

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
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PLANNING BOARD
MINUTES
September 27, 2018, Lower Conference Room

Present: John R. Bethoney, Chair
Michael A. Podolski, Vice Chair
Robert D. Aldous, Clerk
James E. O'Brien IV
Jessica L. Porter

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

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: Concinnitas Corp. and Collis, LLC
Project Address: 219 Lowder Street, Dedham, MA
Zoning District: Single Residence B
Representative(s):

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- Greg Carlevale, Manager, Concinnitas Corp.
- Scott Henderson, P.E., Project Engineer, Henderson Consulting Services, Lexington, MA

Town Consultant: Steven Findlen, McMahan Associates

This is a continuation from September 13, 2018. The Board will be discussing, considering, and possibly voting on this Planned Residential Development at 219 Lowder Street. At the last meeting, Mr. Findlen and Mr. Katz were to determine the validity of the five-lot Form A subdivision plan. Mr. Katz's report, dated 9/18/18, stated that in his opinion, this is a true five-lot subdivision containing adequate lot size, frontage, and access on a laid-out roadway. No one on the Board had any questions about the validity of the five-lot subdivision on which the Board must base its determination of potential units in a Planned Residential Development (PRD). Determination of the size of the development that could be proposed under the PRD bylaw is based on the amount of actual lots that a developer could conceivably put together as a matter of right. In this case, it is determined that the developer could put together five lots as a matter of right as shown on the plan. If there is no other discussion on this, it will be taken as a matter of fact.

Mr. Zahka said there is nothing in the Zoning Bylaw (ZBL) that requires the Public Hearing process that has occurred to date. The applicant had requested this because it was more open to the public via formal notification by the Town as opposed to being notified by the applicant. Mr. Carlevale met with the neighbors, showed the property, and explained his intentions. He was clear that there were five buildable lots as determined by the Building Department, and that if he went forward under conventional zoning, he would probably build four houses for marketing purposes. Other options were discussed, and the neighborhood's preference was for a PRD. He is attempting to put forth a project that the neighbors would prefer. From an economic perspective, a 7-unit condominium is not the way to maximize it. A lot of this is because there is a significant underground parking garage, which is expensive and includes installation of elevators.

Mr. Zahka said there is always a concern as to what precedent is being set. The Board has said many times that each project comes in on its own merits. There may be other projects in the future, but he did not believe that anyone would come to the Board to go much further than this process unless there was strong neighborhood support. The last PRD did have strong neighborhood support as well. Mr. Carlevale's discussion with the neighbors was all-important, and probably more so with a PRD since it is unique in the zbl and the Town. This includes the level of neighborhood support it has when asking for something that requires Planning Board approval of a concept plan and recommendation to Town Meeting. If approved, the applicant would then return to the Planning Board to go through the formal process. He would not be doing this unless there was strong neighborhood support.

If the neighborhood desired the Mr. Carlevale to build four or five houses, he would have agreed to do that. However, the neighborhood, which is most affected by whatever happens there, has chosen, requested and/or directed the applicant to propose a PRD. Mr. Zahka agreed with the caveat that the first direction is probably to build a single family house or restore the existing single family house. No neighborhood agreement would be necessary for that since it would be a by-right development. Most neighbors were not in favor of a four lot, four house subdivision and in fact would have preferred that nothing be built. The neighborhood would rather see the 7-unit condominium with underground parking. Mr. Bethoney asked if he had met with any concerned neighbors before, during, or after the last meeting. He said he met with James McGrail, who lives on Lowder Street. All the other neighbors are status quo. The first plan shown to the neighborhood was to build three new houses and to refurbish the existing house in an effort to preserve it. This had a lot of problems from a development standpoint because it makes two poor lots with driveways sitting on easements on each other's lots. That could only potentially materialize if he could find a buyer who is willing to work with the house and another buyer who is willing to work with him. It would have to be a single family.

The Public Hearing on this project is closed, but Mr. Bethoney asked the audience for any comments or concerns.

Leigh Slayne, 2 Wampatuck Road: Mrs. Slayne said are the largest abutter to the property. She and her husband have not spoken with Mr. Carlevale in "many months." She was trying to understand, if the Planning Board approves the development, if it would be conditioned on concept things, and also how the impact of putting in underground parking would be minimized. Mr. Bethoney said the Board is not approving any project at this time; it is a concept plan which, under the Planned Residential Development Zoning Bylaw, has to go before Town Meeting, which has to embrace the proposal for a seven-unit condominium. If approved, the project needs to return to the Planning Board for full review including more public testimony, listening to concerns, and ultimately rendering a decision on whether to grant a Special Permit. At this time, the Board is determining whether to support this at Town Meeting so it can be considered.

James McGrail, 82 Lowder Street: He only learned about the project by reading *The Dedham Times* on Friday. He called a number of people on Friday, including Mrs. Doherty, the Administrative Assistant, to ask her if she would provide him with the materials related to the proposal. The Public Hearing notice was sent to direct abutters only; half of Wampatuck Road was not given notice. There was a great deal of discussion among the neighbors that went well beyond those notified; he was surprised at how limited the notice was. He called a couple of direct abutters, met with Mr. Carlevale met on Monday, and spoke again on Wednesday. He also spoke with Mr. Zahka. He believed that Mr. Carlevale has done a great deal of due diligence by meeting with the neighbors, although he did feel that he should have come to his house. He said the applicant has made a sincere effort to try to encompass as much as the neighborhood as he could. As a result, he has the support of the direct abutters.

As far as the project itself is concerned, at first a 7-unit condominium was surprising and people were not in favor of it. As the project was heard, it became clear that it makes sense. All the iterations of the project were discussed. He sincerely believed that Mr. Carlevale is trying to do the right thing by his neighbors and, as a result, he is not getting as much of a return on his investment as he could. He was concerned about setting a precedent, and Mr. Carlevale agreed to a number of conditions requested by the neighbors that will help blunt any precedents that may be set. Mr. Carlevale lives in the neighborhood, which shows that he has a vested interest in it. His other projects, i.e., Village Avenue and Cottage Circle, are spectacular. His reputation is good and it is a good project. It is the right thing to do and he is the right person to do it.

John DeBlois, 1 Wampatuck Road: He is a direct abutter. Mr. Carlevale has been very forthright and transparent in meeting with the neighbors in discussion of the options available to him and the neighborhood. There have been about seven meetings, and there has been consensus with regard to the PRD as noted in letters of support. Given the options and the neighborhood, the neighbors have said they are very much in support. With regard to precedent, he cited 47 Village Avenue, which has 17 condominium units that have worked very well in a neighborhood of predominantly single family homes. He asked the Board to listen to the neighbors who have overwhelmingly supported the PRD and believe that this sets the right precedent.

John Wright, 235 Lowder Street: He has lived there for 25 years, living immediately adjacent to the property. He is the closest abutter. He very strongly supports the PRD, saying said it maintained the best character of the neighborhood. Mr. Carlevale informed him of the project and sought his guidance and consent. It is a very useful resource in the neighborhood. He is considering downsizing eventually, and this would be a very attractive option so that he could remain in the neighborhood. The applicant developed a property across the street directly across the street, and never impinged on his well-being and peace of mind in any way during construction. The high standard of work also really impresses him.

Mr. Podolski asked if they have considered reducing the number of condominium units, and if not, why. Mr. Carlevale said that almost all developments live or die with the economic viability of the last unit. This only works as a PRD as proposed with 7 units; if would not work with 6 units, particularly with a \$200,000 elevator, underground parking, and all the other amenities. Mr. Podolski then said he was looking at the PRD bylaw, Section 7.1.2.2, which says:

... The procedure for the review and approval of the detailed development plans [the plans that come after the concept plan] shall follow, so far as apt, the approval regulations and procedures for a definitive subdivision plan...

This suggests that the PRD bylaw never envisioned a 7-unit condominium, and in fact envisions a subdivision of land bringing single family houses closer together. Mr. Zahka said the bylaw is lacking detailed procedures. It is very clear in that section that it is only the process/procedure that was applied after meeting with the previous town planner, i.e., Public Hearing and posting a bond. This is what is followed, not the substantive aspects of the subdivision regulations. It is not a Special Permit per se, but the process will include a Public Hearing since the subdivision regulations specify this. The applicant will then file the application like a subdivision and record the plan with the Registry of Deeds like a subdivision, as was done for the last PRD. A bond or a covenant would be posted at that time. It is only the procedure/process, not the substantive aspects of the subdivision. He further said that at the beginning of that Zoning Bylaw, the words "conventional zoning" are used; it does not say "show us what you can do under the subdivision control act for a definitive subdivision." He believed that it said to "show us what you can first do under conventional zoning." Conventional zoning could be a definitive subdivision plan or a Form A plan, as it is in this case. The wording is very specific and detailed regarding the concept plan determining the number and process after it is approved by Town Meeting.

Mr. Podolski could not envision that the PRD in the Zoning Bylaw was enacted for anything other than subdivision of land and moving single family houses closer together like the project at Cottage Circle. Mr. Zahka said he may agree with that, but this is not what the Zoning Bylaw provides. The vision was, for instance, probably saving an 20 acre piece of land that would have a 50 foot wide right of way going through the property, and then all the single family houses coming off that with clearing of the land. It is easier for an applicant to have a subdivision vs. Form A plan to make an argument land is being saved. In this case, they are saving the serenity of the neighborhood by not doing a subdivision and creating a 50 foot wide road. It works a lot easier in terms of an argument of an applicant if he is creating a full 50 foot wide right of way through a very large piece of property, as this would be eliminated immediately. This is similar to a Multifamily Residential Complex such as the Clerkin Westfield Street development. They were able to save "destruction of the land," because the 50 foot wide long subdivision road was removed.

Mr. Podolski worried about the precedent that this might set of allowing an applicant to take some lots that are close together and convert them into multi-unit residential condos. He said the old jail conversion is not applicable; it was a large "commercial" building that pre-dated zoning. To convert something like that into condos was a smart use of the property. He agreed with that and Cottage Circle, but he was unsure about this. However, in looking at the proposal vs. what may be, it is probably the lesser of two evils. He would vote in favor of the PRD.

Ms. Porter suggested that the Board set a time for discussion of the substantive issues at a future meeting, regardless of what the Board and Town Meeting decide. A number of issues have been raised, including whether that side of Lowder Street should be Single Residence A or Single Residence B, and what the impact of the PRD zoning would be, particularly a smaller parcels in the SRA area. Mr. Bethoney said they should discuss whether there should be a hardship on the land that would make a PRD more sensible, i.e., whether the land is materially different that the land around it, or whether a project would not work well for a traditional Form A subdivision or traditional subdivision. The proposed project is not one of those. The area is zoned Single Residence B, and requires lot areas of 12,500 square feet; he questioned this zoning, however. The Board needs to review the zoning, the criteria of what is eligible for a PRD and the criteria of which it can consist. He did not think this project is the intent of the Zoning Bylaw, but Mr. Carlevale and the neighborhood seem to believe it will work, and there are no prohibitions in the Zoning Bylaw. The Board needs to look this and discuss it at a later time.

Ms. Porter said the project allows the neighborhood to keep its character, how the land is used now, and the natural elements. The underground parking is key because it will have fewer curb cuts and be less disruptive to the neighborhood. She preferred condos over single family houses because there can be a higher density use with single family residential use, and the neighbors could integrate well. It is current with other conversations in town and in the Livable Dedham housing forum. There is a demand for condos for people looking to downsize to single story living. This is the first project offering that in this area of town. It will not meet the demand because it will be more expensive than most Dedham residents can afford, but it is important in terms of recognizing the demand and encouraging a project that meets that and the interests of the neighborhood. She was in favor of the project.

Mr. Bethoney said the Village Avenue condos were forced integration. The building was never going to be demolished; if the property had been vacant, condos would not be there. It evolved from a jail to what it is now because it was probably the best use for the building. He said the applicant's proposal is not reflective of the neighborhood, but he would respect the neighborhood's desires and the efforts made by the applicant. He would vote to support it. Mr. Aldous wondered if progress on the condominiums would stop if the Board voted to support the Form A plan. However, the applicant is not asking the Board to take action on the draft Form A plan.

Mr. O'Brien said the project has a long way to go. He understood the issue of setting a precedent. He agreed that the Board needs to look into tidying up the Zoning Bylaw language. He could see the potential to become a "city state" in other areas, i.e., much like Boston's closely situated three decker houses on small parcels of land. Mr. Bethoney asked why a developer would want to put together any subdivision with big roads, lots of frontage, individual driveways, etc., when the developer could take the number of lots and gets one-and-a-half times those lots in a condominium development or cluster housing. The Board will review this.

Mr. Bethoney asked what the Board wanted to do. There is neighborhood support, and Mr. Carlevale, a stand-up developer, has a solid track record of being considerate to neighborhoods. Ms. Porter moved to endorse the concept for a Planned Residential Development until the Public Hearing, and to recommend to Town Meeting that it be so voted as proposed, subject to the Board's final review. Mr. Bethoney asked Mr. Zahka to review the approach that he presented. The first step in the process is to present a concept plan. They have asked that it be heard at a Public Hearing, even though the Zoning Bylaw does not require that. They are seeking a vote to support the submitted concept plan. The second step is that the Board is required to hold Public Hearings on any warrant articles related to zoning. They have requested that an article be submitted to Town Meeting even though this is not a zoning change per se, and that it be treated like a zoning article for purposes of the Board's Public Hearing. At that point, the warrant article would be submitted by the Board, which would then take a vote to either recommend or not recommend the warrant article to Town Meeting. It then goes to Town Meeting. This is a safety valve. Because Town Meeting has historically supported neighbors, no project envisioned would get through Town Meeting without strong neighborhood support. If approved, it would then return to the Board to go through another Public Hearing process that follows the Subdivision Rules and Regulations. The Board would ultimately vote to approve a much more definitive plan, lighting plans, landscape plans, and all the details the peer review needs. After this is done, the Public Hearing would close and the Board would vote. Mr. Podolski seconded the motion.

Discussion: Mr. O'Brien asked if the Board wanted to do a recommendation of support. Mr. Bethoney said they would hold off until the Public Hearing. The public will have one more chance, and the procedure for Planned Residential Developments will be discussed at the review of the

ZBL. The next phase would be a Public Hearing on the warrant article, and then the Board would move that Town Meeting support it (be so voted).

The vote was unanimous at 5-0.

Applicant: Hub Development, LLC
Project Address: 355-359 Washington Street, Dedham, MA
Zoning District: Central Business
Representative(s):

- Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA
- Antonio Ferrara, owner of HUB Development, 56 Belle Avenue, West Roxbury, MA
- Stephen Sousa, AIA, Project Architect, 81 Boylston Street, Brookline, MA
- Travis Blake, Designer, Sousa Architects, 81 Boylston Street, Brookline, MA

Town Consultant: Steven Findlen, McMahon Associates

The applicant returned for a *scoping session* to review the conceptual design of a mixed-use development at 355-359 Washington Street. He was originally before the Board in July for a proposed mixed use development, at which time they received some input from the Board.

Mr. Ferrara, the president and sole owner of Hub Development, LLC, has three employees. Most of his development work (single family houses, one to four renovation projects, and condominium renovations and developments) has been in Boston, Newton, Brookline, and Somerville. He is currently finishing a four-unit condominium building in Roslindale, and is in the process of constructing a 17-unit residential apartment building in West Roxbury.

At the last meeting, the Board said that this project seemed to be a little too large for the site, and was particularly concerned about the height of the building and site access. The plans have been revised and re-submitted.

	First Submission	Current Submission
Total Building Size	24,384 square feet	17,931 square feet
Commercial Area	2,609 square feet	1,915 square feet
Number of Units	21	16
Building Height	40 feet	36 feet
Number of Stories	4	3
Lot Coverage	High 70's	66%

A letter from the Knights of Columbus (K of C), the direct abutter, expressed concerns mostly about the applicant requesting a waiver on commercial parking and the affect it would have on their tenants and parking spaces. The applicant understood these concerns. A number of options were discussed at a meeting that are still being explored, i.e., fencing between the properties, signage, and possible installation of a gate for their parking lot at the applicant's expense.

Mr. Sousa said the design of the building and materials remain the same, i.e., red brick highlighted with golden accent pieces, zinc cladding, and Allura clapboard facing Washington Street. Under-ground parking has been eliminated. A 15-foot buffer and a 12-foot driveway have been created

for staging and emergency access. The building has been pulled back 15 feet, reducing lot coverage. The commercial space remained the same. They now have 16 parking spaces on ground level. A wheeled dumpster will be in front of a transformer. A floor was taken off, and the building reconfigured to 8 one-bedrooms and 8 two-bedrooms. The mass of the building has been broken down. Front planting will remain. The general strategy of the design is the same.

The distance from the lot line to the edge of the building is 28', 2." The distance from the building to the edge of the concrete sidewalk is 5 feet. Mr. Bethoney said that the rendering makes it look like the building is 20 feet from the sidewalk. He said the rendering should show it to be much closer. The Board requests accurate representations because it relies on these as well as the plan; this was discussed at the last meeting.

The lot is split zoned with 85% in the CB zoning district and 15% in the rear in SRB. The entire building will be in CB. The zoning line is not shown on the concept plan but will be shown on the formal submittal's engineering plans. Some of the SRB zone will be used for residential parking, which requires a Special Permit. The applicant will request the Special Permit for residential parking only that is not more than 10 feet into the zone on its formal submission.

The 1,915 square feet of commercial area is 11%, more than meeting the 10% of the total square footage of the lot. This was calculated as the gross square footage of all four exterior walls of the building including the parking area down below. Mr. Bethoney cited the definition of a mixed-use development in Section 10:

"...The gross floor area of the commercial and other nonresidential uses in a mixed-use development must be at least 10 percent (10%) of the gross floor area of the entire building..."

He asked how it had been determined it in the past; he has not participated in many Mixed Use Development projects. Mr. Findlen said the gross floor area of the entire building has been stated up front, and he has always taken that to account for the entire building and everything within the building footprint. Mr. Podolski agreed. Mr. Bethoney asked if his understanding is correct that Mr. Sousa is measuring the footprint of the building times the number of floors. Mr. Findlen said this is the question. Ms. Porter asked if this is what was done with the Delapa building in East Dedham and if the underground parking spaces were counted. Mr. Findlen said they typically consider the gross floor area of the project building to encompass everything under the roof. He did not believe this question was ever raised because they always assumed that the gross floor area of the building is everything that is enclosed under the roof/within the footprint of the project. This was discussed in detail.

Mr. Bethoney asked Mr. Findlen if this would greatly change the amount of required commercial space. Mr. Findlen said that this is a scoping session, and nothing official has been filed. Mr. Bethoney wanted this and every other applicant coming before the Board to have as much clear guidance as possible. He did not want the Board to deal with the applicant saying "I wish you had told me that at the beginning. I went out and spent \$100,000 on development plans, geotechnical evaluations, engineers, traffic consultants, etc., and now you tell me I need 3,000 feet of commercial space." Mr. Findlen said that the gross floor area of the entire building is in a summary on the plans but not specifically shown. The Board will consider the gross floor area as the entire area under the roof. Mr. Sousa said this is typically not what they do; it would typically have been included in FAR. He asked if the open footprint, which is part of parking, would be included. He said it is not part of the building, although it is under the roof. Mr. Bethoney asked the Board for clear guidance; clarity and fairness are keys, particularly for applicants who have not built in Dedham

but are familiar with regulatory authority. Mr. Podolski said that the building consists of two stories of residential with one story of commercial. Behind the commercial but under the residential is a building. The question is whether the part of the project under the parking should be included as part of the gross floor area. The Raftery building on Washington Street has a similar situation of outside parking under the building, and Mr. Podolski believed that this was included in the gross floor area. Mr. O'Brien said that it is the same square footage if it is underground or outside under the building, citing the Petruzziello building across from Town Hall. Mr. Bethoney asked if it was used to calculate the commercial space. He cited the definition of Mixed Use Development in the Zoning Bylaw as noted previously. Mr. Hampe noted the definition of Net Floor Area in the Zoning Bylaw:

...The sum, in square feet of the occupiable or habitable area in a building which shall be determined by excluding the following from calculation of gross floor area:

- 1. Areas used for parking or loading*
- 2. Areas devoted exclusively to the operation and maintenance of a building irrespective of its occupants, such as heating, ventilating, or cooling equipment, electrical and telephone facilities, fuel storage, elevator machinery, or mechanical equipment*
- 3. The thickness of load-bearing walls at each floor*
- 4. Elevator shafts and common stairways, and common hallways at each floor*
- 5. Porches, balconies, which are unroofed*
- 6. Fire escape*

Mr. Bethoney said to make it simple, it should be calculated on the entire building to see if it can be done. If not, they will have to consider asking for a waiver. They are debating something that may be easily done. The applicant is welcome to come to the office to look at any file for Mixed Use Developments for further guidance.

Mr. Hampe will obtain a letter from the Fire Department saying there is adequate emergency access to the building to fight a fire. He believed that the applicant intends to put in a sprinkler system in the apartments and the parking area; this will be addressed in the formal submission. Mr. Sousa said there is a 15 foot opening for that. Mr. Podolski said the so-called exit lane can be used to access the back.

Mr. Podolski said the applicant has made a great effort in addressing the issues raised by the Board. He was happy the split zone parking was addressed. It should be marked "Residential Use Only." Commercial tenants will have to park against the building or use parking in Dedham Square. Ms. Porter was happy with the addition of two bedroom apartments, and that the building has been scaled down. Her concern was the setback from the sidewalk. She hoped that they would consider making it more of a public realm to prevent parking there. She gave the applicant a copy of the Dedham Square Design Guidelines, adopted on 9/26/18. There is an opportunity to make it more interesting public space. She said that mixed use is the right use for the lot. Mr. Aldous said the plan must show all the setback distances, parking space measurements, and the hand-capped spaces. He said they are heading in the right direction, and the Board wants to help. Mr. Hampe said that this is a preliminary plan only; the next set of plans will be very detailed. Mr. Podolski asked if the third floor plan, which was not shown, will be the same as the second floor. The applicant said they will.

Mr. Findlen reviewed his preliminary report on the scoping session concept plans.

1. Split Zoning: 85% of the site is in the CB district and 15% is in Single Residence B. Plans should indicate that 100% of the building is in the CB zoning district.
2. Parking: The number of units has been reduced to 16. Plans should indicate what spaces are in each district, and what will be commercial. Based on the plans, there will be one space per unit for residential but none for commercial. The applicant will ask for a waiver on the commercial spaces.
3. Gross floor area, which has been discussed.
4. Emergency Access: Once the plan is formally submitted, the Fire Chief will comment.
5. Vehicle Access and Egress: There is a 12 foot entrance and a 15 foot exit. There are concerns about safety of pedestrian traffic and existing vehicles. He asked the applicant to determine if there would be alerts. He did not think a full traffic study was needed.
6. John Sisson, the Economic Development Director, submitted a letter making the Planning Board aware that the redesign of the building was using the full street frontage. This is part of the Dedham Square revitalization. The applicant will address this.

The 360 Washington Street project went through full review, and all zoning requirements were met, i.e., parking, height, and 10% component was met before waivers were requested. Mr. Findlen asked the applicant to make every good faith effort to do that. The commercial parking did not meet the Zoning Bylaw and will require a waiver. Mr. Hampe said they are looking into a gate for the back parking lot for the K of C. They agreed to put up a fence and signage between the properties. The K of C's main problem is control of excess parking in their lot. Monitoring with a gate with code and access for tenants will be investigated. Another idea is to have a towing company enforce the parking until people realize the parking situation, or security cameras to identify people who park there.

Mr. Bethoney highly suggested that the applicant discuss the project with abutters on Maple Place; many are unaware of the project. Good neighbor behavior will be necessary since the abutters' view will be significantly changed by the building. Getting their feedback sooner rather than later is crucial. He asked if they can build according to regulations. Mr. Findlen cited 360 Washington Street, which was reviewed in detail and requested no waivers. Parking was a huge issue, and the owner suggested that employees park off-site. He asked if the applicant could present a plan with no waivers. Mr. Hampe said they would get as close to the requirements as possible. Mr. Bethoney asked if the landscaping on the rendering is reflective of what will be done, saying he did not want a concept of what it might be, only what it will be. He also did not see a flagpole, but Mr. Hampe said there would be one.

Mr. Bethoney asked about the design of an area that has a window looking into a residence; *the transcriber did not know where this was*. Mr. Sousa said that this adds additional living space, and units would be lost if it was removed. Minimum aisle width was discussed; this is 24 feet. This was discussed at length. Mr. Bethoney said he would not be against a 20 foot aisle width for 16 vehicles, and that this would increase the square footage of commercial space. Mr. Sousa will look into it. Mr. Bethoney asked how the dumpster or transformer would be accessed on the current plans; a trash truck would have to back into a one-way. This could be rectified with a 20 foot drive aisle. A waiver could be given on the two-way drive aisle. Mr. Sousa asked if bays could be added, and Mr. Bethoney said that would add character to the building.

Mr. Hampe thanked the Board for the second scoping session. The applicant will return with a formal filing after meeting with abutters and working on fiscal impacts, environmental, traffic, and engineering; this will take time. The Board reserved the right to make more critical comments as the process proceeds. Building materials, etc., will need to be discussed. Mr. Aldous said they have come a long way.

The Board took a five-minute recess.

Old/New Business

Zoning Article:

Mr. Podolski and Carmen DelloIacono have submitted an article to Town Meeting to attempt to limit a “problem” with the number of Mixed Use Developments coming to the Board. A simple solution would be based on the Planned Residential Development process. They would like to amend the bylaw that any Mixed Use Development has to come through a Planned Residential Development concept plan, go to Town Meeting for approval, and if approved, return to the Planning Board. It will come before the Board for review and discussion at a Public Hearing in the future. It has gone to Town Council, who is not happy with it. Numerous residents have spoken with him and are dissatisfied with the number of apartments and/or mixed use projects coming into town over the last ten years, particularly in Dedham Square, and he wondered if a saturation point has been reached. The Public Hearing would give citizens input on this.

Ms. Porter asked if he had thought of other ways to deal with this problem. Mr. Podolski said this was the only idea explored. She said it is within the power of the Planning Board to slow down Mixed Use Development because it is a Special Permit. Mr. Podolski is not sure this can be done if they are filed, as there have to be statutory reasons to deny a permit. Ms. Porter said that one reason would be the will of the community. She had no doubt that the community is concerned that mixed use is being added at a rate that the Town can absorb, i.e., traffic. Her interpretation of the bylaw is that this is within the purview of the Board. Mr. O’Brien said the Special Permit must explain the benefits to the community, and whether the benefits outweigh the negative impacts to the community. He wondered if a town-run legislature could handle that; the research is not there. Mr. Bethoney said it is incumbent upon the applicant to prove it. The Board would have to take a position for or against, and tell Town Meeting whether or not it interested in it. Town Meeting would have the ultimate authority. As an alternative, the Board could say it is not eligible for Town Meeting consideration unless the Planning Board made a favorable recommendation.

Mr. Podolski said it would be an interesting concept to do what Ms. Porter said, but it has never been done in the 15 years that he has been a Planning Board member. Mr. Bethoney said it would be a Special Permit for a Mixed Use Development, not a yes or a no vote. The question is whether the Planning Board would be philosophically interested at that time and in that location in considering the approval of a Special Permit for a Mixed Use Development, and whether the applicant would accept that or question the fairness. He agreed with Ms. Porter that the Board has the authority to make the decision not to hear the project based on its impact on the town. Mr. Podolski said the Board could do that, but there would have to be a very strong legal decision explaining it and the applicant would have to be told at a scoping session before an applicant spends a lot of money.

Mr. O’Brien said that if Town Meeting rejects it, the applicant would still be spending a lot of money. Mr. Podolski said that if they get to Town Meeting with or without the Board’s consent and Town Meeting says no, then the Board could say that the constituent voted them down. Mr. Bethoney said that the applicant would know the rules up front and that they would have to spend money to get the determination and to Town Meeting; this is fair. Mr. Podolski said that Town

Council brought this up and he responded that the Board should not be concerned that the applicant, knowing the rules and that the Board would not support it, would have to spend money.

Mr. O'Brien said there many one-bedroom apartments are in town, which segregates it to a certain population, i.e., small households with, perhaps a baby, people without children, or those looking to downsize to a smaller home. He said this has affected what has been built. Mr. Bethoney said the bylaw would not consider that. Ms. Porter said that Mr. Katz and Livable Dedham are working on a housing inventory by neighborhood. Mr. Bethoney wondered why the town, in 2018, does not know what its housing stock is. Mr. Podolski said that former town planner Richard McCarthy knew what the total was, but not by neighborhood.

Ms. Porter said that, in terms of justification for the zoning article, the town will be going through a Master Plan process next year that will give residents the opportunity to determine what it wants the town to look like for building, housing and neighborhoods. She believed that this will give the Board knowledge that it can share with applicants, such as the town does not want more Mixed Use Developments. She was also concerned about any potential adverse impacts of the article. Mr. Bethoney said that Town Council will need to determine this and whether someone is grandfathered in. She wondered if, for instance, a developer, knowing it will probably not go through Town Meeting, will decide instead to put up a medical office building; the Board may not say this was the best use of a land use and may impact traffic. A developer may choose a project by right that is less desirable for the town. She was also concerned about how well Town Meeting would educate itself on the various impacts. Mr. Podolski said that Town Meeting received the first Planned Residential Development with open arms, but the Board had given it good background information. The Board cannot control whether Town Meeting chooses to do its homework.

Mr. Podolski said he is tired of other civic leaders saying that the Board is reactive rather than pro-active when it comes to planning. Mr. O'Brien said that Town Meeting has the final say, but wonders if the Board is abdicating its responsibility. Mr. Bethoney said that the Board will have a Public Hearing, consider this, and make a decision on voting to support or indefinitely postpone this.

Snack Shack:

Building Commissioner Kenneth Cimeno said that Parks and Recreation is finally interested in erecting a snack shack with two lavatories at Gonzalez Field in the location designated on the original plan, but it will be significantly smaller than originally proposed. He thought it was an asterisk on the original approval that the Board revisit this when they were ready. He was told that the Board would review this plan and take action to either support it or not. Both Mr. Bethoney and Mr. Podolski have looked at the plan and are in full support of it. Ms. Porter asked why the bathrooms are designated "Women" and "Men" and are not neutral. They are identical, and there are no urinals. Mr. Bethoney suggested making a recommendation to Parks and Recreation. The only things that the Board oversees are the size, location, and exterior design of the building. Mr. Podolski moved to approve the plan as presented with the comment that Parks and Recreation the bathrooms have neutral designation. Ms. Porter seconded the motion.

Discussion: Mr. Aldous said the shack was too large for the amount of use the field gets. It does not require a big building with kitchens or bathrooms. A building for just bathrooms is fine. Mr. Bethoney walks all the time and sees many people at the soccer games, and Mrs. Doherty, who frequents the fields, said there are a lot of practices games with a lot of people. The kitchen is a money-making entity for Parks and Recreation.

The vote was unanimous at 5-0.

Dedham Square Guidelines:

Mr. Podolski, the chairman of the Dedham Square Guidelines Steering Committee, said that multiple meetings were held to create the guidelines, and Gable Associates was retained as consultant. The guidelines were unanimously adopted on 9/26/18. Copies were given to the Board to review and hopefully approve at the next meeting. Mr. Bethoney thanked Mr. Podolski and Ms. Porter for their participation. Mr. Podolski said that \$20,000 has been set aside for an economic development strategy for the square. The Board of Selectmen has requested that the Board review what will happen with the old police station once the new Public Safety Building and Town Hall are completed. Ms. Porter said the committee has been active for a long time and has a sense of urgency to discuss the police station and development in the Square area. It was originally set up to do the Square first, and then the design guidelines; this was reversed. The committee has asked the Planning Board to take action quickly so it can be posted, and that the Board reconstitute the original steering committee with residents from every precinct. On the current committee, there are quite a few members from Precincts 1 and 7, one from Precinct 4, and none from Precincts 2, 3, 5, and 6. Every precinct needs to be represented to determine development of Dedham Square.

Mr. Podolski wrote a letter on 12/5/16, when he was chair of the Planning Board, to the Board of Selectmen to create a steering committee to conduct a Dedham Square Planning Study. Town Council said a vote by the Board of Selectmen was required to allow the Planning Board to solicit and appoint all committee members. The make-up of the committee would be comprised of nine: one member of the Planning Board, Board of Selectmen, Master Plan Implementation Committee, Zoning Board of Appeals, Dedham Square Circle, business owner in Dedham Square, property owner of property in the Square, a developer who has built in the Square in the past ten years, and a citizen at large with no board or committee affiliation. The Planning Board then proposed increasing the number to 13. Mr. Aldous said they need more people who own a business or who are developers; there are currently two developers and one business owner. More time should be spent with people who actually build; this is what other committees do. Mr. Bethoney suggested that, in appointing precinct members, the Board should request people who have experience in these areas. Ms. Porter asked if there should be wording that the Board encourage this and note that it is their preference. She has noticed that when requirements are very narrow, there are often fewer applicants. Mr. Podolski said that once they make their proposal, the Board of Selectmen needs to approve it and it is then posted.

Mr. Bethoney suggested that the Dedham Square Steering Committee (DSSC) be gaveled and dissolved. The Board, with input from the department heads, would determine the goals, objectives, and make-up of the new committee with recommendations from the DSSC. He preferred average residents who are normally not involved, one from each precinct, preferably with some expertise, to assist in achieving these. The current committee should be commended for a great job but told that the Board would be crafting another committee with specific goals and objectives relating to Dedham Square. Those opportunities would be properly posted for anyone who wanted to apply. The DSSC was originally created for this but went in the direction of guidelines. Mr. Podolski agreed with Mr. Bethoney, saying that the Board of Selectmen would like a committee to study reuse; this could be within charge of the committee. Mr. Bethoney said that the DSSC members should be recognized at a public meeting of the meeting and commended for their participation and valuable time spent in public service. Mr. Katz suggested that officially presenting the guidelines to the Board, DRAB, ZBA, and possibly other committees be done at that time as well. Mr. Podolski agreed. He said that the Board adopted the East Dedham Design Guidelines, but they

were never formally presented. It will go up on the website, and bound copies will be given to those boards and libraries. Mr. Bethoney suggested that developers purchase them, as they do with the Zoning Bylaw. He asked the Board to think about this prior to voting. Mr. O'Brien said that a fountain should be considered.

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

Respectfully submitted,

Robert D. Aldous, Clerk

/snw