

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

May 23, 2019, 7 p.m., Lower Conference Room
26 Bryant Street

Present: John R. Bethoney, Chair
Michael A. Podolski, Vice Chair
James E. O'Brien IV
Jessica L. Porter
James McGrail, Esq.
Ralph I. Steeves, Associate Member

Staff: Jeremy Rosenberger, Town Planner
Jennifer Doherty, Administrative Assistant

The Pledge of Allegiance was recited. Plans, documents, studies, etc., referred to are incorporated as part of the public records and are on file in the Planning and Zoning office.

The Chair announced that he would be taking out of order Old Business/New Business to address an important issue raised by Building Commissioner Ken Cimeno.

OLD BUSINESS/NEW BUSINESS

Dedham Middle School ADA Compliance

Mr. Ken Cimeno, Building Commissioner and ADA coordinator for the Town of Dedham, explained that he received a complaint approximately two weeks prior regarding handicapped accessible parking access at the Dedham Middle School. The existing conditions are that the handicap parking spaces are currently located approximately 300 feet and off to the right side of the main entrance to the school. The complaint indicated that vehicles had been parking in unauthorized locations directly in front of the main entrance, and in the driveway. Some people had been parking closer than the closest ADA spaces to the main entrance.

In an effort to remedy the unauthorized parking and to create ADA parking spaces that are better located in relation to the main entrance, Mr. Cimeno had meetings with the superintendent Mike Welch, and several town officials including the principal of the school, to find a temporary solution

that could be implemented as soon as possible, while a permanent solution is being worked on. He is suggesting that two ADA spaces be created directly opposite the school entrance. Currently there is not a lined crosswalk at the curb cut and they would create a crosswalk here. These spaces would be in effect, while an engineer is being found and the plans are being drawn. Mr. Cimeno also indicated that proper signage would be installed for the temporary ADA spaces. He had provided the board with drawings indicating the location of the temporary spaces, the proposed crosswalk, the signage and designated discharge area.

Mr. Bethoney asked how long “temporary” would be. Mr. Cimeno explained that he did not have control over that. The Director of Facilities was in the process of choosing an engineer for the project, so he could only estimate that the engineering plans would take 30-60 days to complete, and then the plans could be submitted to the appropriate board for review and approval.

Mr. Mike Podolski asked if inserting these temporary spaces triggered a site plan review. Mr. Cimeno replied that as to the Zoning Bylaws he believed it would be up to the Planning Board’s discretion if they wished to conduct a full parking lot review. Mr. Podolski stated that he was not opposed to the temporary spaces, however he wanted to consider that a full review might be warranted, especially since the Planning Board had never reviewed the current site.

Ms. Jessica Porter had a question as to the amount of clearance space that would be available in the discharge area should these temporary spaces be erected. Mr. Cimeno stated that currently the clearance is 16 feet, and this would reduce it to the minimum of 12 feet. Ms. Porter had concerns that the buses still be able to clear the driveway given the temporary spots. Mr. Cimeno believed that it would not be an issue as the busses depart sequentially, not individually, so he did not feel it would hinder their capacity to depart.

Mr. Bethoney stated that he fully supported the temporary spaces being installed. He explained that since people are parking there unauthorized it was necessary to provide ADA compliant spaces. Mr. Bethoney further stated that prior to the School Department submitting engineering plans for new ADA accessible parking spaces, he would be asking the Town Planner to notify them that the entire Middle School site would be evaluated for compliance with their current regulations.

Motion: Mr. Podolski made a motion to approve the two temporary ADA spaces at the Dedham Middle School, as proposed by Building Commissioner Ken Cimeno’s submitted plans; and to require the School Department to report back to the Planning Board by August 30, 2019 to update them on their progress of permanently relocating the ADA parking spaces at the Middle School. The motion was seconded by Mr. O’Brien.

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

Mr. Ralph Steeves, Public Safety Building

Chairman Bethoney indicated that as a courtesy to the longest standing member of the Planning Board he would recognize Mr. Ralph Steeves for a brief discussion.

Mr. Steeves explained for the benefit of everyone that may not be aware, that when he refers to Phase One (1) of the campus project he is referring to the new Town Hall, and when he refers to Phase Two (2), he is indicating the new Public Safety Building that is currently being considered. It is his opinion

that Phase 1 is the biggest disgrace that ever happened in the town. He said it is over budget, and no one knows when it will be done.

Motion: Mr. Steeves moved that he believes Phase 1 should be completed and the building occupied before any action is taken on Phase 2. Mr. Podolski seconded the motion to open the discussion on this matter.

Mr. McGrail had a procedural question as to whether or not he should be voting on the Public Safety Building, or on the discussion, as he was recently appointed to the Board, and had not been present for the opening of the hearing. Chairman Bethoney confirmed that Mr. McGrail would **not** have a vote on this particular issue as he was not a part of either Phase 1, or Phase 2 of the “Campus Projects”. Mr. Bethoney explained that there were five (5) voting members on the Public Safety Building (Phase 2), Ms. Porter had been in attendance since the opening of the application and was part of the five.

Motion: Mr. Steeves clarified his motion to be: All action on Phase 2 should be halted until Phase 1 is 100% completed and the building is occupied.

Discussion:

Mr. Podolski said he had been thinking about Phase 2 of the project and to his memory, he felt that Phase 1 being completed and occupied was a crucial component to Phase 2. He felt that until Phase 1 was completed and occupied, they would not be able to determine effects on operations for the entire site. He further stated that since the town was the applicant, and the town would be absent until a new Town Manager could be hired, he was not inclined to pursue hearings on Phase 2.

Mr. Jay O’Brien raised two questions: 1. “Are there any costs incurred if Phase 2 of the project remains dormant?” and 2. “Do we as a board have the legal capacity to halt the application of the Public Safety Building?” Chairman Bethoney replied that without voting, no, the board could not legally stop the Phase 2 application. Mr. Podolski explained that the Building, Planning and Construction Committee (BPCC) is the face and the voice of the applicant. He further stated that the BPCC (of which he was a member) had held their most recent meeting last Wednesday, and at that meeting they had cut a million dollars off the projected bid. Ms. Porter expressed that her concern in delaying the project was that it would increase costs even further. In addition she was not certain that having a new Town Manager, or having Phase 1 be occupied would help the decision making process for Phase 2. Chairman Bethoney said that the shortfall in parking for Phase 1 was promised to be made up in Phase 2. In addition, it was initially thought that the entire campus of Phase 1 and Phase 2 was thought to be too small to house all of the necessary entities that the applicant was proposing to house (i.e. town hall employees, senior center, police, fire, etc.). The background and history of these projects were contributing to his concern.

Mr. Steeves stated that he felt the fire department and police department definitely deserved brand new buildings, however, the process by which these buildings had been put forth were wrong. Mr. O’Brien stated that he agreed with Mr. Steeves, and he also took what Mr. Podolski said very seriously considering he was on the BPCC. He stated they had been made promises if the buildings were done in two parts that would help them to be completed more quickly. Mr. Podolski stated that it would be best if they continued the discussion with the applicant present, and therefore they should continue this discussion until the June 13, 2019 meeting. Ms. Porter stated it was a very complicated issue because there were so many layers of frustration surrounding the consequences of the new Town Hall not being completed. She proposed having a joint meeting with the Board of Selectman to answer questions regarding the new Town Hall (Phase 1) first, before they made a decision on how to proceed with Phase 2. Mr. Podolski thought that was a good idea, and he added that he would include the BPCC in that meeting. Mr. Steeves agreed that a joint meeting should be conducted.

Chairman Bethoney indicated that he would like to see the opinion of Town Counsel regarding the capacity of the Planning Board to halt the Phase 2 project known as the Public Safety Building. He asked Town Planner Jeremy Rosenberger to write a letter to Town Counsel asking this. Secondly, he would like to have a joint meeting of the Board of Selectman, the BPCC, the Planning Board, the Town Manager's office, and the Building Department to discuss the status of the projects.

Motion withdrawal: Mr. Steeves agreed to withdraw his motions until the above two things had taken place, and Mr. Podolski withdrew his second of the motions.

At this time Chairman Bethoney stated the Board would take up the application of the Public Safety Building.

Continuation of Public Hearing

Applicant: Town of Dedham
Project Address: 26 Bryant Street, Dedham, MA
Zoning District: Central Business
Representative: Applicant and Representatives were not in attendance
Town Consultant: Steven Findlen, Senior Project Manager, McMahan Associates

Chairman Bethoney stated that the Planning Board had a request from the applicant to continue the public hearing to the June 13, 2019 Planning Board meeting.

Motion: Mr. Podolski moved on the motion, and Ms. Porter seconded.

Vote: The vote was unanimous at 5-0, and the hearing was continued to June 13, 2019.

Motion: Mr. Steeves moved to #1: request Town Counsel's opinion regarding the authority of the Planning Board to halt the Public Safety Building's application, and #2: assemble a Public Hearing of the Planning Board, the Board of Selectman, the BPCC, and the Building Commission to assess the current status of Phase 1, the "New Town Hall". The motion was seconded by Mr. Podolski.

Vote: The vote was unanimous at 5-0.

Motion: Mr. Steeves moved to have the minutes of this meeting (May 23, 2019) complete and available for the June 13, 2019 meeting. Mr. Podolski seconded the motion.

Vote: The vote was unanimous at 5-0.

Mr. Steeves then asked the Chairman if he could be excused from the remainder of the meeting and he departed.

Continuance 41 River Street

Applicant: Robert Reissfelder
Project Address: 41 River Street
Zoning District: Limited Manufacturing, LMA

This was a continuation from April 11, 2019. The Town Planner informed the Board that Mr. Reissfelder had requested an additional continuance to the June 13, 2019 meeting.

Motion: Ms. Porter moved to continue the hearing to the June 13, 2019 meeting. The motion was seconded by Mr. Podolwski.

Vote: The vote was unanimous at 5-0.

Continuance 197 Milton Street

Applicant: Jordaan, LLC
Project Address: 197 Milton Street
Zoning District: Limited Manufacturing LMA
Representative: Peter A. Zahka, Esquire

Peter A. Zahka, Esquire was in attendance for the hearing. Attorney Zahka explained that the owner for Jordaan, LLC was stuck in New York, and the engineer had the flu. They apologized for not being in attendance. The manager, A.J. Patel was in attendance. Attorney Zahka gave a brief summary of the project. He explained that since the last meeting they had submitted all new plans, as well as a traffic memorandum, and the applicant had met with the Design Review Advisory Board. There had been six outstanding issues identified by the peer reviewer, McMahan, all related to sign and pavement marking details. All of the six issues had been addressed and resolved. In addition, a letter of recommendation from DRAB had been given to the board. An updated rendering had been submitted to the board, along with a materials list.

Even though a traffic study was not required for this proposal, the applicant had obtained a traffic study that had previously been conducted by the Town of Dedham, and he added additional growth numbers to the study. A discussion commenced regarding the peak traffic hours for this location. The peer reviewer agreed with the findings. Additional discussion went on regarding the one way exit around the back of the building. Mr. McGrail mentioned that he visited the other gas station locations that the applicant owned in Waltham. He stated that the stations all looked to be in good condition. His only concern was a small amount of litter that accumulated, not through their fault necessarily, but he still wished cleaning to be conducted, along with the landscaping maintenance. It was explained to Mr. McGrail that a maintenance plan and landscaping maintenance plan would be conditions of the final Certificate of Action. Ms. Porter asked if the applicant sold e-cigarettes, and where were they located in the store. The manager stated that they did sell e-cigarettes and they were located behind the counter. She appreciated that the manager took the sale of them seriously.

The chairman then asked Mr. Steve Findlen of McMahan where they were regarding the project. He said the initial 28 (twenty-eight) issues that they had identified have all been addressed. He further mentioned that if there was concern over the one-way street in the back being used as a cut through, they could consider a speed bump in this location. Discussion ensued as to a possible speed bump. The applicant was willing to have a speed bump included as part of the conditions of approval. The Board would also like to add that gas deliveries be after closing at the location, after 10:30 pm. The applicant/owner had no intention of applying for a liquor license at the present time.

Motion: Mr. Podolski moved to approve the revised plan of May 16, 2019 along with waivers as presented by Attorney Peter Zahka in a previous letter, also incorporating any conditions that had been discussed during the hearing. The motion was seconded by Ms. Porter.

Vote: The vote was unanimous at 5-0.

Scoping Session – Animal Rescue League of Boston

Applicant: Animal Rescue League of Boston
Project Address: 276 Pine Street, 184 Pine Street, 208 Jenny Lane, and 70 Jenny Lane
Zoning District: Single Residence A and Single Residence B
Representative: Peter A. Zahka, Esquire

In attendance for the project were: Mary Nee, President, Animal Rescue League, Bob Baldwin, Owner's Rep/Project Manager, QPD, Lindsay Richard, Owner's Rep/Project Manager, QPD, Susann Schlaud, Project Architect, MDS, Steven Cecil, Project Master Planner & Civil Designer, Harri-man.

Peter Zahka explained the project to the board: Animal Rescue League of Boston (hereinafter referred to as the "Applicant") proposes to construct a new multi-use administrative building and maintenance storage building (with associated new roadways, parking, utilities, and landscaping) on a portion of the properties known and numbered as 276 Pine Street; 220 Pine Street; 184 Pine Street; 208 Jenney Lane; and 70 Jenney Lane, Dedham, MAⁱ (hereinafter referred to as the "Subject Property"). The Subject Property is shown on Dedham Assessors' Map 38, Lot 39, Map 38, Lot 70, Map 23, Lot 2, Map 22, Lot 8, and Map 22, Lot 8A. Town of Dedham Assessors' Records, the Subject Property contains approximately 22.31 acres of land. The Subject Property has a total street frontage of approximately 1,093.36 feet along Pine Street. According to the Dedham Zoning Map, the Subject Property is located in both the Single Residence A (SRA) Zoning District and the Single Residence B (SRB) Zoning District.

The Applicant is an established and recognized charitable organization by the Massachusetts Secretary of State. According to the Articles of Organization filed with the Massachusetts Secretary of State, the basic purpose and mission of the Applicant is "the establishment of one or more refuges for and the rescue and relief of suffering or homeless animals and any other charitable or benevolent act for the welfare of animals." In furtherance of such purpose and mission, currently occupying and operated at the Subject Property are an animal care and adoption center, a pet cemetery, kennel, animal shelter, dog training, and a barn and paddocks (supporting horses and other rescued live-stock).

Currently there are twenty-eight (28) parking spacesⁱⁱ located on the Subject Property. The Applicant proposes to construct a new 2-story multi-use/administrative building to be used for administrative and programmatic staff, training and meeting space, and housing two mobile surgical units. In addition, Applicant anticipates that this building will be utilized three to four times a year for meetings of all Applicant's staff from all locations (approximately 120 people) and about three times a year for donor meetings (approximately 50 people). This building will have a total floor area of approximately 25,000 gross/17,694 net square feet (a first floor with approximately 9,988 net square feet of floor area and a second floor with approximately 7,706 net square feet of floor area). As proposed, the building will have a height to the roof peak of approximately 40 feet. The building will have set-backs from Pine Street ranging from 125 feet to 145 feet. In addition, Applicant proposes a new 1-story maintenance and storage building with approximately 3,000 gross/2,708 net square feet of floor area. This building will be set back from Pine Street approximately 375 feet. Note that the Cemetery Garage and Caretakers House will be demolished as part of the Project. Further note that the Project does not increase animal care programs on the Subject Property. (Applicant is currently licensed for 25 dogs and this is not increasing.)

As noted above, there are approximately 28 parking spaces (excluding eight (8) gravel spaces currently serving the Subject Property). The Project will add approximately 127 parking spaces for a total of 155 parking spaces. (Applicant proposes that 35 parking spaces be unpaved). There will be a minimum of 20 feet of landscape buffer between the parking lot and Pine Street. Low fencing will be utilized to shield vehicle lights from the parking lot. All site lighting will be low impact full cut-off fixtures to minimize glare and maintain a dark sky.

The applicant has had meetings with the Building Commissioner, and they had determined that the Animal Rescue League meets with the B6 charitable regulations. They also met with the Fire Chief, and the assumed peer reviewer, McMahan Associate's Steve Findlen for traffic survey perimeters. They also held two neighborhood meetings, and out of those meetings they set up a website for people to see the progress of the project.

President Mary Nee spoke to the historic significance of the association. They were originally founded in 1899, and have been in service for 120 years. A woman named Anna Harris Smith purchased the farm as a country annex for small animals waiting for adoption and a respite for working horses in Boston. The location is also a historic pet cemetery, the oldest in the country. There is dog training, and a barn for horses and livestock that have been rescued. The ARL currently leases space in the South End which has become too expensive. They wish to move the employees to the Dedham location and construct this new administrative building to house them. They are very open to loaning the building to the Town for administrative meetings at no cost, but they will not be leasing the space out for other purposes. They feel they are very fragmented administratively and they wish to consolidate their administrative needs in order to focus costs back towards their mission. This is sacred ground to them, it is where they were founded, and they are dedicated to making sure the character of the farm is kept intact.

They are not increasing the number of dogs on the site. There is a current license from the town for 25 dogs so there will be 25 dogs only, no more. They also have a barn permit for the other animals.

Susann Schlaud, Project Architect, MDS, Steven Cecil, Project Master Planner & Civil Designer, Harriman. They gave a very detailed description of the property and the proposed changes that would occur should their plan be approved. Peter Zahka also outlined the waiver they would be asking for when they did formally apply. This included some changes to make a one-way road on the site.

Mr. Jay O'Brien thanked the Animal Rescue League President for the history she described. He had some questions regarding which historic buildings would remain, and they replied the cottage, the barn, and possibly one other building. He also asked if they planned on following the LEED elements, and the answer was they would not be going for the official certification, however they would get very close with the standards they had put into place. He appreciated the thought and he liked the proposal.

Mr. Podolski requested that future renderings depict how the trees would look when they were planted at present, not 15 years from now. He also had questions regarding the height of the proposed building, and the elevations from Pine Street. Attorney Zahka responded that they could not answer that right now as Pine Street had so many different elevations depending on where you stand. He will get some different perspectives and make sure to supply those for the formal application. Mr. Podolski gave the applicant a heads up that they will be asking for a betterment to the sewage system flow as requested by other entities in the town and asked if the applicant would be open to a pilot. He understood that they were exempt but he asked if they would make it a consideration.

Ms. Porter touched on parking matters for the proposal. She wondered if they have considered alternatives to additional parking spaces, such as shuttling from the nearby church.

Mr. Bethoney further touched on the parking matters by asking how many employees would be on the property daily. The applicant answered 71. 155 parking spaces would be available for the site, inclusive of the overflow parking. He asked about the metal roof. The applicant responded they were very traditional and they last forever. Mr. McGrail asked if there was a glare from the metal roof onto Pine Street. Mr. Bethoney asked if it produced a sound when it rained. He explained that all of these questions were going to come up at the open hearing. Things they should take into consideration are the location and sound of the HVAC system, and concerns of sound and light impacting the neighbors. Mr. McGrail asked about lighting. Mr. Bethoney also commented on Mr. Podolski's earlier comment on a pilot. He said in the past some philanthropic organizations had offered contributions to the town for services, such as fire, police, and ambulance. Mr. McGrail asked what the office hours would be for this building. The answer was the majority of the office space (85% - 90%) would operate under regular business hours of 9:00 am – 5:00 pm. However, they are open until 7:00 pm for many purposes. He had concerns about the lights being on late in the building and disturbing the neighbors. Mr. Findlen from McMahan and Associates spoke to the project. He asked if the applicant had considered going to a one-way circulation to eliminate the 20 foot waiver for aisle width. The applicant will look into that.

There was a member of the public who wished to speak to the project. Mrs. Anne Frasca of 358 Central Ave spoke against the project. She had a number of concerns related to the traffic and the noise. She also felt the public meetings from the Animal Rescue League had not been advertised well enough. A discussion ensued as to the means by which abutters had been notified, and the legal requirements placed upon the Animal Rescue League. Mr. McGrail praised them for holding two neighborhood meetings prior to ever being legally asked to do so. They had also constructed a web link just for the project to allow neighbors to check in on the progress. The website link is: <https://www.arlboston.org/dedham-campus-plan/>.

Mr. Podolski stated that he wished the abutter notices to be extended further than the 300 feet legally required. The applicant agreed to post the date of the public meeting on the ARL website and also to email those who had come to previous community meetings. Jackie Blasi of 6 Volk Road had concerns about the lights from the project, that they might cause extra disturbance to the neighbors. She also indicated that the extra parking spaces would be needed because she sees a lot of people visiting the pet cemetery and she feels they are necessary for this purpose. There were no more comments from the public or from the Board, and the Chairman said they will see the applicant again after they formally file.

337-339 Washington Street

Applicant: Garnett Realty Trust, Robert Naser Trustee
Project Address: 337 – 339 Washington Street
Zoning District: Central Business (CB)
Representative: Stephen Rahavy, Esquire

Given the recent moratorium on mixed used developments that had passed at the last Town Meeting, the Applicant's Attorney had submitted a formal letter asking for an indefinite continuance and was not withdrawing the proposal. Jeremy Rosenberger, Town Planner had checked with legal counsel and it was not recommended that the date be extended indefinitely. He stated that they had options

to extend the hearing until the applicant could be present, or deny the proposal, they could also extend it to a date certain after November 30, 2019.

Motion: Mr. McGrail moved to continue the public hearing to June 13, 2019 to discuss Town Counsel's opinion on Mr. Rahavy's request to extend to an indefinite date. The applicant or representative is required to attend this meeting. The motion was seconded by Ms. Porter.

Vote: The vote was unanimous at 5-0.

Master Plan Committee

Town Planner, Jeremy Rosenberger, gave a brief description of the committee make up. As of the date of this meeting there had been seven (7) submissions. Several boards had still not selected their representatives to the committee. It was therefore recommended to extend the deadline for submissions to get a greater pool of applicants and do some more reach out to the community. A discussion ensued regarding confusion that may have occurred between the Board of Selectman appointments and the Planning Board appointments to this committee.

Motion: A motion was made to extend the Master Plan Committee submission deadline to the end of June, 2019; the motion was seconded.

Vote: The vote was unanimous at 5-0.

Dedham Square Planning Study Committee

Town Planner, Jeremy Rosenberger, gave a brief description of the committee make up and people who have been appointed to date. 15 people had submitted applications for the 14 openings. It was decided that applicants would be asked to come in and introduce themselves to the Board at the next meeting, each applicant would be given a two-three minute window to speak.

36-70 Sprague Street

Ms. Porter had gone to the meeting of the City of Boston regarding the development happening at 36-70 Sprague Street. She explained that the City had extended the deadline for public comment on this project and therefore people could still comment about it if they wished. Mr. O'Brien asked if there was to be shopping/retail at the development. Ms. Porter said they were originally planning just the residential portion and were awaiting feedback for the retail portions. Mr. O'Brien was very concerned about the traffic impact this would cause to Dedham. He would like to see the Development Team keep the board informed of the progress on this project. The board asked the Town Planner to write a letter to them again with this request.

Livable Dedham

Jessica Porter informed everyone that Livable Dedham would be holding their second meeting on June 4, 2019 and invited everyone to attend. Mr. Bethoney stated that he had been contacted by Diane Barry Preston and she had invited all members of the Planning Board to attend this meeting.

Motion: Mr. Podolski moved to adjourn the meeting at 10:55 pm. The motion was seconded by Ms. Porter.

Vote: The vote was unanimous at 5-0.