

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



Dedham Town Hall
26 Bryant Street
Dedham, MA 02026
Phone 781-751-9240

Eve Tapper,
Interim Planning Director

PLANNING BOARD
MEETING MINUTES

Thursday, April 25, 2019, 7 p.m., Lower Conference Room
26 Bryant Street, Dedham, MA 02026

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

Staff: Jennifer Doherty, Administrative Assistant
Eve Tapper, Acting Town Planner
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.

PUBLIC HEARING
ZONING ARTICLES 19, 20, 21, 22, and 23

Mr. Podolski moved to waive the reading of the public notices for Articles 19, 20, 21, 22, and 23, seconded by Ms. Porter, voted unanimously 5-0. Notices were published in *The Dedham Times* on 3/14/19, and were posted outside the Planning Department and the Town Clerk. Notifications were sent via certified mail to Westwood, Needham, Boston, and Canton, as well as the MAPC. Mr. Podolski moved to open the Public Hearings for Articles 19, 20, 21, 22, and 23, seconded by Mr. O'Brien, voted unanimously 5-0. The articles were heard out of order as a courtesy to the one of the proponents.

Article Twenty: *By District Four Town Meeting Representative Brian M.B. Keaney.* To see if the Town will vote to amend Section 7.8.3 (C) (1) of the Zoning ByLaw by inserting the word "notwithstanding" immediately prior to the words "anything herein to the contrary," or take any other action relative thereto.

Mr. Keaney asked to be taken out of order because the change is only a single word. A new category of use was added to the ZBL in 2018 for age-restricted housing. Section 7.8.3 discusses that it would be restricted to people who are 55 years or older. If that person is no longer living there, the other resident(s) who are under 55 can remain for the duration of the lease plus one year. The word

“notwithstanding” was not included in the article, so the intent was not accomplished. The Board and the audience had no comments.

Article Nineteen: *By the Planning Board.* To see if the Town will vote to review mixed-use residential development in the Town, and for such purposes:

1. Impose a seven-month moratorium on mixed use developments by amending the ZBL to insert the following new section, Section 7.4.5 Moratorium:

7.4.5.1 Purpose

The Town amended the Zoning Bylaw in 2004 to include regulation of mixed use developments. Since that time, multiple mixed-use projects-buildings have been improved and built with residential apartments over commercial spaces.

The continuing high demand for mixed-use developments, including development of commercial space and apartments and condominiums, raises novel legal, planning, economic, and public safety issues and creates a need to review the current regulation of this use. The Town needs time to consider and study the future implications and impact of mixed use developments upon the Town as a whole, as well as the consistency of the already completed mixed-use developments with the Town's current and future development and housing goals. Imposition of a temporary moratorium on mixed use developments will allow sufficient time to simultaneously assess the challenges and successes of existing mixed-use projects, determine consistency of additional mixed-use development with the Town's overall development and housing goals, and, further, determine whether refinements or modifications of the mixed-use zoning bylaw could better align the bylaw with the Town's future economic and housing goals.

7.4.5.2 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on issuance of special permits for the use of land or structures for mixed use developments. The moratorium shall be in effect through November 30, 2019 or the date on which the Town adopts amendments to the Zoning Bylaw concerning Mixed Use Development, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to study, review, analyze and address whether any revisions the Zoning Bylaw relative to Mixed Use Development are needed or desirable to provide for mixed use development consistent with the Town's future general planning goals for economic development and housing.

2. Raise and appropriate or transfer from available funds the sum of \$75,000.00 for consultant services to study, review, analyze, and if necessary propose revisions to the Zoning Bylaw, to provide for Mixed Use Development consistent with the Town's general and specific planning goals, or or take any other action relative thereto.

This article recommends that a seven-month moratorium be imposed on Mixed Use Developments pending a study to be commissioned by the Public Hearing to look at the community impacts of Mixed Use Developments. The article also asks for appropriation of \$75,000 to complete the study. The Finance and Warrant Committee has voted to recommend \$50,000 for the study. The moratorium dates from the first date of publication of the Town Meeting notice until the Fall 2019 Town Meeting. It is hoped that the study will be completed by that time so that recommendations can be made for that Town Meeting.

Mr. Bethoney and other Planning Board members have gone before the Finance and Warrant Committee and recognized their monetary concerns. They have also worked with the consulting team, which includes Mark Bobrowski, Esq., Planner Judy Barrett, and the engineering team from McMahon Associates. Their consulting fees have been reduced to \$50,000, so the Board is able to meet and accept the Finance and Warrant Committee's recommendation. This will go into the report that is mailed to each Town Meeting member.

According to the Moderator, Town Meeting votes on the recommendation from either the Planning Board or the Finance and Warrant Committee. The Board needs to move to recommend approval of the \$50,000. Mr. Bethoney said the general practice comes on the recommendation of the Planning Board as long as it is not beyond the scope of the original article. He recommended that the Board vote for the \$50,000.

Ms. Porter asked if the Board should try scheduling public meetings needed now to do research as opposed to waiting until 5/21/19 given the time frame of needing to start writing zoning changes in time for the next Town Meeting and how long it takes to schedule and plan successful public meetings. Mr. Bethoney has discussed this with the consulting team, and the recommendation was that planning for the public meetings assuming it will be approved at Town Meeting, does not cost anything. Ms. Porter said it would be nice to be able to announce this at Town Meeting.

Article Twenty-One: *By District Four Town Meeting Representative Carmen DelloIacono.* To see if the Town will vote to amend the definition of "Mixed Use Development" set forth in Section 10 of the Dedham Zoning By-Law by deleting "at least 10 percent (10%)" as the same appears therein and replacing with "at least twenty percent (20%)," or take any other action relative thereto.

Mr. DelloIacono sent a letter to the Board stating that he was unable to attend the meeting. This is the first of two articles that he has proposed regarding Mixed Use Development. This article requests amendment of the definition of the Mixed Use Development bylaw. The definition includes a section stating that a Mixed Use Development must have at least 10% of the land use for commercial or nonresidential uses. Mr. DelloIacono would like to change this to 20%. Mr. Bethoney has discussed the article with him and explained the implications of Article 19 and how the Board would be looking at the requirements for Mixed Use Development and the mix between commercial and residential uses if it is passed. He also understood that his Articles 21 and 22 would become a moot point if Article 19 passes. Neither the Board nor the audience had questions.

Article Twenty-Two: *By District Four Town Meeting Representative Carmen DelloIacono.* To see if the Town will vote to amend Section 7.4 (Mixed Use Developments) of the Dedham Zoning By-Law by adding thereto the following new Section 7.4.3.5:

For any Mixed Use Building with ten or more dwelling units, a minimum of 10% of the total number of dwelling units shall be restricted, designated, and dedicated as affordable dwelling units. The affordable dwelling units under this Bylaw shall be Local Action Units developed in compliance with and approved pursuant to the requirements for the same as specified by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), or successor agency, or (if approved by the Planning Board) affordable dwelling units developed under such additional programs adopted by the Commonwealth of Massachusetts or its agencies. All such affordable dwelling units shall count toward the Town of Dedham's requirements under Sections 20-23 of Chapter 40B of the General Laws of

Massachusetts, and shall be listed on the Subsidized Housing Inventory (SHI) maintained by DHCD. This requirement shall be in place in perpetuity or such maximum time as may be allowed under applicable law. Such requirements and restrictions shall be articulated in the decision of the Planning Board and in such other recordable documents as determined appropriate by the Planning Board.

or take any other action relative thereto.

This is the second article proposed by Mr. DelloIacono regarding Mixed Use Developments. This would make changes to the requirements for Mixed Use Developments. He proposed the addition of a condition in Section 7.4.3 requiring all Mixed Use Developments to have at least 10% of the total number of dwelling units be affordable and eligible for listing on the State subsidized housing inventory according to State requirements. Mr. DelloIacono understood that this article is a reason for Article 19's moratorium and study. He also understood that an affordable component will be discussed and likely incorporated in future zoning regulations prior to the November 2019 Town Meeting. He would like to propose the 10% component if in fact Article 19 does not pass. Neither the Board nor the audience had questions.

Article Twenty-Three: *By the Town Manager at the request of the Animal Control Officer.* To see if the Town will vote to amend the Zoning Bylaw to clarify its application to kennels, as follows:

1. Delete the current definition of "Kennel" in Section 10.0;
2. Insert in Section 10.0, in appropriate alphabetical order, the following new definitions:

COMMERCIAL BOARDING OR TRAINING KENNEL:

An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that the term "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under G.L. c.129, §39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding, or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

COMMERCIAL BREEDER KENNEL:

An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

DOMESTIC CHARITABLE CORPORATION KENNEL:

A facility operated, owned or maintained by a domestic charitable corporation registered with the department of public health or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.

KENNEL:

A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

PERSONAL KENNEL:

A pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

- Amend Section 3.1.6 of the Zoning Bylaw, Table of Use Regulations, Section E, to delete the strikethrough language and insert the language in bold in category 13; insert new use categories 14 and 15 immediately thereafter, and renumber existing categories 14, 15, and 16 accordingly, as follows:

PRINCIPAL USE	DISTRICTS											
	SRA SRB	GR	PR	PC ¹⁹	RDO	AP	LMA	LMB	HB	LB ¹⁸	GB	CB
13. Commercial Boarding or Training Kennel	NO SP	NO SP	NO SP	NO	NO ²³	NO	YES	YES	SP	NO SP	NO SP	NO SP
14. Commercial Breeder Kennel	NO SP	NO SP	NO SP	NO	NO ²³	NO	YES	YES	SP	NO SP	NO SP	NO SP
15. Domestic Charitable Corporation Kennel	NO SP	NO SP	NO SP	NO	NO ²³	NO	YES	YES	SP	NO SP	NO SP	NO SP
16. Drive-through facilities	NO	NO	NO	SP	SP	NO	NO	NO	SP	SP	SP	SP
17. Major Nonresidential Project	NO	NO	NO	PB	PB	PB	PB	PB	PB	PB	PB	PB
18. Marijuana Establishments	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

or take any other action relative thereto.

Jayson Tracy’s job as Animal Control Officer is to make sure the rules and regulations are as smooth as attainable as possible. The current ZBL considers anyone owning four or more dogs to have a kennel; this includes a home. Kennel licenses are extremely difficult to obtain; they are only allowed by right by a highway and by Special Permit in industrial locations, and in both locations, the owner is required to have five acres of land. Mr. Tracy receives about a dozen phone calls during the year about kennels, many from people with more than four dogs asking what they can do. Calls can be from blended families in which both parties own dogs, people wanting to foster dogs temporarily, or people wanting to have a dog-sitting business.

The proposal is for graduating kennels: Private, Hobby, or Commercial kennels. These would allow a different number of dogs depending on the circumstances in any setting. Surrounding towns (Boston, Norwood, Westwood, and Needham) all have graduating kennels. Mr. McGrail asked how many people in Dedham own more than four dogs. Mr. Tracy did not know; people have more than four dogs illegally and are afraid of being reported. He considers this a procedural issue due to the number of phone calls he gets. It is to be noted that Shultz's Guest House is a nonprofit and is under a completely different Special Permit, as is the Animal Rescue League (ARL) on Pine Street. They require a Special Permit every three years. They do not have kennels and must meet a set of criteria, part of which is kennels.

Proposal:

- Houses with up to six personally owned dogs as pets would be considered Private Kennels. These could be in any district by Special Permit, and would require yearly licenses from the Town Clerk and yearly inspections. Foster dogs are considered to be owned temporarily. Puppies are not counted until they are three months old, when they are old enough for vaccinations. Owners with four or fewer dogs do not require a kennel license.
- Hobby Kennels would allow for 7 to 10 dogs (pets or business) and includes dog walkers, breeders, or doggie day care. They would require a Special Permit, yearly license, and yearly inspection for dogs that are pets. Mr. Tracy has the right to limit the number of dogs based on the space in the building. There are at least half a dozen doggie daycares operating illegally in residential areas. This negates things that are being run but not overseen. He can shut them down if he finds out about them; this is usually when something is done wrong. He wants the ability to oversee this to see that it is being done properly.
- Commercial Kennels would be more than 10 dogs (business). These are currently segregated in business zoning districts and will remain so. They require a yearly Special Permit and yearly inspections. There is currently no oversight for these.

Other animals such as cats, peacocks, chickens, etc., are governed by the Board of Health. Mr. Tracy handles the care and maintenance of all animals, i.e., health issues and conditions in which the animals live.

George Panagopoulos, 31 Winstead Avenue, asked whether people who want kennels have to go to the ZBA for a Special Permit. Currently kennels are allowed by right in LMA and LMB with at least five acres of land, which limits the properties that could be used as such.

Peter A. Zahka II, Esq., represents the Animal Rescue League (ARL) on Pine Street. He had no problem with the bylaw as presented. The general rule of zoning is a specific override; in some cases this may be general. A separate definition for domestic charitable corporation kennels was published in *The Dedham Times*. He agreed that the ARL has a kennel, but performs more things than a kennel; he is not sure how this would or may be applicable to them, either on the whole site or on part of the site. Historically, the ARL has claimed that there have been a number of expansions/changes, typically done as expansion of a pre-existing nonconforming issue; he was not involved with those. He met with Building Commissioner Kenneth Cimeno, who said there is a category in Use Category B.6, which discusses charitable and philanthropic institutions; the ARL falls under this category. Mr. Zahka hoped this continues. Unless there is an exemption, he would like to see something that excludes an entity like the ARL so there is no question applicability. Mr. Tracy said this is the intent of the article. Mr. Bethoney said that because it is the intent to exclude the ARL, he advised Mr. Tracy to speak

with Ms. Tapper about amending the language to define the intent prior to the Board making a recommendation.

Mr. McGrail had no problem with changes to the Private kennels and the increase in dogs that people can have in their homes. He did have concerns with Hobby breeding kennels. He would like to keep the residential districts (SRA, SRB, General Residence, and Planned Residential District as is ("No", not SP), and not allow kennels in those areas. Mr. Tracy said that Hobby kennels can be considered businesses. Mr. McGrail did not want to encourage people to have 7 to 10 dogs in a household in a residential district. Mr. Bethoney agreed, as did Mr. Podolski, who wondered whether this was the intent of the article. Mr. McGrail said this is a slippery slope from the perspective of the ZBA, and asked where the line should be drawn. He did not see that this would be problem in Dedham, but the Town frequently does what other towns do to keep pace with them; he said the Town should do things if there is a problem, not to be like other towns. He disagreed with it if this is the intent. Mr. Sisson spoke with Mr. Tracy several times and said there have been incidents this year in which animals have been killed, e.g., a dog escaped from an illegal doggie daycare run out of a house, and was hit and killed by a vehicle on Route 128. Mr. McGrail said it should be shut down. Mr. Sisson asked how effective prohibition would be.

Mr. Bethoney asked if these changes are a result of what is happening in town or if they are more to make Dedham in conformity with other towns. Mr. Tracy said it was both and he is trying to be proactive. The Town is behind in dealing with people with animals in their homes. It is not a huge issue, but he is trying to prevent it, saying that when things go wrong, they go wrong badly. Mr. McGrail asked why he does not just shut down the illegal doggie day cares. Mr. Tracy said he can take action, but he is trying to play catch up with the problem and address it before it becomes a problem. Dogs could be kept under substandard care or they may not be vaccinated to prevent spreading diseases. In order to get a kennel license, people have to prove that their dogs have gone to a vet, been vaccinated, and the household is being inspected every year. He does not do that routinely because he does not go to every household to make sure it is compliant.

Mr. Bethoney asked why someone would seek a kennel license if dogs are in substandard conditions and are not vaccinated, and why they did not just operate illegally like they do now. Mr. Tracy said the chances are that they are going to be caught. The only recourse he has now is to tell them they are in violation of zoning. Currently, they should be getting a cease and desist order from the Zoning Enforcement Officer because they are out of compliance, and could also be fined for not getting the dogs vaccinated and for having an unlicensed dog. Mr. McGrail asked him whether this could happen if the Board did not take action on the proposed article; Mr. Tracey said it could be used as a tool if he found out the dogs were there.

Mr. Bethoney asked what happens if there are only unlicensed four dogs in substandard conditions. Mr. Tracy said he would not know unless there was a problem. If there are more than four dogs, he would find out because he is inspecting every year. He will have more and better control if there are more than four dogs. Mr. McGrail was concerned that this article will encourage people to engage in these activities by granting Special Permits; he would rather not do that. He said there are mechanisms for the Animal Control officer and the Town to take action if people are doing things detrimental or illegally to the animals. Mr. Tracy disagreed, saying it encourages people to do things correctly; right now, they are encouraging people to do it incorrectly. Mr. Bethoney said Mr. McGrail had suggested that the Hobby kennel

license be limited to only the business districts, not the four residential zones. Mr. Tracy was fine with that. The Board will discuss the article and be in touch with him.

Mr. Sisson said the Board needs to make decisions on the zoning articles ten days to two weeks prior to Town Meeting. Mr. Bethoney said that the Board is fine up until Article 23. He asked if it wanted to close the Public Hearings on Articles 19, 20, 21, and 22 and keep the Public Hearing on Article 23 open, or close them all and deliberate. Mr. McGrail asked if the Board was going to follow up on the issue raised by Mr. Zahka about exclusion of the ARL and Shultz's Dog House. Mr. Bethoney said those exclusions will be incorporated into the language of the article on which the Board will vote and recommend. Mr. Zahka and Ms. Tapper will work on that.

Ms. Porter moved to close the Public Hearings on Articles 19, 20, 21, 22, and 23, seconded by Mr. O'Brien, voted unanimously 5-0. The Board will deliberate on these prior to publication of the Warrant. Ms. Tapper will revise the language of the articles prior to 5/9/19.

Applicant:	George F. Doherty & Son, Inc.
Project Address:	437 High Street and 6 Allen Lane, Dedham, MA
Zoning District:	General Business
Representative(s):	Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA Scott Henderson, P.E., Henderson Consulting Services

Mr. Podolski recused himself from this meeting because Mr. Doherty is an active client of his. He did not participate in any of the testimony or discussion of the proposal and did not vote. He left the meeting room to go to the Planning Office. Mr. Bethoney disclosed for the public's knowledge that he sold two houses on behalf of Mr. Doherty several years ago. He stated that this would not affect his judgement regarding the ANR plan.

The applicant sought approval of an ANR plan for properties at 437 High Street, which is directly across from St. Mary's Church on High Street, and 6 Allen Lane, which contains the office building directly behind 437 High Street. The properties are on two parcels on the same deed. The applicant proposed having the office building on one lot and the house on a separate lot, allowing the residential property on High Street to be sold as such. It would have the required area and frontage for General Residence. The parcel on 6 Allen Lane will gain 1,325 square feet. Eventually they would be able to sell that property with some parking easements. It is a difficult marketing situation unless someone bought both properties. The parcel was zoned General Business many years ago because Hugh Cannon Funeral Home was on the site; this was before Mr. Doherty bought the property. The rest of the area around the site is primarily General Residence with residential structures.

Mr. Henderson said the surveyor was Scott Cameron of R.A. Cameron Associates, with whom he does some work. Existing conditions of the four parcels were shown. The parcels in question are known as Lot A, which has the single family dwelling at 437 High Street, and Lot B, which has the office building at 6 Allen Lane. A portion of Lot A would be deeded to Lot B. The remaining parcel for the single family dwelling meets all zoning requirements of 7,500 square foot, 50 feet of frontage, and 50 feet of lot width. Lot B gains square footage, but remains nonconforming.

Ms. Tapper said that Lot A complies with the standards for lot size and frontage for a single family dwelling in the General Business district, but not for a two-family dwelling because it would require additional lot area. The General Business district allows for a two-family dwelling. She asked if the Board wanted to include language saying that it cannot be used for a two-family. Mr. Henderson said the existing conditions do not comply with the requirements for a two family dwelling. Mr. Bethoney

said an ANR plan cannot be conditioned, and he did not think it was necessary to note this on the plan. This was discussed in detail.

Michelle Kayserman, 3 Allen Lane, said asked where the easements that would be. Mr. Henderson said these are currently two parking easements and two easements are proposed. It is not necessary to put them on the ANR plan. There is an easement for parking for 6 Allen Lane on abutting parcels. The parking easements are to solidify that legally. There will be a parking easement on the new single family lot allowing the existing layout with no changes to the physical site or parking. It guarantees that the future owners of 6 Allen Lane can use the parking by crossing the front lot; this is an existing condition and will not change. The other parcel has an easement on another parcel for parking for the business. It guarantees that 6 Allen Lane has the benefit of using it. Presently, George F. Doherty and Sons owns the front two parcels, and 456 High Street Realty Trust owns the other; this has the same trustee. Ms. Kayserman thought that you cannot grant an easement to yourself, and asked if the property has been sold. Mr. Hampe said this can be done because the front parcel, if it is sold, is a residential property and would preserve the easement. It is binding and runs with the land once it is recorded. Mr. McGrail explained that even though Mr. Doherty is involved in all three, there are two different owners. Mr. Bethoney explained what an ANR is, and how easements work.

Mr. O'Brien moved to endorse the ANR plan as proposed, seconded by Mr. McGrail. The vote was unanimous at 4-0.¹ The Board determined that an opinion from Town Council was not needed regarding the easements. The plan was signed² by Mr. Bethoney, Mr. O'Brien, Ms. Porter, and Mr. McGrail.

Mr. Podolski returned to the Board.

Applicant:	Jordaan, LLC, 4 Corners Citgo
Project Address:	197 Milton Street, Dedham, MA
Zoning District:	Limited Manufacturing A
Representative(s):	<ul style="list-style-type: none">• Peter A. Zahka II, Esq., 12 School Street, Dedham, MA• Yogesh "Yogi" Patel, Owner• A. J. Patel, Manager• Karith Obadiah, Architect, KU and Associates• Brian Dunne, Project Engineer, MBL Land Development and Permitting Corporation, 770 Broadway Street, Suite 6 Raynham, MA 02767

The proposal is for conversion of a grandfathered gas station with two service bays and six gas pumps. There is currently about 150 square feet of retail area for sale of nonautomotive products. At a scoping session on 5/28/18, the applicant proposed removal of the service bays and expansion of the 2,585 square foot building to create a larger convenience store for sale of nonautomotive products. The gas pumps would remain. Mr. Zahka's opinion was that the Board was receptive, encouraging the applicant to go forward provided that the project tried to satisfy some of its site recommendations, e.g., significant improvements to the building including trying to incorporate a pitched or sloped roof, adding landscaping wherever possible, and clearly defining curb cuts, making one onto River Street an exit only. The Board also asked for an internal pedestrian for people crossing River or Milton Streets through the parking lot. Because the Building Commissioner considers it a gas station, they have been to the ZBA.

¹ Mr. Podolski had recused himself from this meeting and did not vote. He therefore did not endorse the plan.

² Mr. Podolski had recused himself from this meeting and did not vote. He therefore did not endorse or sign the plan.

Existing conditions and photographs were shown. The station, which is in the LMA zoning district, is located at the corner of Milton and River Streets with frontage on both streets. The property contains 17,243 square feet of land. There is currently a 2,128 square feet “hodgepodge” or jumble of buildings including sheds and garages. The main building is approximately 1,530 square feet with two smaller buildings attached, one 230 square feet and the other 264 square feet. According to the Assessors, the building is c. 1950s as a gas station. The applicants purchased the property approximately three years ago. Curb counts are undefined, parking is historical and haphazard, and there is no significant landscaping. Google pictures from 2018 showed existing conditions and how undefined the property is. They would like to make travel one-way behind the building. No renderings were presented.

Mr. Bethoney said that East Dedham is undergoing revitalization, and he is not interested in a convenience store unless it looks significantly better than it does today. Ms. Porter advised the applicant to look at the East Dedham Design Guidelines and to add open space.

Mr. O'Brien said that people frequently cut through the gas station despite signage. They also park in front and block the gas pumps; this needs to be managed better. People seem to want more retail space in the station. A significant portion of the expansion will be for storage. The gas pumps will remain. Mr. Aldous asked if the vacuums would slow down traffic when in use. Mr. Zahka said they are up against the building but will more than likely be removed. The air machine would be moved.

Mr. Bethoney said that upgrading the site and the building with landscaping and lighting, etc., would outweigh any negative impacts. Mr. Podolski suggested that they strongly consider a one-way exit; there are sufficient ins and outs. There are currently no curb cuts on River Street. Mr. Findlen suggested that they eliminate some of the ins and outs.

Mr. O'Brien said he would consider redevelopment of the site with 2,500 square feet of retail space if it improves the site. There is no money in gas. He had no problem with the proposal if they follow the East Dedham Design Guidelines, create better control of the traffic, and enhance the appearance with plantings. Ms. Porter said that pedestrian access safety measures and accessibility need to be improved. Mr. Bethoney said that if the site is significantly upgraded, the proposal is fine with the Board.

The Board would like the applicant to return to them on May 9, 2019. Attorney Zahka gave a recap of what was expected of the applicant. They requested striping for handicap parking, a material list to be added to the plan, a slab of the granite and hardy plank materials, a swatch of the drive it color, repaving, regrounding the site, number the spaces, and add the building on the plans.

Applicant:	OCW Retail-Dedham, LLC
Project Address:	150-370 Providence Highway, Dedham, MA
Zoning District:	Highway Business (HB)
Representative(s):	<ul style="list-style-type: none">• Peter A. Zahka II, Esq., 12 School Street, Dedham, MA• Kelli Burke, Senior VP for Wilder Companies• Sheryl Guglielmo, LEED AP for DiPrete Engineering

The proposal was a request for Determination of Insignificant Modification. Attorney Zahka was asking the board to consider that the modification was insignificant and did not warrant notice to abutters. Burlington Coat Factory was the proposed new tenant for the location at the Dedham

Mall. The plan would reduce the parking by one space but there were still 98 spaces in excess of the required. They were proposing moving and replacing the sidewalk, the location of the door would be door slightly shifted, which would require the ADA spaces to be moved slightly as well. The existing ADA spaces did not comply so they would be moved forward to be in compliance. The applicant was also on the upcoming DRAB agenda for their review.

Ms. Porter asked if the light at the location would be put on a timer. Mr. Burke replied yes, they would take care of that.

A motion was made by Attorney Podolski to grant an insignificant modification. The motion was seconded by Jessica Porter and a vote was taken. The motion passed 5-0, unanimous.

A motion was made by Attorney Podolski to accept the proposal as presented. The motion was seconded by Jessica Porter and a vote was taken. The motion passed 5-0, unanimous.

Old Business/New Business

Article 27 Support

John Sisson, Town of Dedham Economic Development Director, was before the board once again to explain the DIF proposal and request the board's support for Town Meeting. Mr. Sisson stated that he knew the Town Meeting members highly respected the opinion of the Planning Board and he would greatly appreciate their support in recommending the proposal. It was his hope that this proposal would help to leverage some of the economic strength of the Route 1 corridor to benefit infrastructure for the town. It is not zoning and would not impact or change zoning for the town in any way.

A motion was made by Jay O'Brien to support the DIF Article 27 to Town Meeting. The motion was seconded by Jessica Porter and vote was taken. The motion passed unanimously, 5-0.

Dedham Health & Athletic Complex

Lloyd Gainsboro, the owner of the Dedham Health & Athletic Complex was looking to repave their area of the parking lot owned by the Wilder Companies. The Wilder Companies were in agreement as long as it did not trigger site plan review for the property. He was asking for a letter from the Planning Board stating that it would be ok and would not trigger site plan review.

A motion was made by Jay O'Brien to write a letter to the Wilder Companies indicating that Mr. Gainsboro repaving and restriping the parking lot at the Dedham Health & Athletic Complex would not trigger site plan review and was considered typical maintenance. The motion was seconded by Mr. Podoloski, and a vote was taken. The motion passed unanimously, 5-0.

Master Plan 2030

Jessica Porter indicated that she and Jay O'Brien were scheduled to speak to the Select Board the following week regarding the Master Plan Committee.

Building Planning and Construction Committee

Attorney Podolski had attended his first meeting of the BPCC and the committee had voted to approve the enlarged green space at the new Public Safety Building that the Planning Board had proposed.

Reorganization

Attorney Podolski was suggesting that due to the recent changes in the board given Mr. Aldous's passing and Mr. O'Brien recently being appointed clerk, that the board keep the same structure as was currently in place. Normally they would reorganize annually. However, given the recent changes they could vote to keep the same makeup. Reorganization would be put on the May 9th agenda. Mr. Bethoney also wished to put on a future agenda the committee designations, and goals and objectives.

Applicant: Town of Dedham
Project Address: 26 Bryant Street, Dedham, MA
Zoning District: Central Business (CB)
Representative(s):

- Jim Kern, Town Manager
- Brad Dore, Dore & Whittier

The Applicant had submitted a letter requesting a continuance to May 9, 2019.

Attorney Podolski wished it to be known that the continuance was requested by the Applicant and was in no way due to the Planning Board delaying it.

A motion was made by Jessica Porter to continue the Public Hearing until May 9, 2019 at 7:00 pm. The motion was seconded by Jay O'Brien and a vote was taken. The motion passed, 4-0. Mr. McGrail abstained from voting due to his late arrival on the Board after the Public Safety Building had begun proceedings.

Eve Tapper, Interim Planning Director

Ms. Tapper indicated that it was her last Planning Board meeting as the new Planning Director would be starting May 5, 2019. She wished to thank the board for their support during her time. The Board thanked her for all of the hard work and commitment she had shown to them and they greatly appreciated her stepping in to keep the board operating so smoothly in between directors.

A motion was made to adjourn by Mike Podolski, and the motion was seconded by Jessica Porter. The motion passed unanimously, 5-0. The meeting was adjourned at 10:05 pm.