

Planning Board

John R. Bethoney, Chair  
Ralph I. Steeves, Vice Chair  
Robert D. Aldous, Clerk  
James E. O'Brien IV  
Michael A. Podolski, Esq.

**TOWN OF DEDHAM**  
COMMONWEALTH OF MASSACHUSETTS



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**PLANNING BOARD**

**MINUTES**

**Thursday, April 12, 2018, 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.

**Staff:** Susan Webster, Administrative Assistant

**Recognition of Vice Chair Ralph I. Steeves**

From 6 p.m. to 7:30 p.m., the Planning Board held a reception in recognition of Vice Chair Ralph Steeves' 30+ years of service to the Town of Dedham Planning Board. Many spoke in praise of Mr. Steeves, including, but not limited to, all Board members, Francis O'Brien, Chairman of the Norfolk County Commissioners Office, James MacDonald, Town of Dedham Board of Selectmen, Peter A. Zahka II, Esq., Kenneth R. Cimeno, Town of Dedham Building Commissioner, and Rep. Paul McMurtry. Mr. Steeves' family was present for the reception, as were many people from town government and the public. Mr. Steeves was given a commendation plaque by the Board in thanks for his service. He will be greatly missed for his dedication to service, his experience, his mentoring of the Board, and his unflinching love for the Town of Dedham.

The meeting was called to order at 7:30 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. The recording of the meeting was difficult to hear, impossible at times, due to issues with the equipment.

**Applicant:** Boston Bread d/b/a Panera Bread  
**Project Address:** 725 Providence Highway, Dedham, MA  
**Case #:** **SITE-08-16-2119**  
**Zoning District:** Highway Business  
**Town Consultant:** Steven Findlen, McMahon Associates

This meeting is being taken up as **Old/New Business** because of urgency of the matter. The Applicant is in the midst of pouring concrete for the building. Panera would like to move the transformer from the right side of the site to a site up against Providence Highway next to the drive-thru exit. They would also like to relocate the menu board as approved on April 27, 2017, slightly further down the drive-thru lane. It will not be larger and will still be under the canopy. Mr. Bethoney said this seemed like an insubstantial change. Mr. Findlen has not yet reviewed this.

Mr. Steeves said that they need more landscaping than what is shown on the new plan. Bushes are needed in front of the transformer for screening purposes. Mr. O'Brien noted that there would now be an issue with snow storage in that it has to be relocated. He suggested that more trees be planted.

Mr. Findlen will review the new plan and determine a new area for snow storage. He will contact Panera and explain what they need to do. The Board said the relocation of the transformer and the menu board is fine, but there is now an issue with planting and snow storage. No action was taken at this meeting. The Applicant will come to the next Planning Board meeting.

**Applicant:** Robert Schiavo, Schiavo Enterprises, LLC  
**Project Address:** 525-529 Providence Highway, Dedham, MA  
**Zoning District:** Highway Business  
**Representative(s):**

- Matt Smith, Norwood Engineering, 1410 Providence Highway, Suite 202, Norwood, MA 02062
- Robert Schiavo, owner

Mr. Smith explained that the Applicant was told that he needs to modify the parking plan by re-stripping the handicapped accessible space from a five foot aisle to an eight foot aisle per the Architectural Access Board. The plan presented at the meeting conforms to all regulations. They requested that the Planning Board make a determination that this is an insignificant modification.

Mr. Bethoney said he spoke with Mr. Schiavo by phone. The Applicant was approached and told that the handicapped spaces were out of compliance; he has two on site. Building Commissioner Kenneth Cimeno looked at the site and counted spaces. There are 22 spaces, and Mr. Cimeno and made the determination that only one handicapped space is needed. Mr. Schiavo has removed one space and widened and restriped it to be compliant with handicapped space regulations. As a result, he is seeking a waiver for one parking space; he currently has a waiver for five spaces, and now needs six. The waiver request was submitted in writing. Mr. Bethoney said that Mr. Schiavo tried to have two handicapped spaces, but in order to do that, he would have had to remove the concrete berm and lose landscaping. By only needing one space, he only has to restripe it.

Mr. Podolski moved to approve the modification as shown on the revised plan dated April 10, 2018. Mr. Steeves seconded the motion. The vote to approve was unanimous at 5-0. Mr. Podolski then moved to approve the waiver request as presented, second by Mr. Aldous. The vote to approve the waiver was unanimous at 5-0. Mrs. Webster will write the decision.

## **Old/New Business (continued)**

### **Steven Gardos, 76 Maple Place**

Mr. Gardos lives next to David Raftery's mixed use building at 321 Washington Street. At the time the building was being constructed, a lot of trees were removed. In its decision, the Board required a visual screen between the building and Mr. Gardos' home. Mr. Gardos said that nothing has been done in the four to five years since the building was constructed. He has attempted to speak with Mr. Raftery several times in an effort to work this out, but has been unsuccessful. He is now reaching out to the Planning Board for its assistance.

Mr. Bethoney said the Board would look at the plan of record to see whether what is on the plan is on the ground. If it is, they will contact Mr. Raftery and discuss this. If more landscaping is supposed to be on the site, the Board will tell him that the plan of record will be enforced by the Building Department. Mr. Podolski asked Mr. Gardos if the lighting is okay since it must not shed onto adjacent properties. Mr. Gardos said that this is an issue as well. The Building Department enforces this as well, and the Board will make sure he acts on this. Mr. Podolski said that more trees are needed between the two properties since a lot of buffer trees were removed. Mr. Bethoney agreed that the existing trees are inadequate.

The Board thanked Mr. Gardos for attempting to work this out with Mr. Raftery. It will review the plan and discuss this with Building Commissioner Kenneth Cimeno to try to resolve these issues. They asked Mr. Gardos to keep them updated on how this works out.

### **Shake Shack, Legacy Place**

#### **Present:**

- John Tassinari, Project Manager, Construction Management and Builders, Inc., 75 Sylvan Street, Building C, Danvers, MA 01923

Mr. Tassinari stated that Shake Shack remodeled its patio last fall and put up planters. The landlord did not like the planters, and told them to remove them. Shake Shack is proposing to erect a 3'6" wrought iron fence on the patio. Mr. Bethoney asked if this would impact pedestrians in any way, and Mr. Tassinari said it would not. The outside tables were approved by the Planning Board last year.

Mr. O'Brien was concerned that people could walk into the fence, particularly at night, saying that they could be hurt by the wrought iron. Mr. Bethoney said there was lighting at night, so this should not be an issue. The Board did not understand why the landlord did not like the planters, and wondered if they would like the fence. Mr. Tassinari said they have already approved it. The gate would have a push bar for emergency use only.

Mr. Podolski moved to consider this an insubstantial change, seconded by Mr. Steeves. Mr. O'Brien asked for discussion. He said he did not like the fence and it makes the area look like a dog pound. He was concerned about safety, particularly in the winter. Mr. Podolski suggested that they put hanging planter boxes on the fence to jazz it up. If the landlord has a problem with it, they need to come see the Planning Board. Mr. Tassinari agreed with this.

Mr. Bethoney asked the Board to restate the motion on the table to include planter boxes on three sides. Mr. Podolski withdrew his motion and moved to approve the fence with the conditions that another plan be submitted showing planter boxes on the fence. Mr. O'Brien seconded the motion. The vote to approve was unanimous at 5-0. Mr. O'Brien reiterated that if Legacy Place has a problem with this, the Board needs to know about it.

### **Steven Findlen**

Mr. Findlen left the meeting, but prior to that, he thanked Mr. Steeves for his service to the Town. He said that he has been doing peer review for the Board for 15 years, and he learns something new at every meeting. He particularly thanked Mr. Steeves for his apprenticeship. Mr. Bethoney thanked Mr. Findlen for his exemplary work on behalf of the Town.

**Applicant:** Supreme Development  
**Project Address:** 221 Schoolmaster Lane, Lot 7, Dedham, MA  
**Zoning District:** Single Residence A  
**Representative(s):**

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- Giorgio Petruzzello, Supreme Development

Prior to the beginning of this meeting, Mr. Bethoney made the statement that he is recusing himself. He explained that the agency at which he works has had a professional relationship with Mr. Petruzzello, who owns Supreme Development. He left the hearing room at 7:40 p.m. and did not participate in any part of this meeting or consideration of the proposal. Mr. Steeves assumed the chair.

Mr. Zahka presented the Board with a covenant release for Lot 7, which is shown on an ANR plan approved by the Planning Board and filed with the Norfolk Registry of Deeds. Mr. Petruzzello had been required to post security in the form of a covenant for the construction of the ways and installation of services shown on the plan. All the lots on the ANR plan have been released with the exception of Lot, which is now under agreement. Mr. Petruzzello's company also has a number of buildable lots on Schoolmaster Lane directly across from those on the ANR plan. He will be commencing construction of residential single family dwellings on these lots. Mr. Zahka said that, given the construction equipment that will be using Schoolmaster Lane, it makes little sense to complete the roadway prior to completion of the construction. They are before the Board to release the covenant for Lot 7, and to request that the Board accept a new covenant on two of the new building lots as described. The covenant will be considered security for finishing the road and will be filed at the Norfolk Registry of Deeds.

Mr. O'Brien asked if any of the residents were concerned about the road not being finished. Mr. Zahka said that most of them are aware of the upcoming construction and understand. The original arrangement was that the final pavement will go down once construction is finished. Mr. Petruzzello spoke with all the neighbors recently. The road is currently in good condition. It has been widened and the culverts have been put in. The pavement was done only a couple of years ago. Mr. Podolski advised Mr. Petruzzello to send a letter to the neighbors assuring them that he has not forgotten about the road.

Mr. Podolski moved to approve the release of Lot 7 and the new covenant of Lots 7 and 8 on the ANR plan as noted. Mr. Aldous seconded the motion. The vote to approve was unanimous

at 4-0.<sup>1</sup> The Board signed the covenant release for Lot 7, and accepted the new covenant as requested.

Mr. Zahka informed the Board that the after release of the covenant on Liana Lane, the \$80,000 held in escrow was given to his office at the time the last lot was sold. This will be held until the Town Engineer, Jason Mammone, P.E., verifies that the road is 100% complete. Mr. Mammone is very familiar with the road, and has been watching it carefully. Mr. Zahka would like to get this on the November Town Meeting to have it accepted as a town road.

Mr. Bethoney rejoined the Board for the remainder of the meeting.

### **MedSpa, 360 Washington Street**

Mr. Zahka had sent an e-mail to Mr. Podolski about a potential tenant at 360 Washington Street, MedSpa, outlining what the “facts” are about the business. They would occupy approximately 2,700 square feet. The Certificate of Action for the property was approved, saying that parking is sufficient for all uses in the building as a matter of right.

MedSpa offers Botox, DermaFillers, chemical peels, hydrafacials, tattoo removal, body contouring, tooth whitening, and sleep apnea therapy. They would be staffed by two nurses and two aestheticians, plus two to three support staff. There are no physicians on site, but they are available for consultation remotely. They would have a maximum of three to four clients at a time. The hours would typically be Monday through Saturday, 8 a.m. to 6:00 p.m.

Mr. Zahka said that they are not the typical medical office. He has not spoken yet with Ken Cimeno about his determination. He said he would call this a medical office, which is an allowed use as a matter of right. He sent his e-mail so the Board would have prior knowledge of this. Mr. Podolski said that if they agree with Mr. Zahka’s analysis, he can then speak with Mr. Cimeno and tell him that the Planning Board is fine with this. The Board agreed.

### **ECEC**

The traffic analysis and mitigation will be sent to Mr. Mammone for his comments. They will return to the Board at the next meeting.

Mr. Aldous moved to adjourn, seconded by Mr. Steeves. The vote to adjourn was unanimous at 5-0.

Respectfully submitted,

Robert D. Aldous, Clerk

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<sup>1</sup> As noted at the beginning of this meeting, Chairman John Bethoney recused himself from this meeting due to a professional relationship with the Applicant. Please see his recusal statement above.