

**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**

**Thursday, April 11, 2019, 7 p.m., Lower Conference Room**

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

Staff: Jennifer Doherty, Administrative Assistant  
John Sisson, Community Development Director

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.

On behalf of the Board, Mr. Bethoney welcomed Mr. McGrail to the Board.

**Applicant:** Sullivan Pharmacy, Robert Reissfelder, contractor  
**Project Address:** 41 River Street, Dedham, MA  
**Zoning District:** Limited Manufacturing A  
**Representative(s):** Robert Reissfelder, 52 Grayfield Road, West Roxbury, MA  
**Town Consultant:** Steven Findlen, Senior Project Manager, McMahan Associates

This is a continuation of a request for modification of an existing parking plan. Sullivan Pharmacy's office will occupy the front of the building. The plan is to re-pave and stripe the existing front parking lot, and to add a handicapped ramp and planters in front on the right side of the building beside the handicapped ramp. The applicant wants to limit access to the parking area in the front of the building to prevent cars from backing onto River Street. The curbing will be 6 inches of exposed concrete cut into the asphalt and cemented in place, and all planters will have bushes, flowers, and mulch. The existing sign and planters will be removed. Parking requirements for 21 spaces have been met:

- (1) Warehouse: six spaces
- (2) Shipping office in the warehouse: two spaces
- (3) Storage: one space
- (4) Top floor: five spaces,
- (5) First floor: seven spaces.
- (6) There will be two handicapped spaces.

Waiver Requests:

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- (1) Minor site plan review
- (2) Peer review for an insignificant change
- (3) Pre-existing 19'6" driveway on right side of the property instead of required 24 feet
- (4) Landscaping.

The Board reviewed the plan as presented and the memorandum from Acting Town Planner, Eve Tapper. Ms. Porter asked about the planter limiting access onto River Street. Mr. Reissfelder said this would limit back out onto River Street and improve pedestrian access. The Board approved Phase I, which included the warehouse, shipping office, and storage. This is Phase II, and Ms. Tapper and the ZBL determined the rest of the requirements. Waivers were then determined. Mr. Bethoney said the applicant cannot do any more on the site because of existing conditions. Mr. Sisson did not believe that the parking was an issue.

The roadway will be a 20-foot one-way. Mr. Podolski said the petition did not quite state this; the notation on the plan was very small. Mr. Reissfelder said Ms. Tapper said 24 feet was needed for the one-way road and this was already approved by the Board. Mr. Bethoney said a two-way road requires 24 feet, so he may not need a waiver for this because the 19'6" may exceed what is required. Mr. Podolski said that if the Board approves it, he would want directional paint, e.g., arrow marks, along the whole side and perhaps signage at the top of the road stating "Do Not Enter." Mr. Bethoney asked why the engineer, Norwood Engineering, was not present at the meeting; Mr. Reissfelder said he did not think he needed them. Mr. Podolski had no problem with the one-way road as long as there is signage and roadway marking. The site is not conducive to any more landscaping. The proposal for the planter will provide some greenery and roadway safety, and it will also control parking. The old planter will become a parking spot. He was otherwise fine with the proposal. Mr. Reissfelder said there will be a long planter close to the building and along the ramp; Mr. Bethoney said this will double as a parking space guide. There will be an ADA ramp; this is not on the plan, and should be added as an ADA ramp.

Mr. Bethoney explained why the ZBL requires a peer review of the site. The end result is significantly better for an applicant because it affords another set of eyes. It is a simple site, and he suggested that McMahan review the plans to give some guidance. Mr. McGrail suggested that he return to Norwood Engineering; the plans need to be cleaned up, and the applicant needs to determine a cost-effective way to do that. The peer reviewer looks at how to put the site together in a way that is the most compliant with the regulations. Mr. O'Brien said it would be to the applicant's benefit to do that. The applicant is responsible for deficiencies in the plan, and the plans will be on file for a long time.

Mr. Podolski asked about entering the site, which can only be done from the left. The one-way road goes all the way around the building, and the plans should call this out. The plans also show an area with a one-way road pointing to the left; he did not understand that. Mr. Reissfelder said the road is a two-way road that the applicant and MAACO share. The plans show the boundary line. Mr. Bethoney said he cannot use other people's property to make his property accessible unless he has an easement contract; Mr. Reissfelder said they have this. Mr. Reissfelder said the 19'6" roadway is the actual aisle width to the lot line. Mr. Bethoney said he is able to use the right of way for people exiting.

Mr. Bethoney said the plan needs to be cleaned up and the representations of the merits of the plan need to be stated in a clearly understandable way. The owner of the property, who hired Norwood Engineering, needs to contact them and tell them that the Planning Board is not at all satisfied with the quality of the plan. He further said that the Board cannot approve a plan like the one he submitted.

Mr. Podolski said that, short of sending him to peer review, the Board needs to determine whether the waivers are acceptable. Having the peer reviewer go over the plan may be sufficient to clean it up and get it approved; this is up to the applicant. Mr. Bethoney asked the Board if they want him to go through peer review to some degree, and whether it is willing to waive this requirement. The applicant could return to Norwood Engineering to have the plan rectified. Ms. Porter said if peer review is not done and he goes back to Norwood Engineering, she would want the Board to give him very specific directions as to what it is looking for. Mr. Findlen was asked if McMahan Associates offered any kind of lower rate for a small project such as this. He said they have done reviews over the years that have been in the smaller range, but they must comply with the ZBL. His review of 25 Eled Way, which abuts the property, may be of help. Mr. Podolski told Mr. Reissfelder that it would be better to speak with Mr. Findlen and spend a little extra money to have it done properly. He said it is always a bit dicey to have the temporary town planner be the consultant. He was willing to grant all the waivers except waiver of peer review. Mr. O'Brien agreed. He and Mr. Bethoney were not pleased with what Norwood Engineering presented. Mr. McGrail said the applicant would need to determine if Norwood Engineering was up to the job considering the issues raised this evening. He hoped that Norwood Engineering, if given the proper instructions, can handle the review and bring the plans up to the Board's standards. However, he was fine with whatever the Board decides.

The Board said there is no reason not to notify the abutters. There is a cost associated with this, but it is in the regulations, and it is not a big deal. The Board will determine the date of the continued meeting for the notification. The applicant should be present, as it is not fair to Mr. Reissfelder to be by himself. Mr. Reissfelder explained that Mr. Laham is ill. Mr. McGrail said that Norwood Engineering should also be present. The Board was in agreement that abutters should be notified as to the next time the applicant comes to the Board.

Mr. Bethoney said the Board should wait to see what the next iteration of the plan is before discussing the other waiver requests, as they may change. The main issues right now are whether to waive the peer review and abutter notification. Everything else will be discussed when they have a compliant plan. He highly recommended that Mr. Reissfelder say that he is no longer requesting a waiver for peer review, and go through the process like everyone else does; he said he would do that. He advised him to speak with Mr. Laham about this and then contact the office to let them know that they will be filing a plan for peer review. Mr. Findlen has committed to doing an expedited review at a reasonable cost. Mr. Findlen said this will probably require one review, and that it will not be drawn out. Mr. Bethoney said that as soon as they are ready, they should contact the office. Mrs. Doherty will send out the abutter notices, and a meeting will then be set up as close to two weeks after that as possible. Mr. Reissfelder was advised to let Norwood Engineering handle the plans.

<b>Applicant:</b>	Hilton Hotel/P-LR-5A LP, c/o the Procaccianti Group, 1140 Reservoir Avenue, Cranston, RI 02920
<b>Project Address:</b>	25 Allied Drive, Dedham, MA
<b>Zoning District:</b>	Research, Development, and Office
<b>Representative(s):</b>	Kevin DeMers, P.E., Senior Project Engineer, DiPrete Engineering, 990 Washington Street, Suite 101A, Dedham, MA
<b>Town Consultant:</b>	Steven Findlen, Senior Project Manager, McMahan Associates

The applicant is seeking approval for site plan modification of an existing parking plan for grade changes and ADA compliant modifications (ZBL §9.5.2.5). They are also seeking Planning Board determination that peer review and notice to abutters are not warranted for the project (ZBL §9.5.9). Mr. DeMers said that Steve Perfetto of TPG Hotels and Resorts was unable to be present due to surgery.

TPG is working with Hilton Corporate on potential improvements due to age of the property, which was constructed in 1985. Accessibility on the property is an issue; the building was built prior to ADA standards going into effect in 1990. They have six striped ADA spaces closest to the building. The grade is fairly flat at about 3% at the top, but still inaccessible by ADA standards. A hill slopes down, and the bottom space is closer to 7 to 8%. Spot topography was obtained around the area to find the best options for accessibility. One option was to improve the area against the building as it currently stands, but the grade change on the western end would be substantial and would involve cutting and matching pavement further down the slope. Some spaces could be put in the garage where it is already flat, but they were concerned about van clearances and cutting a wall to make an access path; this may be supporting the garage structurally. They have decided to put the van accessible spaces closest to the building and locate four other spaces across the aisle. The area would be re-striped and they would raise the pavement grade between an inch or two, up to nine or ten inches, and feather it back into the existing pavement further down the slope. There will be no change in impervious area, curb locations, landscaping, or parking counts.

The applicant will be modifying the pavement grade and repaving the area. Eleven parking spaces would change including six ADA spaces and five standard spaces. The end result is that the number would not change, and the spaces will stay in that area. The change is to promote ADA accessibility to get slopes to 2% or less. The only thing changed will be the slope. Per the submitted report, they are subject to Conservation Commission for approval of a stormwater management permit and proposed more than 500 square feet of parking disturbance; a waiver will be requested from them. If the Conservation Commission requires them to change the plan in any way after the Board approves it, they must return to the Planning Board.

Mr. Podolski, Ms. Porter, and Mr. McGrail did have any issue with any waiver requests related to the proposal. Mr. O'Brien wished they had supplied the Board with existing conditions. Mr. Bethoney asked Mr. DeMers if the Acting Town Planner or anyone in the Planning office advised them that the Board requires existing conditions photography. Mr. DeMers was unaware of that. They do have a location map and an existing conditions plan from which they compiled as a baseline for the proposal. Mr. Bethoney said that existing conditions photography is required so the Board and the public can see what they want to change. He did not think the proposal was unreasonable, but this is a procedural matter. The plan presented is insufficient and should have been larger so that everyone could see what is being proposed. Mr. O'Brien added that the original conditions were in 1985, and he did not know how much deterioration has taken place in the concrete. He would also like to see the present conditions of the slopes.

The applicant requested a waiver from peer review and notification of abutters (ZBA §9.5.9), saying that this is such an insubstantial change that it is not required. The Board had no problem with this.

Mr. Bethoney said they are seeking approval of minor site plan modification of an existing parking plan to include grade changes and ADA compliant modifications (ZBL §9.5.2.5). Any parking lot with nine or more spaces requires site plan review, and this plan has more than that. Modification of an existing lot triggers review of the entire site for up-to-date compliance; the plan was approved in 1985. He said that old site designs probably do not meet any of the current regulations, so when an applicant wants to modify a lot, it triggers the applicant's requirement to bring the entire site into compliance. The last time this was reviewed was 34 years ago, so there are most likely significant nonconformities to the existing ZBL. The applicant is requesting that the Board accept a plan approved in 1985 that has gone unchanged whatsoever so they can meet ADA compliance. Mr. O'Brien said he has been in the parking facility and the 1985 date shows.

Mr. McGrail asked the applicant if he came here voluntarily, or if he was required to make the changes. Mr. DeMers said it was voluntary due to Hilton's and the applicant's review of the site in consideration of the site's age. Mr. McGrail asked if they were doing this in consideration of the customers; Mr. DeMers said they were. Mr. Bethoney asked if the Hilton is aware of the multiple law suits against commercial properties for noncompliance with regulations, and whether this would be part of the rationale for coming before the Board. Mr. DeMers said he could not speak for the owners. Mr. Bethoney said the Board has seen many businesses that have come in because lawsuits have been filed against them for noncompliant ADA requirements. He thought that since they are doing this voluntarily, they would probably like the Board to grant some consideration. However, they have not been concerned with the grade since 1985, and now they are; it probably has something to do with these lawsuits.

Mr. Bethoney polled the Board on the waiver to not require site plan review. Mr. Podolski was fine if it is strictly for this purpose and assuming stormwater management is approved. The rest of the Board was fine. Mr. Bethoney said that anytime an applicant wants to bring a site into compliance to allow more people equal and easy access, it is always highly considered, although Mr. Podolski told the applicant not to do it again. He cautioned Mr. DeMers that, in the event that he returns to the Board, it is an old site and old sites frequently have nonconforming aspects; this is why the ZBL is set up the way it is. Mr. O'Brien said the concrete on the stairs is crumbling, steel and rebar are sticking out, and the pans are gone, so the only thing holding up the stairs is the concrete. Mr. DeMers will bring this up to the owner. Mr. Podolski said the building is looking old, and hopefully Hilton will renovate it soon. The audience had no comments.

Mr. Podolski moved to waive the requirement for peer review, seconded by Ms. Porter. The vote was 4-1, with Mr. O'Brien voting no. Mr. Podolski moved to waive the requirement to notify abutters, seconded by Ms. Porter. The vote was unanimous at 4-1, with Mr. O'Brien voting no. He asked why Mr. Reissfelder must return to the Board, whereas this applicant does not if the request is approved. Mr. Bethoney said that this is to create more readily available handicapped accessibility, which is why he personally is going to be more considerate. Mr. Podolski agreed. Ms. Porter said that neighbors will not know that anything has changed, although Mr. O'Brien said they should know. He preferred full site plan review, and said that if full site plan review was needed because of a lawsuit, the site would certainly not look like it presently does. With the motion and second on the floor, the vote was unanimous at 5-0. Mr. Podolski moved to waive the requirement for full site plan review, seconded by Ms. Porter. The vote was 4-1, with Mr. O'Brien voting no. Mr. DeMers said the Board's comments were duly noted. Mr. Bethoney requested that the stairs, access walkways, etc., be made safer and up to today's standards.

<b>Applicant:</b>	Goddard School
<b>Project Address:</b>	20 Carematrix Drive, Dedham, MA
<b>Zoning District:</b>	Research, Development, and Office
<b>Representative(s):</b>	<ul style="list-style-type: none"><li>• Keith Hampe, Esq., Winbourne, Hampe and Sheehan, 411 Washington Street, Dedham, MA</li><li>• Kristen McNulty, Owner/Operator, Goddard School</li><li>• Jon S. Tilton, Civil Engineer, Williams and Sparages, 189 North Main Street, Suite 101, Middleton, MA</li></ul>

## SCOPING SESSION

*This application has not been formally filed with the Planning Board. The ZBL requires that, prior to filing a formal plan for consideration, applicants must come before the Planning Board to discuss their intent and merits of the proposal, and seek guidance from the Board and the Planner's office.*

The Goddard School would like to operate a child care center on the first floor. They would be changing the parking at the location by eliminating the half-way around the building, and placing a playground area there. No application has been filed yet. The scoping session would allow the applicant to work collaboratively with the Board to ensure success.

The site has access on Carematrix Drive. The proposal is to construct a playground, and the best, safest place was found to be in the half-way around the building. Parking would be in the rear. There is no direct access to the playground off the rear. It would be secured with bollards on both sides and along the front of the building. There will be classrooms on both sides. The entrance to the school is on the side of the building; the second and third floors will use the front and will not have access to the school entrance. An emergency exit in the rear will be inaccessible to the second and third floors with the renovation. There will also be monitors for these doors. Goddard School has landscaping requirements for nontoxic plants, so a botanist will view the current plants, take some out, and make landscaping improvements. The Fire Department visited the site and said there needs to be 18 feet of clearance around a fire utility connection. An AutoCAD turning radius for the fire trucks was shown, and they can access four sides of the building. There is a parking lease agreement for the building, approved by the ZBA, for 59 spaces on the abutting property; they only need 28 spaces. The shared parking will be called out on the plans. Ten spaces in front will be for drop off and pick up from 7 a.m. to 9 a.m.; children are taken into the building by the parents, not dropped off. Parents are allowed a ten-minute stay, and then they leave. Length of stay for the children varies depending on parents' schedules. He showed the circulation for this. There will be 22 teachers who will park elsewhere, leaving this area for bringing the children to the school. The hours of operation will be 7 a.m. to 6 p.m.

The maximum number of children is 150. There are 11 rooms with two teachers per room. Ms. McNulty said will be there and a director will run the school; she is not required to have additional staff. Mr. Podolski asked how far the playground would be from the railroad tracks; Mr. Tilton said it is 40-50 feet from the stone to the tracks. There is an 8½ foot stockade fence owned by the property owner, and a chain link fence. They propose a six-foot opaque white fence around the playground. The stockade fence needs repair, and the Board will request that this be done to buffer the noise of the trains and for safety and security of the children. People cannot get inside the building from the outside security gates; access is only from the inside. There is some old landscaping, and they will have a landscape plan that will identify the plants. Goddard has a list of plants that they do not want on the site, and they will comply with that and make improvements on the site. There is on-site lighting; Goddard has not commented on that yet. They will send a full site plan set to Goddard in Pennsylvania for approval. Mr. Podolski said that lighting is important for people coming to the building to pick up children in the evening and in the winter.

There are 500 Goddard schools, 11 in Massachusetts, including Braintree and Lexington. In Watertown, the school went into an existing building and incorporated their design. Goddard is very strict with regard to security and ADA compliance, etc. The checklist is very difficult and thorough, so they are familiar with the expectations. Goddard has a prototype but this is adjusted depending on if it is a new building vs. a renovation. There are K-rated bollards, spaced 4½ feet apart, wherever there is a classroom and at the playground; these can stop trucks. Some locations in New York City are in high-rise buildings; those in Massachusetts tend to be in free-standing buildings.

The playground asphalt will be removed. They are leaning toward artificial turf, so they are reducing the impervious area. There will be sand and collecting drains underneath. There are existing catch basins; they do not want to disturb those and change how the water flows. There will be canopies for shade to help with heat retention, and a drinking fountain for the children. There will also be an indoor play area for the children in winter. Ms. Porter asked about the landscaping in the front and sidewalks at the dead end, where there are presently none. She urged them to install a sidewalk there. Mr. Sisson said he will be discussing district improvement with them, and Mr. Hampe said they will discuss this and a crosswalk with the landlord.

Mr. Bethoney asked if this is daycare or education. Ms. McNulty said it is daycare with a childcare license, not a school. They are not filing under the presumption of any Dover Amendment protections. Mr. Hampe said they have not filed anything right now, but they will address all the concerns that the Board has. They will be looking for minor site plan review and will likely ask for waivers for traffic study and peer review because it is a childcare facility, not an educational based school.

Mr. Hampe said they are entertaining asking the Board to consider waiving a traffic study and peer review, but they have not filed formally. Mr. Bethoney asked if they are hoping that the Board would be willing to waive site plan review when they do file. The site was last approved in 2007 for parking by the ZBA and for parking and landscaping by the Planning Board. Mr. Hampe said that both 10 Carematrix Drive and 20 Carematrix Drive were reviewed at that time.

Mr. Podolski liked the proposed use, although those who use it will have “a lot of fun getting in and out, but that’s the road that is there.” He said it is nice to see a vacant building be used for what he considered to be a great purpose, and told the applicant to come back. Mr. O’Brien agreed. Mr. Bethoney said that he and Mr. Podolski had a working session with the applicant, and they agreed that it is a great use for the site. There will be a lot of children on site, so safety will be an extremely important matter when they review the project. He would like to see them bring the site up to as much compliance as is reasonably possible including landscaping, lighting, access, and egress, and then return to the Board to report the current level of compliance and how they will make the site better as a whole when the project is complete. He would like to see the site upgraded and felt that the Goddard School would be a great addition.

The Board took a five-minute recess.

<b>Applicant:</b>	Garnet Realty Trust, Robert Naser, Trustee
<b>Project Address:</b>	337-339 Washington Street, Dedham, MA
<b>Zoning District:</b>	Central Business
<b>Representative(s):</b>	<ul style="list-style-type: none"><li>• Stephen P. Rahavy, Esq., 18 Norfolk Street, Dedham, MA</li><li>• Robert Naser, Trustee, Garnet Realty Trust, 85 Country Club Road, Dedham, MA</li><li>• Michael McKay, AIA, 35 Bryant Street, Dedham, MA</li><li>• The civil engineer, Mike Carter from GCG, was not present due to a family issue</li></ul>
<b>Town Consultant:</b>	Steven Findlen, Senior Project Manager, McMahon Associates

## CONTINUATION OF PUBLIC HEARING

This is a continuation of a Public Hearing for a proposed mixed use building. The applicant is seeking a Special Permit and waivers for renovation of an existing commercial use building into a Mixed Use Development consisting of approximately 12,000 square feet.

Mr. Naser gave his family, personal, business, and civic background. At the scoping session, he said there a demand for housing in Dedham for single level, adult or senior use, and pedestrian-friendly homes in the Square. His proposal is owner-occupied condos designed to be designed to be pedestrian friendly. The new plan is greatly revised and no longer requires a waiver for three of the units to exceed the allowable square footage under the Mixed-Use Zoning Bylaw. It incorporates changes suggested by the neighbors and property owners. The Board had suggested that they talk and meet with neighbors to obtain feedback; he said he has done this beyond what is required. A neighborhood meeting was held on 3/26/19 with property owners and local businesses to see how the project would affect them. There was constructive feedback; the neighbors' concerns included lighting, maintaining green space on the back of the lot, and suggestions about design. He believed it is a good project and would be good for the Town. If approved, he will be available, accessible, and accountable for everything that happens. Mr. Rahavy said that the Public Hearing was opened on 12/11/18, but no substantive testimony was given then. They totally agreed with Acting Town Planner Eve Tapper's report dated 4/4/19. They will only be seeking a waiver of the 15% interior landscaping requirement (§ 5.2.5).

The location of the site is at the rear at the Santander Bank. They will be restriping and repaving the existing parking lot. Existing conditions, drive-thru, and parking spaces were shown, as well as the abutting properties and the areas that would be re-paved. They are changing the utilities to go through the Santander lot and will re-pave it in the future. There is access to 16 ground-level residential parking spaces. They propose 1.5 parking spaces per unit instead of the required 1 space, and will have 44 spaces in the building; 38 are required. The rest of the site will be the existing office space and the bank. Mr. Findlen's review brought up 15 items, and Mr. McKay believes there is only one remaining. The Fire Chief issued a letter stating that he was satisfied with access to the building. The building would be fully sprinklered. The dumpster location would remain the same, and will have a new fence around it with one dumpster for trash and one for recycling. Bike racks will be adjacent to the entrance and bike hooks at 14-15 spaces in the garage. There is a 10-foot easement adjacent to the bank between Salem Foods and the site, five feet of which is on the deli's property. They propose a landscaped area with a walkway that provides access from Washington Street to the building so people would not have to walk through the parking lot. An elevator will access the upper floors of the building. The second floor has a mix of 1,000-1,500 square foot, two-bedroom condo units, each with balconies.

Mr. McKay showed the connection to the bank. There would be a unit over the drive-thru. There are 11 two-bedroom units. Renderings of the units were shown. Two units in back will be internal townhouses that would be entered via stairs going up inside the roofline inside dormers. The roofline was dropped five feet, making it a hipped roof. It is not accessible by elevator, which reduces the masses at both ends. The height of the drive-thru will remain 9'6." The original double-hung windows were changed to transom windows at the suggestion of a neighbor. The sill of the windows will be at about 5' going up to 7,' providing more privacy and reducing sunlight. Views from other angles were also shown. Materials will include cement board shingles, clapboards, and panels, giving it a traditional/residential look. Existing conditions photographs were shown.

Landscaping information was provided to Mr. Findlen. There will be no impact of utilities on Salem Foods. Turning radii were shown and given to the Fire Chief. The photometric plan shows no spill over. Out of Mr. Findlen's 15 items, there is one item that needs to be discussed with the site engineer.



The drive-thru opens up at 7 a.m., and trash pick-up will be at 7 a.m. Mr. McKay believes that they are very close to resolving all of Mr. Findlen's issues.

Mr. Bethoney asked about the interior landscape waiver. Mr. McKay said that re-paving will be done on the major part of the site. It is all one site, and they can only provide about 5% landscaping. Mr. Naser said it would be possible to have 15%, but parking is an issue in the Square. He has made arrangements, at no cost, with some neighbors (El Centro and Blue Ribbon Barbeque) to use his parking lot in off hours. He has chosen to do this instead of adding more landscaping, saying that he believes that having more parking and less landscaping would be beneficial to the Dedham Square area.

Mr. Podolski asked about the undersized parking spaces under the building. There will be 10 undersized spaces to make the building work. They have chosen undersized assigned spaces instead of reducing the aisle width. The spaces will be 17 feet, but they do not have a two-foot overhang allowance. The compact spaces comply with the regulations, and they have slightly less than the 25% of the total required. Mr. Naser said that people will park their cars and not want to drive due to the walkability. Mr. Podolski said an 8'6" wide space is narrow. Mr. McKay said he believes this works very well. Peer review will check on this.

Mr. Podolski asked about visitors, parking, and pedestrian safety. A potential concern is that if they are parked against the aisle for the drive-thru, they will need to cross the drive aisle. Mr. Naser said that parking during business hours would be for business tenants, so visitors would have to park on the street or in the town lot. He will consider having bank signage saying something like "No Non-Bank Parking During (hours)." Mr. Findlen said this issue was raised and is a valid point, and it would not hurt to look into this. Mr. Naser said that they had talked at one point about putting a fence across. There is a back entrance to the building and this is right at the drive-thru. There have been no incidents since 1992. He would be fine with putting up a sign.

Mr. Podolski asked about an area for landscaping underneath the drive-thru. Mr. Naser said this is mulch, but they were considering putting stone there. Mr. Podolski asked why they did not put in landscaping; this would have to be drought-resistant because it gets a lot of sun (?). Mr. Naser said the landscape architect said this is not a good area to grow anything but weeds because it does not get a lot of sun (?) or rain, and there is no irrigation. Mr. Podolski said this could potentially be counted as landscaping, and there are plenty of drought-resistant plants that could be used.

Mr. Podolski asked about the five-foot right of way by Salem Foods, and if Salem Foods used it for tenant parking. Mr. Naser said he does not believe any of the tenants have cars; Mr. Podolski said there could be cars in the future. Mr. Naser said a lot of apartments do not have parking. Mr. Podolski said Salem's tenants have a right to park on the right of way. He asked if Mr. Naser would interfere with this; he said he would not. However, he said in the definition of a right of way, neither person can block the other's path across it. If someone was parking on it, it would block his right to pass over it. Mr. Podolski was concerned that the deli's owner's rights to the right of way are protected, and suggested signage. The Board has a copy of the deeded right of way.

Mr. Porter said that one of the Ms. Tapper's comments in her letter is that, because they have more parking spaces than required, there is an opportunity to add usable open space for the Square and the tenants. Mr. Naser said there is a little bit of a non-public space for a pocket park, but he was not sure it should be public. There could potentially be a bench along the walkway, and there could be an area of seating in the lobby area. Instead of landscaping, they could put in plants and have a seating area.

Ms. Porter has spoken with people who have downsized and moved to the Square. They say the hardest thing is that they do not have community space and the ability to spend time outside and meet with neighbors. Mr. Naser said they could sit on the balconies and wave at each other. Ms. Porter noted that, with the Dedham Square Design Guidelines, there was an opportunity at the bank to make changes to landscaping and install benches. Mr. Naser is not part of the landscape architect's scope. He said the building is unique because it has landscaping in front of the building, along the sides, and between his and Paul D'Attilio's building. He said he would be open to any consideration with regard to changing the landscaping there. Ms. Porter said there is landscaping, but it not a place to gather. Mr. Naser agreed, saying it is just mulch, some shrubs, and plants. Ms. Porter suggested looking at the streetscape and design guidelines to see if changes could be made to the bank to make it more consistent with the guidelines.

Ms. Porter noted that he has gone back and forth with Mr. Findlen about re-striping on Washington Street. There is a "Do Not Block the Box," and she wondered if there would be crosswalks. Mr. Naser said they do not plan to disturb the "Do Not Block the Box," which is at Washington and Harris Streets. The only disturbance will be at the exit of the parking lot. He was confused as to why he would be asked to re-stripe it. Mr. McKay said the original plan called for the utilities to go between the applicant's site and the Santander Bank. They are not opening that up, but will open up a different portion outside the striping. Mr. Bethoney said that if the striping is disturbed, he would be required to fix it. Mr. McKay said this is already noted on the engineering plans. Mr. Naser said there is a crosswalk going from Patriot Motors to Salem Foods. Ms. Porter said this has no signage, and she is not even sure that it is striped. There is no crosswalk on the other side of the street. It is dangerous to try to cross the street from his lot. If his decision is to have more parking to provide benefit to these businesses, it is necessary for them to get across the street safely. She would like to see a signed and striped crosswalk for all the crossings.

Mr. Naser's contention was that to do things ad hoc is not a good planning method. He believed there should be a town-wide pedestrian and cycling plan that identifies areas that need crosswalks; this is a better approach. Ms. Porter said that intersection is an area identified by the DPW on the Town's Complete Streets project. She suggested that he consult with DPW Director Joe Flanagan about this, as it will be years before that will come up. It has been studied and there is a plan in place, but she worried about increasing the number of pedestrians between the residents and people parking for the businesses, so this issue should be considered sooner. Mr. Naser said are a lot of safety issues between the Marine Rotary and Dedham Square. There is a bus stop there as well, and he felt that it is in a terrible location. However, he appreciated her comments.

Mr. Bethoney noted that Mr. Naser would be adding more residents on the side of the street. Adding more units brings more residents, and those residents will want to go from one side of the street to the other. Regardless of what the Town has to do as a whole related to cycling and pedestrian safety, he has an obligation to provide safe access if he has the availability to do so. Adding some paint will go a long way. Mr. Naser said he would do that, but wanted to ensure that it is done with a larger perspective of what is going on in the Town. Mr. Bethoney said that when the Town does take on that project, it can change the crosswalk. However, for the immediate future, it can be put in because it is an inexpensive precaution. Mr. Naser agreed. Mr. McGrail added that if a crosswalk is added, it has to be handicapped accessible and will require wheelchair ramps on both sides of the road as well as street access. Mr. Bethoney said that Mr. Naser can look into this between now and the next meeting. He again stressed that he is adding residents, and they will want to cross the street safely. The Planning Board's job is to not only look on-site, but off-site as well.

Mr. McGrail asked what the reaction has been from Maple Place residents. Mr. Naser said that in general they have no issues regarding traffic. Their biggest concern was whether there would be access to Maple Place; they were relieved to know access would be from Washington Street. Aside from that, lighting and privacy were issues, as was maintaining the buffer between the site and Maple Place. Otherwise, a lot of people thought it was a good project. Mr. McGrail said that, from his perspective, Maple Place has beautiful homes, but the back where it goes to Washington Street is a bit muddled, and there is an opportunity to correct it through a good project and proper landscaping. Mr. Naser acknowledged that this area is overgrown and needs to be improved. There will be a landscape buffer between the site and Maple Place, and arborvitae trees have already been planted; some are well established, but the smaller ones will probably be replaced. One of the neighbors requested that the stockade fence be extended; currently half of the property has a stockade fence, but the other half is a chain link fence. He said this is a reasonable request, and they can certainly comply with it. He also said they would also try to save whatever trees they can. Mr. McGrail thought this would be a welcome addition for the neighborhood compared to what they have right now and would address the neighbors' concerns. Mr. Rahavy said that Mr. Naser has been a very good neighbor to the Maple Place residents, and has always been receptive to their needs.

Mr. O'Brien asked if soil samples showed any water in that area. Mr. Naser said they did a test pit, and dug down 10-11 feet. There was no water there. Mr. McKay said it would be a slab on grade for the building, but there is a design for stormwater management, and the test pit was clean.

Mr. Bethoney asked how they plan to stage the construction since most of the property is currently developed or will be developed with the new building. Mr. Naser said the means and the methods will be up to the general contractor, but he will manage it and make sure it is acceptable. Some of the contractors with whom he has spoken have said they will do almost everything on site, i.e., doing half the building and using the other half for storage and materials, and then swap it back. Once the first deck is on, they can use the garage for storage and staging. He informed his tenants that some of the parking area in back near the dumpsters will be temporarily unavailable for use. Mr. Bethoney asked if they would use their property for all the staging. Mr. McKay said that there is a series of parking spaces with two handicapped spots that will be restriped, giving them extra parking while maintaining a van-accessible handicapped space. Mr. Bethoney asked where the construction workers would park. Mr. McKay said it is difficult for the first two months when they are excavating the hole and the workers cannot park there. There will not be a lot of dirt because it is a slab on grade. After the steel goes up, they can park in the garage. Mr. Bethoney noted that Washington Street is very narrow, and the project is near Harris Street, which is a very active corner with cars backing up all the way to the Marine Rotary. There needs to be a construction management plan; this will be a condition of approval.

Mr. Bethoney asked about the massing diagrams/renderings and whether all the buildings from Washington Street are at the same grade. Mr. McKay said they are. The building at one point will about three-and-a-half feet from the nearest lot line in the back. Mr. Bethoney asked if the residents there have complained about that. Mr. Naser said that the residents received a notice about this. One neighbor, Ingrid Dankers, was present at the meeting at El Centro, having received an e-mail from Mr. Naser. Her property is at 82 Maple Place, which is probably the one most affected by the project. Ms. Dankers does not live there, although her mother does. Mr. Naser knew she was concerned so he sent the e-mail. Mr. Bethoney noted that she is the only resident at the meeting, and wondered if all the others received the notice; she did not know. Mr. Bethoney said that this is a large project and few residents are present; this may mean that they are happy with the project. All the renderings were present at the neighborhood meeting at El Centro.

## Audience

Ingrid Dankers, owner and future resident of 82 Maple Place: She thought it was a wonderful project, although she had initially been surprised by its magnitude. She was happy with the change in window size. Her one concern was how close the building would be to her property line. Mr. McKay said that at one point it will be three feet, although it steps because the property is at an angle. Mr. Bethoney asked what the setback is from the rear property line. Mr. McKay said it is large, in the 70-80 foot range. It is heavily landscaped and it is a large back yard. There is also a bit of a grade change, so the site is a bit lower. She had no comments on what the back of the building would look like.

Enzo Ballarano, 331 Washington Street: He thanked Mr. Naser, saying that he has gone above and beyond in accommodating the neighbors. He said, in looking at the plans this evening, it is overwhelming and much bigger than he thought, although it looks nice. There is no outdoor space for the residents, and he thought the project is too big for the area. With regard to the easement, He has been owned the deli building since 1985, and it has been a nightmare with people trying to back up and others pulling in. He said that there will be more headaches in the future. He wondered if the building could be smaller and if there could be more green space. He was concerned that the building will be too close to his property. He was also very concerned about the traffic on Washington Street and safety.

## Peer Review Report

Mr. Findlen performed peer review of the project on behalf of the Planning Board. This peer review was paid for by the applicant. He was hired to ensure that the project meets the Zoning Bylaw.

The project was submitted in September 2018, and his review brought up 15 issues. On 3/21/19, he received the response to his comments and the updated information. There were 15 issues, and there are now seven.

1. Fire Chief Approval: He has received his letter of approval and will review it.
2. Landscaping and Safety at the Driveway: He will review their response.
3. Pavement Markings at the Driveway: This will be evaluated to see how it works as a corridor from Harris Street. He agreed that Washington Street is a busy corridor, and the pavement markings need to be examined to see where they should go. He is not sure it is necessary to have them because he has not reviewed the pedestrian numbers. He was concerned about pedestrians weaving between cars.
4. Pavement Markings at Compact Spaces: He would like signage with dimensions and to regulate the spaces as compact spaces only.
5. Trash and Loading: He has not seen an explanation of how trash and loading operations would be handled.
6. Landscaping: The ZBL requires 15% interior landscaping, or a waiver is needed.
7. Light Spillage: This was a concern of the neighbors. They provided a lighting plan to address this.

Mr. Findlen did not see any challenges that would be insurmountable, and is hopeful that these issues have been addressed in their latest response. The Board always asks that a developer come in with a set of plans that are compliant with the ZBL in order to reduce the number of waivers. Mr. Findlen said this is how he reviewed the project. He has found that the main issue is landscaping, which will require a waiver.

Mr. O'Brien asked about plans for snow storage. Mr. Findlen said this has been resolved. It has been identified on the plan, although it cannot be seen on the plans at this time.

There were no other questions or comments from the Board or the audience. Mr. Bethoney said they have things to work out with Mr. Findlen. He asked if there would be charging station(s) for electric vehicles. Mr. Naser said he did not know how this would be done, but he will consult an engineer. He said this would encourage compact cars. Mr. Bethoney said that when he sells the units and they have a designated or deeded parking space, the buyer will know that he is being buying the unit with a compact space. They will have to deal with the narrow width. This was discussed in detail.

The applicant will work with both Mr. Findlen and the neighbors. Mr. Bethoney advised Mr. Naser to speak with Mr. Ballarano about his concerns about the size and mass of the building, and see if there is anything he can do to alleviate his concerns. He said that Mr. McGrail, as chair of the Zoning Board of Appeals, has historically suggested that applicants reach out to the neighbors, who are the people most affected by a project, in an effort to work things out, allow them to be part of the project, and address their concerns. Ms. Porter moved to continue the Public Hearing until 7 p.m. on 5/9/19, seconded by Mr. O'Brien. The vote was unanimous at 5-0.

#### Citizen Participation

Rita Mae Cushman, 121 Garfield Road: Mrs. Cushman suggested that Citizen Participation be at the beginning of each meeting instead of at the end. She wanted to thank Mr. McGrail, saying he did a great job in his first Planning Board meeting. Mr. McGrail thanked her, and said he agreed that Citizen Participation should be at the beginning of each meeting.

#### **Presentation: District Improvement Finance Town Warrant Article John Sisson, Community Development Director**

Mr. Sisson presented information and a short overview of the District Improvement Finance (DIF) Warrant Article. He offered to return for a more substantive conversation, either before the Board or individually. He has been working with Kevin Doyle in Assessing on putting the district together. DIF is a tool, and he proposed using it toward the Providence Highway. Providence Highway provides a great deal of economic strength to the Town and keeps residential rates at what he believes to be very competitive. It is, however, a scar from one end of Dedham to the other. The idea is to take the economic strength of the highway corridor to cure some of the problems with it. The information will be on the Town website in the near future. It is two-step process:

1. Creation of a district; this is on the May 2019 Town Meeting agenda. This will open up a series of community conversations to discuss what infrastructure improvements it wants to see, e.g., sidewalks, crossings, overhead wires, intersections, sewers, etc.
2. Once a DIF plan is created, further discussion would ensue at a second Town Meeting based on the feedback.

The baseline would be to create a district. All the tax revenue would continue to flow into the General Fund. If, and only if, there is new growth in the district, a portion of the property tax would be re-invested in the DIF district infrastructure. Most of the new growth would flow into the General Fund, so the money would only be taken from growth, not the original baseline, and the original baseline would continue to grow. It does not give anyone a tax break, and it is not a special assessment. The Town would be making a statement that it wants to invest in infrastructure in the district, which would be a signal to property owners and hopefully get them to invest in their property. There are some exempt properties. The Charles River, the Army Corps of Engineers, which owns a lot of property,

and the Town's parks (Gonzalez Field, Barnes Memorial Park, and Fairbanks Park) are included in the district. Although these do not generate any revenue, money cannot be spent on a parcel unless it is in the district. No development in those locations is expected, but if something like a bike path was to be added to a field, it has to be in the district.

Mr. Sisson said the most successful DIF plan is Assembly Road in Somerville, in which Federal Realty has been involved; it is mutually beneficial to both entities. Mr. McGrail asked if it makes sense at some point to sit down with Somerville and discuss their experiences, good and bad. Mr. Sisson agreed, and also thought it would also be good to discuss it with all the stakeholders along the corridor. Mr. Bethoney said a portion of the revenue earned by the newer, upgraded developments in the district would go into a special account to be used only for infrastructure improvements within the district. He asked whether an act of Town Meeting could allow the Town to access the money to fund other important endeavors if it was in a cash-strapped situation. Mr. Sisson said that it could unequivocally roll 100% of the DIF money into the General Fund. Mr. Bethoney asked him if he agreed that having the money available to improve the district would give property owners the incentive to improve their property, but with no guarantee that the money would go back into the district because Town Meeting could re-designate the money toward something else. Mr. Sisson agreed with one caveat. The idea would be to establish the district to create cash flow that would then be allocated toward infrastructure improvements. This can be done on a pay-as-you-go basis. It could be used for planning, e.g., engineering design of an intersection. At some point, Town Meeting may decide that there is a capital project that needs funding requiring a bond. Once you have a bond, the debt has to be serviced. The percentage of cash flow can be changed, but if you have financial obligations under DIF, they must be addressed in some way. It does not mean that the money cannot be swept in to address a shortfall. Mr. Bethoney said this is what he is afraid of. He said that Mr. Sisson's intentions are very good, but it does not mean the money could not be swept into the General Fund. Mr. O'Brien said that reallocation happens all the time, e.g., taking tax money meant for fixing roads to balance the budget. Mr. Sisson said this is a vote at Town Meeting. It depends on the financial circumstances at the time. Mr. Bethoney said that Town Meeting takes the recommendations from town leaders.

Mr. Bethoney said this can be discussed prior to Town Meeting. Mr. Sisson said this is not a zoning article but it is closely related. It is fine if the Planning Board wanted to take a vote prior to Town Meeting. If they wish to discuss it further at another meeting, he would be happy to do that, either as a board or individually. He said he always appreciates the Planning Board's support. Mr. Bethoney thanked him for his efforts, and said it is a very creative way to improve the Providence Highway corridor. Mr. O'Brien thanked him for the well written, informative information. Mr. Sisson said they received a grant to work with Mass. Development, and he has been working with a consultant for the past year. He said he really has to give the credit to them.

### **Old/New Business**

Mr. Sisson said there are two items.

#### **NewBridge on the Charles Annual Compliance Reports**

Today the Board received a box of binders regarding the annual compliance at NewBridge on the Charles. He asked if the Board would like them to attend a meeting to discuss the Certificate of Action that requires these. He asked how many more years this will be needed. He said the reports are put into boxes and are not used, and asked if they should be put on the website for the public.

Mr. McGrail thought the report was necessary. Despite the fact that NewBridge has been in town for years, there are still people with misconceptions about them and have questions, and the reports will address these issues. At Mr. Bethoney's request, he will review the report and present his findings to the Board. He commended NewBridge for its compliance, especially in light of applicants who do not provide reports despite the Certificates of Action.

### Minutes

Mr. Sisson said he and Mrs. Doherty have reviewed the records to determine the status of approvals. They have hard copies, but many are not approved, so it is important to address these.

Mr. Bethoney asked that he let the public know why these have not been approved; Mr. Sisson said these pre-date him and Mrs. Doherty, but believed it is due to insufficient staffing. Mr. Bethoney said that since Mr. McCarthy left in November 2017, there has been insufficient professional staff in the office. He publicly requested that Mr. Sisson contact Town Manager's office, inform them that the Board is behind many minutes, and request temporary staffing to prepare those minutes<sup>1</sup>. The Board continues to have meetings, but knows it cannot comply with the backlog. He wanted at least one meeting dedicated solely to review, revise, and approve the minutes so they can be posted on line. There is a statutory obligation to post the minutes and make them available to the public; even notes that the Board takes should be made available to the public immediately. He had no issue with Mr. Sisson, Mrs. Doherty, or Susan Webster, the transcriptionist, and did not criticize them in any way considering the magnitude of tasks in the office; in addition to the Planning Board, the office supports the Zoning Board of Appeals, Design Review Advisory Board, Master Plan Implementation Committee, and Open Space and Recreation Committee. He wanted it on record that the Board is requesting assistance from the Town Manager's office to accomplish these tasks as soon as possible.

Mr. Sisson pointed out that when the Board was approving minutes in September 2017, there was a 15-month lag in approving them. It is a chronic issue and has not improved. He met with the Finance and Warrant Committee to obtain money for more staffing, but was refused. He suggested either creating binders from the Word files or sending them to the Board in pdf via e-mail. After a conversation with Town Clerk, he found that the Board has some "wobble room" in approving minutes. It is at the Board's discretion. Mr. Bethoney said Town Council should come before them to explain this. Mr. Sisson said this would be more useful. He gave an outline of dates to the board that addressed how it could approve the minutes. Mr. Bethoney said he had no problem having a meeting dedicated solely to approving them and Old/New Business. He would like an opinion from Town Counsel Lauren Goldberg on how to do this appropriately and if there is an expeditious way to handle this.

Livable Dedham: Mr. Bethoney received an invitation from Diane Barry Preston of Livable Dedham regarding a housing series, the first of which on Monday, 4/22/19, 7 p.m. at Dedham Middle School. Mrs. Doherty will post this in the event that a quorum of Planning Board members attends. Mr. Sisson said he would do this. Ms. Porter said there will be refreshments. The topic will be housing options for the aging community. Mr. McGrail said that the Mother Brook Community Group has the best refreshments of any group in Dedham, bar none.

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<sup>1</sup> Comment from transcriptionist: It is to be noted that all previous minutes have been completed with the exception of this meeting. In addition, the files sent to the Planning office have always been in Microsoft Word; no other program was used to transcribe them.

Mr. Bethoney requested a motion to table the discussion on the update on the status of the Dedham 2020 Master Plan Committee and the Dedham Square Planning Study Committee.

Ms. Porter said these have been posted.

Mr. Sisson believed that both vacancies have been filled. There has been outreach for the Master Plan. He said they could advertise, put it on the website, and send out e-mails.

Mr. Podolski asked for a short update of the search for a new town planner. He said it has been 18 months since Mr. McCarthy left. The Town's previous Human Resources manager left and a new one was hired in 45 days. He felt that the Planning Board is not respected.

Mr. Sisson said there is a signed offer letter returned from the candidate, and he has met with chairs of the Planning Board, Zoning Board of Appeals, and Master Plan Implementation Committee. He has 10 years of experience with the Boston Redevelopment Authority and 15 years of experience as a town planner. He is familiar with state zoning laws. References were stellar, one of which was from Steven Cecil, AIA, ASLA. He will begin on 5/6/19. He may be meeting with the Board of Selectmen on 5/2/19, and will come to the soonest Planning Board meeting after that, possibly on 4/25/19.

Mr. Podolski asked why the Board of Selectmen is meeting him before the Planning Board.

The next Planning Board meeting will be on 4/25/19 at 7 p.m.

Motion: Mr. Podolski moved to adjourn, seconded by Mr. McGrail.

Vote: The vote was unanimous at 5-0.

Respectfully submitted,