

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

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



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Jeremy Rosenberger
Planning Director

PLANNING BOARD
MEETING MINUTES

PLANNING BOARD MINUTES

Thursday, May 9, 2019, 7 p.m., Lower Conference Room
26 Bryant Street

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

Staff: Jeremy Rosenberger, 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.

Chairman Bethoney announced and welcomed Mr. Jeremy Rosenberger as the new official Town Planner. He is a resident of West Roxbury, a former employee of the Boston Redevelopment Authority and a former Zoning Administrator of The Town of Braintree. Mr. Rosenberger made a brief statement.

Chairman Bethoney stated that as is customary it was time for a reorganization of the Board Chair and Vice Chair. Mr. Mike Podolski made a motion to nominate John Bethoney for Chairman, and the nomination was seconded by Mr. Jay O'Brien. The Board voted unanimously in favor, 4-0 for Mr. Bethoney, with him abstaining. Chairman Bethoney then asked if there were nominations for Vice Chair, and Mr. Jay O'Brien nominated Mr. Michael Podolski. The motion was seconded by Ms. Jessica Porter. The Board voted unanimously in favor for Mr. Podolski, with Mr. Podolski abstaining, 4-0. Chairman Bethoney asked for nominations for Clerk, and Ms. Jessica Porter made a motion to nominate Mr. Jay O'Brien for Clerk. The motion was seconded by Mr. Mike Podolski, and all were in favor, with Mr. O'Brien abstaining, 4-0.

Chairman Bethoney noted that he would be taking out of order of the agenda 20 Carematrix Drive.

Applicant: OLIMAS, LLC C/o Kristin McNulty, Director of Education/
Operator (Goddard School)
Project Address: 20 Carematrix Drive
Zoning District: Research & Development (RDO)
Representative(s): Keith Hampe, Esquire of 411 Washington Street, Dedham
Town Consultant: Steven Findlen, Senior Project Manager, McMahon Associates

Attorney Hampe introduced representatives for the applicant: Kristin McNulty, Applicant; Mr. John Tiltan with Williams & Spragues and Beth Recindis, the Business Consultant with the Goddard School Franchise. He stated that they had been before the board previously for a Scoping Session on April 18th and they had since submitted their application for minor site plan review to operate a childcare facility with the franchise Goddard School. The proposal was to lease out the first floor of the 20 Carematrix Drive location, and an outdoor playground would be installed adjacent to the building, changing the vehicle traffic around the building to facilitate this. It would be licensed as a childcare facility, and they were therefore asking for peer review to be waived under the Dover act. Plans were revised after the scoping session, the most significant being a change to the playground location. Mr. John Tiltan gave an overview of the proposal and site plans. Chief Spillane previously had concerns regarding emergency access of the original playground location, so the applicant worked with the Chief to change the playground location and ensure safety was a first priority. Chief Spillane was in attendance at the meeting to answer any questions regarding this matter. A discussion ensued regarding the specifics of the playground, and the landscaping.

Chairman Bethoney expressed that he had met with Attorney Hampe and the Applicant previously regarding the Dover act and the request of the Applicant to have peer review waived. He mentioned that the traffic flow of the building was being changed and he questioned if that triggered site plan review. Attorney Hampe felt it was an insignificant change and therefore should not be required to go through the peer review process. The Applicant was also going through the Conservation Commission for review. Mr. Podolski noted that the Applicant was making changes with the blessing of the owner, as the Applicant was only leasing the space, and was not the owner. He asked about striping to the parking lot and when was the last time it was reviewed. Mr. O'Brien asked who would be in charge of the maintenance for the playground, and Ms. McNulty replied she would be. The Goddard School representative explained that by Goddard's standards the playground was checked every morning for safety, and in addition, a yearly inspection was also mandatory. Mr. Podolski mentioned the fencing for the area. He indicated he did not want to hold up the applicant because he felt it was a good use of the location and he would be in favor of the proposal. Chairman Bethoney stated that he understood the Fire Chief had approved the project, and he just wished to have a letter from Chief Spillane indicating his approval. In fact, Chief Spillane had written this statement and it was submitted to the Board. Chairman Bethoney asked if anyone had questions from the Board. Jessica Porter had encouraged the applicant to think about how to ensure the area was pedestrian friendly. Jeremy Rosenberger said that the Conservation Commission had indicated they would like the dumpster moved out of the 100-foot buffer. Mr. Podolski explained that as practice the Planning Board would adopt any measures the Conservation Commission required into their Certificate of Action. The applicant is encouraged to inquire with the owner of the property as to bike racks being installed, the possibility of moving the dumpster, and restriping of the parking lot. The applicant is responsible for the new fencing around the playground. The Chairman asked if anyone from the audience had any questions regarding the proposal, and there were none.

Motion: Mr. Podolski moved to approve the project with any conditions required by the Conservation Commission. The motion was seconded by Ms.

Vote: The vote was unanimous at 5-0.

Applicant: Garnett Realty Trust, LLC, Robert Naser, Trustee
Project Address: 337-339 Washington Street, Dedham, MA
Zoning District: Central Business (CB)
Representative(s): Stephen P. Rahavy, Esquire

In attendance for the Applicant were Stephen P. Rahavy, Esquire, and Robert Naser, Trustee for Garnett Realty Trust. The hearing was a continuation of a Public Hearing. Mr. Naser introduced Mike McKay, architect with McKay Architects, and Mike Carter, CGC Engineering. Mr. Naser brought everyone up to date by explaining that at the last meeting there were some unresolved issues with the Peer Reviewer, McMahan and Associates and some of these had been addressed.

At that time, Mr. James McGrail was recognized by the chair and he asked why the application was being heard since there was currently an article to be taken up at the Town Meeting concerning a moratorium on mixed use developments (this project being one). He made a motion to table the application until after Town Meeting, and the motion was seconded by Mike Podolski. Chairman Bethoney asked if there was any discussion on the matter, and Mr. O'Brien said he felt it was only fair to let the applicant voice their opinion on the motion. Mr. McGrail withdrew his application in order to allow the applicant to give their opinion. Attorney Rahavy explained that no one knew how the vote at Town Meeting would go and therefore they wished to continue the regular process associated with a Special Permit. Members of the Board disagreed and wished to wait until a decision was known on the moratorium.

Mr. James McGrail made a motion to continue the hearing until May 23, 2019 at 7:00 pm, the motion was seconded by Mike Podolski. The motion passed 4-1, with Mr. O'Brien voting no. Mr. Naser wished to make a statement that although he respected the Board's decision, he respectfully disagreed.

Spring Town Meeting Articles: Article Nineteen, Article Twenty, Article Twenty-One, Article Twenty-Two, Article Twenty-Three.

The issue of **Article Twenty-Three** was taken out of order of the Agenda to accommodate the audience.

The Planning board had in their possession a Letter dated May 3, 2019 from Town Manager Jim Kern recommending Article Twenty-Three be postponed.

Motion: Mr. McGrail moved to recommend to Town Meeting that Article Twenty-Three be indefinitely postponed. The motion was seconded by Mr. O'Brien.

Vote: The vote was unanimous at 5-0.

Article Nineteen: Chairman Bethoney asked if there were any questions regarding the Article from the Board or the audience, and there were none.

Motion: Attorney Podolski moved to recommend Article Nineteen be so voted at Town Meeting, and the motion was seconded by Mr. O'Brien.

Vote: The vote was unanimous at 5-0.

Chairman Bethoney asked if there were any questions related to **Article Twenty**, and there were none.

Motion: Ms. Porter moved to recommend Article Twenty be so voted at Town Meeting, and the motion was seconded by Mr. Podolski.

Vote: The vote was unanimous at 5-0.

Chairman Bethoney asked if there were any questions related to **Article Twenty-One**. Ms. Porter stated that it was her understanding that if Article Nineteen passed then Article Twenty-One would be moot.

Motion: Ms. Porter moved that Article Twenty-One be indefinitely postponed.

Discussion: Chairman Bethoney explained that he previously spoke with Carmen Dello Iacono regarding his proposal, Article Twenty-One, and Mr. Dello Iacono did understand that if Article Nineteen were to pass, that his Article Twenty-One would no longer be relevant. A discussion ensued over the matter.

Motion: Ms. Porter moved to recommend to Town Meeting that they indefinitely postpone Article Twenty-One. The motion was seconded by Mr. Podolski.

Vote: The vote was unanimous at 5-0.

Chairman Bethoney asked if there were any questions related to **Article Twenty-Two**. There were none.

Motion: Ms. Porter moved to recommend to Town Meeting that Article Twenty-Two be indefinitely postponed. The motion was seconded by Jim McGrail.

Vote: The vote was unanimous at 5-0 in favor.

At this time, Jim McGrail took leave of the meeting, and the Associate Member Ralph Steeves stepped in as he had been present for all meetings related to the next application.

Applicant:	Town of Dedham, Town Manager Jim Kern
Project Address:	26 Bryant Street, Dedham, MA
Zoning District:	Central Business (CB)
Representative:	Dore and Whittier, Architects

In attendance for the applicant were: Brad Dore, of Dore and Whittier, Chip Heitkamp, of Dore and Whittier, engineering, landscape architects, Ron Votta ACMI, Jim Kern. Chief D'Entremont and Chief Spillane were also in attendance. The matters of landscaping and traffic were to be addressed.

Landscaping

Chip Heitkamp began by showing new landscape plans for the project. He referenced the new "green space" area as it was shown. He indicated that since the "green space" had been added, parking would be reduced by three (3) spaces. Chairman Bethoney asked if they had provided the green space percentage on site since the green space had been updated.

Mike Podolski asked what was the green area on the Union Place side in between the trees on the drawings? The answer was grass. Chairman Bethoney reminded everyone that the Planning Board prefers to

see renderings that will be the actual look of the project on day 1, not what it will look like 10-15 years from completion.

Landscape Architect Bill Brown gave information regarding elevations, curbs, and the new community green space triangle. He indicated a final plant drawing had not been done because they approval from the Planning Board for the green space first. He did point out where certain trees would be planted. Chairman Bethoney asked if there was any asphalt being used in any area other than the parking lot? The answer was no. The Chairman then asked him to explain the three paved areas, and where the benches were to be placed. The Chairman then took questions from the Board.

Jay O'Brien had a question as to the depression area in grey on the plans. This area was two feet below grade and was for stormwater retention purposes. Brad Dore indicated that they had not brought their civil engineer to answer specific questions about the stormwater drainage area as they had not anticipated it would be a topic of conversation that night; they had thought the discussion would be focused on landscaping and traffic only. Mr. O'Brien indicated that he did not remember seeing this stormwater retention area on the plans previously. Chairman Bethoney agreed he did not remember seeing it either. Questions about this area ensued. The Chairman felt it was an enormous area to be used for stormwater retention. Brad Dore replied it was based on calculations and had been done in compliance with the Conservation Commission. Mr. Dore stated that they were currently working on something very similar in Gloucester.

Ms. Porter asked about the triangle green space, the benches, the seating wall, and she indicated that she was very pleased with the community public green space. She felt the architects had really heard what the public and the board had asked for. Mr. Steeves asked what size rocks were in stormwater retention area. He also asked for the address of the space Mr. Dore had mentioned that was being landscaped by them in Gloucester. Mr. O'Brien stated that although he liked the design of the new community green space that had been added, he could not fully support it due to the lack of a water feature, which he felt was crucial. The landscape architect stated that three original proposals had been put forth for the community green space, and one of them did have a water feature. Ms. Porter asked if they might hear from the Chair of the Building and Planning Commission, Mr. Jim Sullivan, who was present in the room that evening. Mr. Sullivan was recognized by the Chairman. Mr. Sullivan explained that they did look at a water feature several times. However the main constraints that led to them not choosing it were maintenance, seasonal issues, and they felt the amount of traffic at the location would be prohibitive to actually hearing the water. Mr. O'Brien stated that he disagreed.

Chairman Bethoney indicated he would like it to be noted on the plans that the architects did not feel they would meet the landscape requirements and that they would need a waiver. He asked if there was anyone from the audience that wished to be heard. Janet Holmes from Charlesbank Road asked about the benches that were to be installed, and could they match the other benches that the Civic Pride organization had installed around Dedham Square? The answer was that they would match the more contemporary ones that were presently installed at Town Hall. Mr. Bethoney asked that a representation of the benches be on the plans. Ms. Holmes then asked about the grasses and stones in the green space, and how tall were the grasses to be? 18 inches to two feet tall from May until October and then subject to seasonal constraints was the answer. Ms. Holmes continued by asking who would maintaining the grassy patches on the Union Place side of the building, and the answer was the same people who maintain the lawn now.

Mr. Ron Votta Ames Group Project indicated he could provide additional information on the landscaping at the Ames Schoolhouse to the Chairman at the next meeting.

Mr. Steve Findlen of McMahon and Associates stated that prior to the meeting they had highlighted three main landscaping issues to be addressed:

1. The 15% landscaping requirement and possible waiver
2. The size of the shrubs and a planting table
3. The planting schedules

Mr. Findlen asked that the architects update their plans accordingly to address these three issues.

Mr. Podolski asked if Ms. Holmes could provide the Board with pictures of the Civic Pride benches so that the Board could ensure they matched the new benches. She responded yes.

Traffic

Mr. Steve Findlen, McMahon and Associates outstanding traffic issues – there were 32.

Out of the 32 original, 31 of them had been resolved. The one that had not was the intersection of Bryant Street and Eastern Ave. He explained that when the first project known as “Phase 1”, the Ames Street Building, was being done, the planning board and the applicant had agreed that the intersection was an issue and it was decided to defer that issue until the campus was considered as a whole in Phase 2.

It was identified that the intersection has a crash rate in excess of Mass DOT minimum requirements. It has been proposed to eliminate the option to left turn from Eastern Avenue.

Mr. Bethoney asked what the applicant’s current proposal was to rectify the situation at this intersection.

Mr. McGrail was not present for the initial public hearing process and is abstaining from participating in the discussion, with Mr. Steeves acting in his stead as an associate member.

Fayssal J. Hussein, Traffic Engineer and Vice President of Nitsch Engineering, took the floor. The intersection in question creates backup for vehicles going to Route 1. There is a “don’t block the box” at the area that is rarely respected by drivers. The Fire Chief also has concerns about the intersection for Fire Trucks. He thinks the most practical solution is to close the median to prevent left turns. He recommending implementing this temporarily and observe the change on traffic behavior.

Mr. Podolski asked how many people make that left turn at peak hour traffic. Mr. Hussein answered 200. Mr. Bethoney roundly dismissed the idea of disabling that left turn. Mr. Podolski raised the concern that drivers would start passing through business parking lots. Ms. Porter noted that there are neighborhoods only accessible through Dedham Plaza or Dedham Square, and she thinks the scope of discussing this intersection are beyond that changes wrought by the proposed public safety building.

Mr. Bethoney asked for any proposals to help the intersection function better. There were no further proposals or traffic concerns from the representatives. Mr. Poirier of the public raised the concern that new street parking in that area would be negative for public safety vehicles. It was noted that the street parking has already been struck from the plan. Mr. Poirier noted that the original proposed total parking has been slashed, and he is concerned there will be insufficient parking, causing issues in the neighborhood. He spoke against the implementation of greenspace in areas that could be used for parking.

Mr. Podolski asked if a light could possibly work at that intersection. Mr. Hussein answered that it is too close to the Route 1 light. Ms. Porter noted that the Route 1 light is controlled by the state.

Mr. Dore stated that there are going to be 209 parking spaces available at the site. Not counting the secure police parking area, there will be over 3x as many parking spaces available as at town hall today. Mr. Poirier pointed out that the original study stated 297 spaces would be required for the police and fire departments. Mr. Dore surmised that this number was what was required by the ordinance, while the final number was reached by working closely with police and fire to reflect their actual needs. Mr. Bethoney asked if the police and fire chief were comfortable with the 86 spaces allocated beneath the proposed public safety building.

Mr. Poirier noted that he feels the waiving of 88 spaces from the ordinance represents a gross underestimation of what will be required. Ms. Porter thanked Mr. Poirier for his concerns and noted that the board has raised those questions in the past and she currently feels confident with the current parking estimated. She offered to personally e-mail Mr. Poirier (not on behalf of the board) with information that she feels may improve his confidence in the current plan.

Mr. Dore stated that he feels this application represents an excellent compromise in meeting objectives and concerns that were raised in his last discussion about landscaping issues. He does not believe the project should be further delayed by the issue of the intersection at O'Brien and Eastern which he believes will require a lot of effort to resolve in the future. He assured the committee that changes required as a part of the discussion with the planning board will be included in the construction documents as soon as they are prepared to move forward.

Mr. Steeves asked if the underground parking spaces were all small. Mr. Dore answered that some of them are smaller than zoning requirements mandate. Mr. Steeves asked the chiefs if their employees drive large vehicles that cannot fit in the places. Mr. Dore answered that height is the primary limiting factor for vehicles of that size, and the height of the garage has been increased accordingly.

Mr. Bethoney requested board support to request from the applicants a brief overview of the project as a whole with all of the updates made. Because this has been done so piecemeal in discussion, he would like the public be able to see a new overview on the overall project. He asked who would prepare the certificate of action incorporating the conditions mutually agreed upon throughout the many public planning board hearings. Mr. Dore agreed to prepare this.

Motion: Mr. Podolski moved to continue the hearing on May 23rd. Mr. Steeves seconded.

Vote: The vote was unanimous at 5-0.

Mr. Bethoney thanked the applicants and police chiefs for their time.

The committee discussed working through their backlog of unapproved minutes and scheduled future minutes discussion.

The committee scheduled meetings for discussing goals and appointments.

Motion: Mr. Steeves moved to adjourn, seconded by Ms. Porter.

Vote: The vote was unanimous at 5-0.