865-875 Providence Highway, Dedham, MA** |
| **Case #:** | **SITE-04-15-1957** |
| **Zoning District:** | Highway Business |
| **Representative(s):** | * Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
* Justin Ferris, Charles River Realty
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The Applicant changed the color of the wall tile without permission. Samples and renderings were presented to the Board. The tile was supposed to be white, but they used black. The Applicant went before the Design Review Advisory Board last evening, and they considered it a “happy mistake,” saying the building looks better. Mr. Ferris said the plans called for black tile on the base of the building, and white on the façade. The site superintendent read it as the black could be an option for the whole building, and that is how the black tile was used. Mr. Ferris became aware of this when discussing signage with the tenant. Originally there were going to be black letters on a white façade. They have expressed the desire to keep the black façade and put up white lettering.

Mr. Steeves did not understand how this mistake could have happened, and was not happy with it. He said he is tired of people doing whatever they want. The Board signed the Certificate of Action for a building with a white base. Mr. O’Brien agreed. If a mistake happens here, it can happen in more important thing. He did not understand how this could happen, and asked, if they had to go back to the original, who would pay for it. He said that mistakes like this get people fired. Mr. Bethoney asked Mr. Ferris if he represented that everything else as built was built per the approved plan, including the materials on the Materials List, and he said it was. Mr. Zahka said that a letter to the Board indicated that they would return once they identified the tenants. They are working with them in terms of their identity, and they will return to the Board in terms of the color schemes once there is an agreement between the owner and the tenant as to what colors they want.

Mr. Bethoney moved to approve the change in color of the wall tile as presented by the Applicant at this meeting, seconded by Mr. Aldous, and voted unanimously 5-0.

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| **Applicant:**  | **ECEC** |
| **Project Address:** | **1100 High Street, Dedham, MA** |
| **Case #:** | **SITE-01-16-2061** |
| **Zoning District:** | Single Residence A |
| **Representative(s):** | * Daniel Bradford, AIA, KBA Architects, 6 Thirteenth Street, Charlestown Navy Yard, Charlestown, MA 02129
* Nick Havan, PE, PTOE, Nitsch Engineering, 2 Center Plaza, Suite 430, Boston, MA 02108
* Dave Roberts, School Building and Rehab Committee
 |
| **Town Consultant:** | Philip Vivieros, McMahon Associates |

The last traffic and pedestrian counts were done in response to McMahon Associates’ request to answer questions about flow. The Applicant knew it would be low, but not how low. A corridor study was done the Wednesday after Thanksgiving from 6 a.m. to 5 p.m. with cameras installed to count pedestrians from the off ramp at Route 128 to the intersection of Lowder Street. There were three locations: (1) just east of Deerpath Road, (2) mid-way to Lowder Street, and (3) east of 1031 High Street. Counts were done between Deerpath Road and Deep Dene Way. There were only two pedestrian activities in this area, which counts as four with coming back. Mr. Havan does not believe this warrants a crosswalk signal since it is a bare minimum of pedestrian activity. There were only three or four bikes on the road. Mr. O’Brien suggested that there may be an increase in the summer, but probably not that significant. In summary, what he found was that it is really insignificant. Mr. Vivieros has only reviewed the data preliminarily.

Mr. Bethoney asked if they factored in when the school is up and running, whether the Board should consider pedestrian activity at that time, and whether this was factored into what is warranted in the future. The school will be totally drive-thru and drop-off, and all students will be brought to the site by a family vehicle or a bus as required by law. Mr. O’Brien cited the drop-off plan initiated by the new principal at Greenlodge School in which people are waved in for drop-off in designated stops. There are no cars in the street. The ECEC parking plan is more elaborate. There would be 25+/- cars in the front of the school. The expectation is that pre-K will be escorted. A parking and drop-off plan will be developed for the site. Pre-K is half-time, not all day, and is sometimes just an afternoon shift. The worst case is that there will be 30 cars per hour. Staff arrival is different from student arrival, and pre-school is staggered. The beginning and end of pick-up and drop-off is drawn out. There are only two ages of children attending school, kindergarten and early childhood. The chance of a child of those ages living within walking distance of the site, which is on the edge of the town, is probably minimal.

Mr. Bethoney said that the Applicant has obligations to make representations. He wants the Applicant to say (1) a pedestrian survey showed no activity of note; (2) everyone will be bussed or driven to the site; (3) the current state of affairs will not change when the project is added; and (4) there is no need for traffic mitigation, lights, crosswalk signal, sidewalks, etc., and if it will be the same after the project. It can be explained that surveys were done and no one walks there, everyone is bussed or driven, and anyone coming from Booth Road, Robert Road, or Ridley Road will use the path. Mr. Bradford and Mr. Haven agreed. Mr. Vivieros will review and substantiate.

Mr. Podolski defined “warrant” as meaning criteria, whether there is a criteria/warrant to install crosswalks, signals, or lights. Mr. Bradford said there was a discussion about doing these regardless of whether it was warranted, but he said there are problems with doing that, i.e., accidents that could happen with these measures. A warrant is a guide that must pass muster. He met with MassDOT and consulted with Town Engineer Jason Mammone, P.E., and Police Chief Michael D’Entremont to come up with the following measures. This is what the Applicant will propose to make up the cost analysis for design.

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| **SPEED CALMING MEASURES and ADDED TRAFFIC CONTROL MEASURES** |

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| Posted Speed Changes on High Street: Conduct speed study and coordinate with MassDOT to review possible changes in speed designations on Route 109 at the overpass as well as into the Dedham side of Route 128; to be done by the May Town Meeting. Money needs to be appropriated for this.  |
| Signage on Overpass: Coordinate with MassDOT about installing a static early warning sign on the overpass indicating “School Ahead.” “School Zone has a legal implication. |
| Flashing Speed Designation Signage: Place flashing sign to the east and west of ECEC entrance/exit drives that sense vehicle speed, shows current speed, flashes speeding.  |
| Create a Turn Off Lane at the Entrance to the ECEC Site: Design a left turn-off lane allowing westward travelers to flow past vehicles that are waiting to make a turn onto the ECEC site. This measure would also narrow down the eastward travel lane where it approaches the entrance curb cut. It appears to be wide enough. It would funnel the lane so it would be a slower speed going east before approaching the turn-off lane. |
| Geometric Changes to the Path of Travel: Coordinate with MassDOT about possible geometric changes to travel path starting past Booth Road that constricts or changes the road configuration from being a straight drive in the eastward direction. MassDOT said they would like to see what is planned and they would entertain doing it on the State portion as well.Mr. Bradford will begin pricing these measures out so he can get a figure for the design code. |

**OTHER MEASURES REVIEWED, BUT NOT RECOMMENDED OR ALLOWED**

Stop sign at exit ramp from Route 128 to Route 109

School zone designation

Crosswalks across High Street. This will be upgraded by DPW in the future.

Crosswalks across entrance/exit drives and installation of sidewalk to link them

Sidewalk improvements to existing sidewalk on south side of High Street from the new

 exit curb cut easterly to Lowder Street

Extend sidewalk on north side of High Street from Deerpath Road easterly to a distance across from school entrance, install crosswalk across High Street, install flashing bea-

 cons to warn of pedestrian crossing

Install new sidewalk on north side of High Street from Deep Dene Way east to Westfield St.

Mr. Vivieros has not reviewed this in its entirety, but based on what he has heard, he believes these measures would work toward getting drivers to reduce their speed. He will also look at what is not allowed/recommended to concur that they are not necessary.

The audience had no comments or questions. Michael Hunter, 1076 High Street, had written a letter to the Board, but it was not addressed since he was out of the country. Mr. Bethoney advised Mr. Bradford to review the letter carefully and address his concerns. Mr. Roberts will meet with Mr. Hunter when he returns. He has already met with three or four neighbors, and that meeting went well. The next meeting will be with the contractor and the neighbors once they get his schedule. He has met with about 20 contractors, and has made it clear to them that the neighbors are very involved. They will meet with the neighbors once a contractor is chosen. A draft Certificate of Action has been prepared for the Board to consider. It will be circulated as well. The Board will next meet on January 12, 2017. Mr. Podolski may attend the meeting with Mr. Hunter.

**Old/New Business**

* Mr. McCarthy introduced Matt Genova, the Planning Board intern, who is studying as a graduate student at Tufts in urban planning. As part of review of the Zoning Bylaw for possible changes, he has been looking at the parking bylaw, parking allocation for different uses, design standards, i.e., radii, and landscaping. Mr. McCarthy will also have him look at wireless. He will be available for 240 hours. This zoning work will not be ready for the May Town Meeting. He has met with Building Commissioner Kenneth Cimeno, but has not yet met with Fred Johnson. He does a lot of his work remotely and over the phone. He said he does not need to do this for his curriculum; it is optional.
* Dedham Square Planning Study: Amy Haelsen, Executive Director of Dedham Square Circle, and Peter Smith were present. Dedham Square Circle was appropriated $30,000 to look at the Square. Ms. Haelsen said that she is not sure when Oscar’s or the other proposed restaurants will be opening. The Planning Board established the Dedham Square Planning Committee, which will be a cross-mix of people, i.e., business owner, property owner, tenant, member of the Dedham Square Circle, Planning Board member, developer, etc. The size of the committee has not been established, but Mr. McCarthy thinks seven will be a good number. He will speak with Nancy Baker about establishing a steering committee. He will sit the committee and then develop the scope for the study. Ms. Haelsen said the objective is to be proactive, not reactive. The sudden redevelopment all at once over the last couple of years was spurred by the Dedham Square Improvement project, as well as Legacy Place. There had been dire predictions about the fate of the square when Legacy Place was built. Discussion will include what the ideal square would be in the next 10-20 years, and data will be obtained to see what the market demands. The Zoning Bylaw will be looked at regarding housing in the square/Central Business zone, building heights, and parking. There has been a lot of support for green space, although there is not much available. Economic drivers will be determined, as well as the economic feasibility of changes. Legacy Place forced Paul McMurtry to bring the cinema back, and he has a good agreement with Legacy Place as to what films can be shown. The theater is the economic anchor for the square, and it has been shown to be a good reason to visit the square other than for restaurants. A steering committee will be formed at the January meeting, and will be passed through Town Manager Kern for approval.
* Potential changes to Zoning Bylaw: At least two AirBNBs are operating in town, and there have been complaints. There is no difference in the Zoning Bylaw between a family and a border, so the bylaw needs to be examined. The definition of “temporary” needs vetting since there are houses rented on a temporary basis. Other towns are addressing this as well. Some neighborhoods have been experiencing constantly revolving doors in which people rent for only a week at a time. Mr. Aldous said that Boston is having problems in that there are so many of these that people want the tax rate changed. They say they are not getting the money they should from tax breaks that apartment houses get. Mr. Bethoney said that Boston has a residential exemption. If you live in your house but rent part of it, real estate tax is significantly less. You only get a portion of the residential exemption if you only live in a multi-family house and do not live there. Before he would take any action, he would want to see evidence of problems. Mr. McCarthy said that either Mr. Cimeno or Mr. Johnson can come in to discuss this since they deal with it. He said this is not tax-driven, but nuisance-driven. Therefore, it makes sense to find out if there is a problem before doing something with the Zoning Bylaw.

Mr. McCarthy said that in some instances the Planning Board sits as a Special Permit Granting Authority for uses, but there are other uses in which someone goes to the Zoning Board of Appeals and then the Planning Board for site plan review. The ZBA does not get into site-related uses when an applicant goes before them for a Special Permit, and refers them to the Planning Board. When it comes to the Planning Board, they already have a Special Permit for the use, i.e., Dunkin Donuts on Sawmill Lane and Panera Bread at Dedham Plaza. Mr. McCarthy believes the Planning Board should be the Special Permit Granting Authority and the site plan reviewer. He wants to run this before the Zoning Board of Appeals since it would take some permitting away from them. This is how it is done in other towns. The Planning Board cannot overrule the permit. If the ZBA blesses the use, the Planning Board has to deal with the effects and control the site. He will be meeting with the Zoning Board of Appeals about this. Mr. Podolski said he is looking forward to the Planning Board being the Special Permit Granting Authority.

Mr. McCarthy said they are working on design guidelines for East Dedham, although he does not feel that it is perfected. The process between DRAB and the Planning Board needs to be worked out, i.e., someone technically needs to go before DRAB, but in some instances it could be handled at the Planning Board level. Mr. Bethoney said that both boards need to be opened to fixing this. When he was chair two years ago, he had asked the DRAB chair, Steve Davey, several times to come up with ideas to better communication, interaction, and goals for DRAB and the Planning Board. The Planning Board is committed to working with DRAB to do the best job possible. Mr. Davey had said he would be in touch, but has not done so to date. Town Meeting voted for DRAB to be advisory, and Mr. McCarthy said that, in doing the design guidelines process now, he suspects that people want to continue DRAB as advisory.

* Mr. McCarthy said he will be calling Amazon.
* Wireless will be discussed at the next meeting. Mr. Steeves reiterated his stance that if he has to look at that “garbage” piece of metal on pole, he wants the Town to get paid for it.

Mr. Bethoney moved to adjourn, seconded by Mr. Aldous, and voted unanimously 5-0. The meeting ended at 9:30 p.m.

Respectfully submitted,

Robert D. Aldous, Clerk

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