

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

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



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Jarrett Katz, Town Planner

PLANNING BOARD MINUTES
August 23, 2018, 7 p.m., Lower Conference Room

Present: John R. Bethoney, Chair
Michael A. Podolski, Vice Chair
James E. O'Brien IV, Clerk
Jessica L. Porter
James F. McGrail, Esq.

Staff: Jennifer Doherty, Administrative Assistant
Jarrett Katz, Town Planner

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.

Applicant: Cingular Wireless, LLC, d/b/a AT & T
Project Address: 8 Industrial Drive, Dedham, MA
Zoning District: Limited Manufacturing A
Request: Minor modification of AT & T equipment on smokestack for upgrade to first responder system
Representative(s): Timothy Green, Customer Service
Town Consultant: Steven Findlen, McMahan Associates

Mr. Findlen submitted a peer review letter dated 8/9/18 concerning site compliance with the ZBL stating that the project is eligible for consideration. There are four carriers on the smokestack. They will be adding three antennae to their array, bringing it to 12, as part of the nationwide first responders' network. Mr. Aldous asked if they would be doing anything with the equipment on telephone poles. Mr. Green said this has nothing to do with the smokestack site. Mr. Aldous reminded him to make sure the ground wire is adequate at 2 aught; Mr. Green understood this and will have this checked. Mr. Podolski moved to approve the site plan modification, seconded by Mr. Aldous. The vote was unanimous at 5-0.

Applicant: Concinnitas, LLC/Collis, LLC
Project Address: 219 Lowder Street, Dedham, MA
Zoning District: Single Residence B
Request: Proposed Planned Residential Development
Representative(s): • Peter A. Zahka II, Esq., 12 School Street, Dedham, MA

- Gregory Carlevale, Owner/Manager
- Scott Henderson, P.E., Henderson Consulting Services
- Brian Donahue, Donahue Architects, 21 McGrath Highway, #401, Quincy, MA 02169-5351

Town Consultant: Single Residence B

PUBLIC HEARING

1. Notice to Abutters within 300 feet of proposal: Mailed on 8/10/18. Mr. O'Brien said that in a less densely populated area, the radius of abutter notification should be increased. Mr. Podolski agreed, and suggested that abutter notification for less densely populated areas be 500 feet. The statutory obligation for Special Permit variances are abutters to abutters within 300 feet of the property line. Mr. Katz will submit a memo to the Board with these requirements.
2. Notice to Abutting Towns (Boston, Needham, Westwood, Canton): Mailed on 8/10/18. MAPC will be notified.
3. Notice of Public Hearing published in *The Dedham Times*: 8/10/18 and 8/17/18.
4. Motion to waive reading of public notice: Mr. Podolski, seconded by Ms. Porter, voted unanimously 5-0.
5. Motion to open the Public Hearing for a Special Permit for a Planned Residential Development at 219 Lowder Street, Dedham, MA, seconded by Ms. Porter, voted unanimously 5-0.
6. Associate Member Ralph I. Steeves was present for this Public Hearing.

This is a three-step process:

1. Step One: Discussion of the concept plan. *Scoping session* was held on 7/26/18. The Planning Board will review the plan and make a recommendation to Town Meeting. Nothing in the ZBL states that this part of the process needs to be a Public Hearing, but it will follow the procedure for the PRD at 255 West Street. The hope is that the Board will make a favorable recommendation to Town Meeting.
2. Step Two: Town Meeting vote on the concept plan.
3. Step Three: Application is re-submitted with a more comprehensive plan to be reviewed by the Board and the peer reviewer. The applicant will explain what can be done under conventional development and whether he will preserve a minimum of 20% open space on the site.

A draft of a warrant article was submitted. The warrant closes on 9/14/18, and it is hoped that the Board will recommend it. If not, the recommendation to Town Meeting will be that it not be voted. Public Hearings will be held on proposed zoning articles, and it has been requested that this be treated as such with the same notices.

The site is in the SRB zoning district and contains 64,856 square feet. Single Residence B zoning requires a lot containing 12,500 square feet and frontage of 95 square foot. PRD requires 1.5 times as many dwelling units at this site. A conventional subdivision would allow five dwelling units; under a PRD, this would have seven units.

Scott Henderson, P.E.

Materials and details of the current proposal were reviewed at the *Scoping Session*. Reasons for proposing a Planned Residential Development instead of a conventional subdivision were

explained in detail. Dedham needs an increase in smaller single family house sizes. A PRD allows the ability to add units and maintain small housing sizes. There is a need in this neighborhood for downsizing; the challenge is to integrate this program into a neighborhood of single family dwelling and still maintain the character of the neighborhood.

The Board was oriented to the location abutting the Single Residence A zoning district, which has larger homes. The parcel has a buffer from the roadway with a stone wall and dense vegetation and trees. There is no curb cut on Lowder Street. The plan has been extensively reviewed with the Building Commissioner to ensure that it fulfills the requirements. In a conventional subdivision, it would yield five lots. In lieu of that, the proposal is to construct a single condominium building with seven residential units measuring from 1,750 to 2,000 square feet with common areas. There would be a below-grade 17-space parking garage and four above-grade parking spaces.

The site plan was submitted to McMahon Associates for site plan review and to review compliance with a PRD. They propose two curb cuts on Wampatuck Road along with the existing curb cut to create a one-way loop. There would be a two-way access to the parking below the building off the loop with a ramp. The basement would be 8-9 feet off the existing grade. A PRD requires 20% of the existing parcel to be remained in the natural state. The intent is to save a large portion of the buffer and maintain as many mature trees as possible, supplementing as needed to keep the development screened from Lowder Street. Only re-grading will be done on the western part of the property. Extensive soil testing has been done on the site. There is ledge present. They go before the Conservation Commission for stormwater management. The building would be compressed into one single building instead of the five single family dwellings that would clear most of the lot. Trees would be preserved along both frontages. Single family dwellings would have five lots, five driveways, five curb cuts, and possibly additional breaks in the stone wall. The PRD would have one builder and one architect, whereas single family dwellings could have five builders and five architects, resulting in different styles incompatible with the neighborhood. The building would face Wampatuck Road. There would be less traffic with a PRD than there would be with single family dwellings. There would be fourteen bedrooms with a PRD, and it would have less impact on sewers and the environment. The size of the building produces less impact than five single family dwellings, and there would be less impervious area. He explained the ADA compliant walkway to the building. There is an existing pedestrian access from the stone wall, but they will provide access so people can cross Lowder Street.

Mr. Aldous asked if they would declare the fifth lot unbuildable. Mr. Zahka said that once a PRD is approved by the Board, it is recorded at the Registry. It is locked into what has been approved, and it cannot be changed. Mr. O'Brien asked if they had made provisions for a play area. Mr. Henderson said that the demographic is for down-sizing, so they do not anticipate school-aged children. There would be several isolated lawn areas for the residents, but it will be mostly common space. Mr. Zahka said this is addressed by the condominium documents based on resident input. Ms. Porter asked if there would be ADA access to the path exiting onto Lowder Street. Existing conditions will be reviewed for this. She asked how much blasting would be necessary because of the ledge. Mr. Henderson said they consulted a blasting consultant, and there will be significant blasting required of the shallow ledge. They spoke with abutters about hammering vs. blasting; blasting would be less invasive. They will address the amount required, timeline, blasting provisions, pre-blast surveys, and Fire Department comments.

Mr. Bethoney discussed the PRD on West Street vs. this proposal. On West Street, the lot was larger and next to a highway. There was a large cul-de-sac and road, and the PRD was basically separate from other neighbors due to its location. In this PRD, the roads are all developed, and no cul-de-sac is necessary. For a conventional subdivision, there would be five driveways, water services, sewer connections, foundations, and extensive clearing. The lots would be 12,500 square feet with a minimum of 95 feet of frontage. The proposal is significantly different from the considerations made on the subdivision for West Street. It could be an ANR subdivision of land with each lot having adequate lot size, frontage, and access, and it could be approved immediately. Mr. Henderson reviewed the Bluestone Report in detail, which was geared toward younger buyers. Mr. Bethoney asked if this proposal would be dedicated to seniors; Mr. Henderson said it would not. Mr. Carlevale said there is a possibility that it would be age-restricted, but Mr. Bethoney said there is no commitment to this. The ZBL states that a PRD is intended to accommodate dwelling units for small households in a variety of dwelling types. Mr. Henderson said the average size would be 1,800 square feet. The units are condominiums, all one-floor. Extensive discussion took place regarding the difference between this proposal and West Street.

Mr. Carlevale said they are trying to provide variety across a couple of sites. The units are designed for an older demographic aging in place. It would have been more cost effective to make them duplexes because there would be no need for an elevator. The units will be priced to ensure that the residents are mature people who are selling a larger house. Most people who have approached him are of the 55-65 age demographic. The proposal is intended in design for people who live in the neighborhood and who are looking for options. A number of people who discussed buying have requested that there be an age restriction. Ms. Porter asked if the units would be built with age restriction in mind, i.e., grab bars, etc. Mr. Carlevale said that would be up to the buyer. The units would be designed for accessibility.

John Haven, AIA

Mr. Haven presented the landscape plan. Every effort was made to discern the details, but he was difficult to hear. Please see the specific details on the plans on file. There is a great deal of green space. They are preserving a good amount of vegetation surrounding the property and adding a lot of screening plantings. Walkways will be accessible from Wampatuck Road to the front door. A pedestrian circuit throughout the project will connect the interior spaces, as will a connection in front of the building to the existing opening on Lowder Street. Vehicular circulation and the view of the landscaping from vehicles were discussed. Preservation of the surrounding vegetation was discussed. They are able to limit the amount of impact it will have on the site. He discussed the types of trees, what would be removed, and the proposed new plantings. The stone wall and the new opening were briefly discussed. There will be a common outdoor seating area in the upper corner of the property, and they hope to build a garden with a water feature and an archway. There will be a common outdoor cooking area and a hobby cutting garden. They have tried to limit the visibility from the public way and to scale the plantings appropriately. They have enhanced the buffer, especially on the Lowder Street side. The lawn will be in front of the building and stretched to keep it confined to one area. He suggested keeping the porches and other areas. Orientation of the parking spaces, grading, and a landscape buffer in front of the house were discussed. The grading goes to the property lines. The stone wall would be degraded by walkways and driveways and lose a lot of character. They have added more adding more screening and vegetation.

Mr. Katz asked if any of the gardens would be large enough for a vegetable garden. Mr. Haven showed this on the plan. Mr. Katz asked what it would look like in the off-season. Mr. Haven said the amount of vegetation around it and the wildlife will provide sufficient screening. Mr. Aldous asked how many square feet of land would be grass. Mr. Haven did not have this number, but showed where the lawns would be. Mr. Carlevale estimated about 10,000 square feet. It will not all be flat, but will be graded. Mr. Bethoney asked if there were photos of neighboring homes and their landscaping. Mr. Henderson showed one house that can be seen from the roadway. Mr. Carlevale said that some houses are heavily screened, and not many are viewable from the road. Mr. Zahka said the PRD is consistent with existing conditions and will not change.

Brian Donahue, AIA, Donahue Architects

Every effort was made to discern the details, but Mr. Donahue was very difficult to hear. For specifics, please see the plans on file. The neighborhood is unique with many styles. They looked for the appropriate scale for the neighborhood, and chose a three-level building with living space of 8,500 square feet. He reviewed the underground garage, stairs, and elevator, which reaches all floors. There would be four units, 1,700 to 1,900 square feet, on the first floor. These use the main entry and entry hall. The second level has three two-bedroom units that are essentially being built into the roof. He showed renderings of the proposed shingled house and the proposed elevations. He also showed aerial photographs of the site.

Mr. Podolski asked about the setbacks for the building. Mr. Henderson said the setback from Lowder Street would be 67.1 feet to the edge of a porch, and the setback from Wampatuck Road would be 60.5 feet. The lot line from the right is 65 feet, and a back corner is 25 feet from the lot line. His further comments could not be heard. Mr. Podolski asked if there would be screening along the 25 feet. Mr. Haven said there would be evergreen trees, e.g., large pine, along the front, and there are numerous existing trees on the abutting property, which is owned by John Epker. Mr. Podolski asked if Mr. Epker would be able to see the new construction. Mr. Henderson mentioned a retaining wall, but details could not be heard (Mr. Podolski said that Mr. Epker could not be present for this meeting, and asked for additional time to attend another hearing. He said he would give him that time.) He asked how wide the ramp/driveway into the garage is. Mr. Henderson said they have discussed this, but could not be heard sufficiently. Mr. Podolski suggested that the curve into the garage be wider; it is currently sharp. The building will be connected to Town sewer and will have Town water. Mr. Steeves asked how large the existing building is. Mr. Carlevale said it is about 4,500 square feet not including the deck. The proposed building would sit on Lots 2, 3, and 4. Mr. Podolski asked Mr. Carlevale if he truthfully believed that it was cheaper to build the PRD than five individual houses. His response was “absolutely not.”

Ms. Porter asked what the impact of the HVAC sound would be. A portion of the response could not be heard, but the applicant said the equipment will be directed upwards on the roof with a parapet around it. Single family dwellings have HVAC units on the ground, and would probably be noisier. Mr. Zahka reminded the Board of the 439 Washington Street issue with air conditioning and the abutting houses, which were very close. To his knowledge, there has not been a complaint. Mr. Bethoney asked what the building is made of beside some stone, cedar shingles, and asphalt on the roof. Mr. Carlevale said it would probably have a composite material from Horrell and Fico (?) polyurethane moldings.

The Board received letters in support of the project from the following abutters:

- Diehl Jenkins, 31 Wampatuck Road
- John Wright and Karen Fogel, 235 Lowder Street

The following abutters were unable to attend the Public Hearing, and requested that it be left open through the meeting of 9/13/18 so they can be heard personally; they did not give their opinion:

- Mark Epker, 950 High Street
- James Hooper, 0 Wampatuck Road
- John Upton, 191 Lowder Street

Audience

Diane Patriarca, 1030 High Street, asked how existing vegetation and trees around the perimeter of the site would be protected. Mr. Carlevale said some trees in the center of the lot would be removed. The areas proposed as open space will be buffered by a fence for at least 10-15 feet around them to protect the root structure from being compromised by heavy equipment; this is why they cannot provide more than 20% open space. This will compromise the buildable area. The bylaw requires the applicant to show what he can do, and then show the alternative, and he believes the latter has many more benefits and would outweigh the impacts of the subdivision. Bartlett Tree performed a survey and will make recommendations on how to protect specific trees.

Michael Patriarca, 1020 High Street, asked what would happen to property values with putting a condominium complex in the midst of single family dwellings. Mr. Bethoney could not answer this. Ms. Porter said it would probably not affect them. Mr. Podolski mentioned the condos in the old jail on Village Avenue, and he did not believe this had an impact on property values. Mr. Bethoney also mentioned Jackson Pond, which is in a single family area. Mr. Patriarca asked if they could improve the existing inadequate sidewalk. The development team will look into this, and it can be addressed on 9/13/18.

James Kaufman, 248 Highland Street: He questioned the footprint of the building. The existing single family dwelling has a living area of 4,400 square feet. There is probably a very large difference between what is planned and what already exists. He said that very little attention has been paid to Mr. Haven's note that an entry way should be saved. The house is a 100 years old and has architectural features that are unique to Dedham. This part of town should be zoned SRA and in the historic district; even the houses in the SRB area are more compatible with a SRA. There are plenty of small units in town including President's Way and the new mixed-use buildings. He asked the Board to look at the larger context. The design is attractive but is better suited to a vacant area of land; tearing the existing house down and building a denser development sets a terrible precedent for the Town. Mr. Podolski asked who the architect of the existing house was; Mr. Kaufman did not know. Mr. Carlevale did not say it had 5,000 square feet of living space. Mr. Henderson said the footprint is 2,855 square feet excluding the uncovered deck. There is an enclosed three-season porch, and he said the gross area on the Assessors property card, including decks, garages, basements, enclosed porches, etc., is not quite 9,800 square feet. Living space is 4,400 square feet. If the enclosed porch is included, it is about 5,500 square feet.

Mr. Bethoney asked Mr. Kaufman if he supports the PRD as proposed; he does not. Mrs. Patriarca was very concerned about a very beautiful home being destroyed. Mr. Bethoney said the residential subdivision is a matter-of-right subdivision, and the five-lot subdivision can be

approved readily because it meets all the zoning regulations for lot size, frontage, and access. This can be discussed at the Public Hearing on 9/13/18.

John DeBlois, 1 Wampanatuck Road, sent an email on 8/21/18 to the Planning Department in support of the proposal. He is a direct abutter to the site. He said that Mr. Carlevale has been very transparent regarding the development process. The Board received a letter dated 7/26/18 concerning the conditional approval by the neighbors for the process up until that point. It was signed by Mark Epker, 950 High Street, James Hooper, 0 Wampanatuck Road, and John Upton, 191 Lowder Street, all direct abutters. Mr. Bethoney said that any letters referencing others in the neighborhood in support cannot be accepted. Anything saying they are in support or any signatures can be accepted. Mr. DeBlois, direct abutters, and neighborhood have met with Mr. Carlevale. He said this is a far more favorable alternative since the current property is not a viable dwelling, and development is inevitable. Five single family lots would not be within the character of the neighborhood. In terms of Mr. Henderson's presentation, there is a lack of housing available within Precinct 1, and had he not bought a house across the street, he would have been interested in the proposal. This is the best viable alternative to the property.

Joseph Dowling, 960 High Street, asked about lighting and egresses; Mr. Bethoney said they will be discussing this if Town Meeting approves the proposal, and that the Board is currently only looking at the concept. Mr. Dowling asked about the address since the building will now be facing Wampanatuck Road instead of Lowder Street. He also asked if it would be age-restricted. Mr. Bethoney said Mr. Carlevale was asked if he considered an age-restricted development. His response was that, by default, it would be that, but it would not be designated as such.

Mr. Zahka said that any vote taken does not approve anything, nor does any vote at Town Meeting. It simply allows the applicant to formally file a more comprehensive, detailed site plan with all dimensions, lighting plan, and landscape plan. It goes through another full Public Hearing process with the Planning Board, including determination whether peer review is required. It then is subject to a decision. If the PRD is not approved, discussion will take place regarding the alternatives. He said they have shown the Board what can happen with a conventional subdivision, which is five single family dwellings. He asked the Board to take a vote to insert the PRD into the warrant with no obligation, and the Board can make its recommendation in the future on whether or not to support it. He presented the proposed article to the Board and explained it in detail. Ms. Porter had no problem with this with the exception of some language change. Mr. Bethoney has not seen the article yet.

Mr. Bethoney asked Mr. Carlevale if he would be respectful of the lighting on the site, noting that the bylaw requires no spillage off site, it is well shielded, directed down, and not intrusive. Mr. Carlevale agreed, and said it would be reflected on the comprehensive plan. Mr. Henderson said that they have attempted to come up with a development plan that included a Planned Residential Development or a subdivision plan that would include the existing house. He said this would require a larger footprint for an addition to the house, and the neighborhood was not in support of it. He explained the difficulty of this.

Mr. Bethoney said that Mr. Carlevale is asking the Board to recommend the concept plan to Town Meeting with a future in-depth review. Approval is subject to the Planning Board and any other regulatory boards that are involved.

Mr. O'Brien motioned to insert an article in the Town warrant, which can be withdrawn at any time, for Town Meeting to approve the comprehensive concept plan as noted on the plans, removing the words "as recommended" from the proposal. Mr. Aldous seconded the motion. The vote was unanimous at 5-0. Ms. Porter moved to continue the Public Hearing to 9/13/18 at 7:05 p.m.

Applicant: OCW Retail
Project Address: 150-370 Providence Highway, Dedham, MA
Zoning District: Highway Business
Request: ANR modification, Dedham Mall
Representative(s):

- Peter A. Zahka, Esq., 12 School Street, Dedham, MA
- Kelli Burke, Vice President of Development Services

The Dedham Mall consists of numerous individual lots that have been combined over the years and used as the Mall. Some lots were registered land. The applicant has gone through the process of having some of the registered parcels taken out of the Land Court system so they can combine them. The Town Engineer met with Mr. Katz to review the lot configurations so that Mr. Katz can report to the Board that it is a valid Form A and can be signed. Two plans were submitted: the plan as it stands now, and the proposed Form A plan. There is a single site plan for the Mall with a recorded reciprocal easement for Lowe's, which, while connected to the Mall, owns its own lot. The roadway has been cut up and they would like to separate it so they can determine where people internally have the right to park.

Ms. Porter asked if it had any impact on Incinerator Road. Mr. Zahka said they are not creating anything that can be developed, and will not affect the operation of the Dedham Mall in any way. Mr. Katz's letter summarizes that the plan is eligible for endorsement.

Ms. Porter moved to endorse the plan as presented, seconded by Mr. Aldous. The vote was unanimous at 5-0. The Mylar and plans will be signed.

Applicant: 769 East Street, LLC, c/o Chris Timson, Esq.
Project Address: 769 East Street, Dedham, MA
Zoning District: Single Residence B
Request: ANR modification
Representative(s): James Toomey, P.E.
Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA

Attorney Timson was not present. Mr. Hampe had originally represented the previous owner, Paul Corey. The application was filed on 8/1/18. The ZBA had granted a 1.8 foot side yard setback because the house is located 13.2 feet from the side yard. The appeal period has passed on that decision and it has been recorded. *Mr. Bethoney stopped conversation at that point. He had originally intended to recuse himself from this meeting. Although he does not know Mr. Timson, he may have met him previously, and Mr. Timson does have dealings with the agency at which he works. He recused himself from this proposal and left the meeting room.*

Mr. Podolski recommended that the applicant request a continuance to 9/13/18; otherwise, the application would be constructively approved based on the Board's inaction. Mr. Katz said that the only issue he has is that the purpose of the ANR is not clear. Mr. Hampe said that one house will have the side yard variance, and the new lot will be buildable. He said the other

option, as explained to the ZBA, was to take down the historic house so there would be two buildable lots, but no one wanted to do that.

Mr. O'Brien preferred to have the applicant present for the meeting, but Mr. Podolski said that technically they are past the due date since it was filed on 8/1/18. Mr. Hampe said that the proposal is constructively approved as a result of the meeting being past the 20 days allowed. Mrs. Doherty said she had spoken with Mr. Timson several times, letting him know that he must be present for the meeting. She also left him an e-mail message yesterday to remind him of the meeting. Mr. Hampe vouched for Mr. Timson and said something must have come up to prevent him from attending the meeting.

Mr. Hampe suggested that the ANR be continued to 9/13/18. Ms. Porter made this motion, seconded by Mr. O'Brien. The vote was unanimous at 4-0.

Applicant: 379 Sprague Street, c/o Chris Timson, Esq.
Project Address: 379 Sprague Street, Dedham, MA
Zoning District: General Residence
Request: ANR modification
Representative(s): Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA
James Toomey, P.E.

Mr. Bethoney recused himself from this proposal as noted in his statement for the previous meeting. He was not present in the meeting room.

Mr. Toomey and Mr. Hampe made a motion to continue this ANR to 9/13/18. Ms. Porter made this motion, seconded by Mr. O'Brien. The vote was unanimous at 4-0.

Mr. Bethoney rejoined the meeting.

Applicant: Walden Behavioral Care
Project Address: 10 Carematrix Drive, Dedham, MA
Zoning District: Research, Development, and Office
Request: ANR modification
Representative(s): Peter A. Zahka, Esq., 12 School Street, Dedham, MA
Steve Goodman, Joint Ventures partner and developer

Walden Behavioral Care, which wants to purchase the property, is seeking an ANR for use as a psychiatric hospital primarily for patients with eating disorders and other psychiatric illnesses, many of which occur along with eating disorders. It was founded in 2003, and has 15 locations in Massachusetts, Connecticut, and Georgia that have treated over 17,000 patients. This location would be in-patient care only with no outpatient services. The proposal is for 90-100 beds, a reduction from the current number of beds at the nursing home. Approximately 60-70% of the beds would be for patients with eating disorders. Employees work in shifts, 7 a.m. to 3 p.m., 3 p.m. to 11 p.m., and 11 p.m. to 7 a.m. There will be no conflict with peak hour traffic. The original site contained an office building as well. The Planning Board approved a Form A plan, and the Zoning Board of Appeals has also approved applications to split the lot so they could sell the office building. Mr. Zahka has obtained Special Permits and variances from ZBA to clean up the site. Since the nursing home was built, specific regulations covering nursing homes and hospitals were adopted; the site did not comply with any of these. The ZBA allowed them to divide the lot, saying they were grandfathered. They returned to

the ZBA and were granted a Special Permit to allow the change from a nursing home to a hospital. They were also granted every variance requested to bless the site.

The Building Department sent them for site plan review for the change of use. The use category is the same as noted in B.6, which then directs the applicant to all the requirements in Section 7; they are identical for hospitals and nursing homes. The Planning Board approved the site plan in 2007 when the property was being divided. A parking plan is recorded at the Registry of Deeds as a cross parking easement between the two sites. The footprint of the building will remain the same, as will the parking plan, although they will probably not need as many spaces. The only change requested is a change of use from a nursing home to a hospital. Mr. Zahka said he believes this is an insignificant change, but requested determination from the Planning Board. He was not sure it triggers anything. They would like to avoid a peer review and notification of abutters; the abutters were notified with the ZBA hearing, and no one attended. He also asked for approval of a simple change of use.

Mr. Zahka said there are 96 spaces allocated to the building, some of which are underground. There are actually 155 spaces on the site, but when the site was split, more spaces were needed for the office building. He said 96 spaces are more than enough. Ms. Porter asked whether they had considered other improvements to the site given that they have an excess of parking. Mr. Zahka said there are so many historical easements that they cannot do anything to it. It will take significant time and effort to clean these up. They can do landscaping in existing areas, but they cannot touch the pavement because of the easements. Mr. Goodman said the plan is to bring it back to the way it was. They will work with what they have, and then make changes as they can.

Mr. Podolski said the nursing home had 142 beds; this is being reduced to 90-100 beds because there are a lot of single rooms. The in-patient use is the same as a nursing home. He asked how many employees there would be. Mr. Goodman said there are fewer at night, and the highest number would be at mid-day. This is included in the rating capacity. The nursing home had different needs for its patients than this would. Mr. Zahka said that parking is not based on beds; it is based on rating capacity, and they are well below what is required. It is also affected by employee shifts. *The air conditioner was turned on, and was too loud to hear a great deal of conversation.* Mr. O'Brien said this is the same area that considered sidewalks to the railroad station; this may come up again. Mr. Zahka said that when they went to the ZBA, it was discussed in detail. Walden wants to be an active participant in the Town and this is a great opportunity for them. They have always been active in communities.

Mr. Zahka requested that the Board consider the change in designation from nursing home to hospital as an insubstantial change. Mr. Podolski so moved, seconded by Mr. Aldous. The vote was unanimous at 5-0. Mr. Zahka also requested that the Board approve the change of use to hospital. Mr. Podolski so moved, seconded by Mr. Aldous, voted unanimously 5-0.

Applicant:	Nordblom Company, 1288 Beacon Street. Brookline, MA 02446
Project Address:	Stergis Way, Dedham, MA
Zoning District:	Highway Business
Request:	Discussion regarding Traffic And Zoning Issues
Representative(s):	<ul style="list-style-type: none">• Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA• Todd Nordblom, Vice President, Nordblom Company

- **Todd Fremont-Smith, Senior Vice President and Director of Mixed Use Projects, Nordblom Company**

Nordblom recently purchased Stergis Business Park. They are aware of issues regarding traffic for any future development, so they hired VHB to do a traffic study. They want to discuss what they are allowed to do in the Highway Business. Mixed Use Developments require a 10% retail or commercial component. If the commercial use was eliminated, the impact on the traffic would be reduced by 49%. The question is if there could be zoning relief so they could potentially submit an article to Town Meeting to change the definition of Mixed Use.

There is a potential to redevelop the 100,000 square foot site, currently used for storing pipes, and possibly reduce traffic and add access to Wigwam Pond. Evolution and improvement of the site requires change. The Board was oriented the Board to the site. Removing asphalt could potentially green up the site and add access to the pond. There is residential housing across the pond and mixed-use development nearby. They are not advocating retail, but want to bring pedestrian access to Legacy Place as they did in their large development in Burlington, which has multi-family residences adjacent to retail stores, helping to support the city's tax base. People can walk to the train station. Adding 10% retail to the site would double the traffic. Nordblom could develop part of the site and other developers could add their own projects. They would look at sidewalks to make the sites accessible to pedestrians. Green space could be created along Wigwam Pond for skating, boating, or fishing.

Mr. Hampe was not sure where the 10% retail component came from in the bylaw. If a large amount of commercial development must be included, he suggested submitting a zoning article to change the definition of Mixed Use Development, leaving the 10% in the bylaw but allowing the Board the ability to make a determination that 10% would not be conducive to the neighborhood, resulting a waiver to allow a lower percentage of commercial square footage in the project. His client would like to just build residential, thereby reducing parking and traffic. They do not want to reduce the commercial space just to increase residential; they do not know what would go into the building other than something like Walgreen's.

Mr. Bethoney said that a building that size would only have 24,000 square feet of retail space. The Board often considers buildings if the developer is willing to reduce the size. It does not have to accept a building size that yields 24,000 square feet of retail space. He asked if there would be other commercial uses on their lot if they build a residential building. There are two separate buildings on the lot, including the fertility clinic and K & G. Mr. Katz said that Mixed Use Development can be built in the Highway Business zoning district and Central Business. Mr. Bethoney said that if the applicant has commercial on the site, the Board could consider the retail uses on the lot and this residential building as a Mixed Use Development. Mr. Hampe said there is the issue of the commercial being underneath; Mr. Bethoney wondered if the Board would consider something else. He asked the applicant how much retail they could propose to be the minimum with the bylaw change. The applicant did not have a specific amount. This would be at the discretion of the Board. Mr. Bethoney said the Board will not propose an article to Town Meeting that it will not pass.

Mr. O'Brien asked how far a waiver can stretch. He said the Board can waive the retail requirement. He asked what retail can do for this site and the environment it is in, and whether it would be enough for a waiver considering that it will reduce traffic. Mr. Hampe said that there has to be 10% commercial according to the Zoning Bylaw, so the issue is whether the Board can grant a waiver of that. Mr. Bethoney asked how many square feet of retail space is

on the site. The applicant said there is currently 25,000 square feet. The ratio of retail vs. residential is more than 10%, probably 12-13%. He asked if the waiver would include other businesses. Mr. Bethoney said it would not be a waiver. It would be a zoning change to allow other stand-alone retail uses on the same lot owned by the same owner to qualify as the retail on the site to allow for residential uses. A higher percentage would be better when they went to Town Meeting, particularly if the size of the building was reduced. He said he believed that Town Meeting would consider this more than allowing for stand-alone apartment buildings with little to no retail. Mr. O'Brien thought the decrease in traffic would also be a plus before Town Meeting. Mr. Bethoney said the downside is that the Dedham Mall could start building apartment buildings by counting the existing stores as the retail component. Mr. O'Brien noted a podcast he heard that said that retail would be disappearing because of automation via the Internet. In this case, there is a proximity to Legacy Place, which is already there. Mr. Bethoney noted that this proposal is in the Adult Overlay District, and wondered if they could change that. He said the Board needs to think about this until the next time they come before the Board and see if there is a way it can be made more site-specific. Mr. Podolski said that getting a retail use under apartments in that area would be difficult; this may be an issue with all of the Town's Mixed Use Developments because they are small. Mr. Bethoney added that many people think Mixed Use Developments should be in Town squares; the applicant felt that Legacy Place is a town center. They will submit a memo.

Applicant: Town of Dedham, James Kern, Town Manager
Project Address: 26 Bryant Street, Dedham, MA
Zoning District: Central Business
Request: Special Permit for a Major Nonresidential Project for the Town of Dedham for a three-story structure, approximately 49,500 square feet for a Public Safety Building to meet the needs of the Fire and Police Departments.

CONTINUATION OF PUBLIC HEARING

1. Notice to Abutters within 300 feet of proposal: Mailed on 8/10/18.
2. Notice to Abutting Towns (Boston, Needham, Westwood, Canton): Mailed on 8/10/18.
3. Notice of Public Hearing published in *The Dedham Times*: 8/10/18 and 8/17/18.
4. Motion to waive reading of public notice: Mr. Podolski, seconded by Mr. Aldous, voted unanimously 5-0.
5. Motion to open the Public Hearing by Mr. Podolski, seconded by Ms. Porter, voted unanimously 5-0.
6. Associate Member Ralph I. Steeves was present for this Public Hearing.

Mr. Podolski moved to continue the Public Hearing to a date certain, 9/13/18 at 7:20 p.m. at the request of the applicant, seconded by Ms. Porter, voted unanimously 5-0.

Mr. Podolski moved to adjourn, seconded by Ms. Porter. The vote was unanimous at 5-0.

Respectfully submitted,

Robert D. Aldous, Clerk

/snw