

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
Town Planner

PLANNING BOARD MINUTES
August 20, 2019, 4:30 p.m., Lower Conference Room

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

Not Present: James McGrail, Esq.

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

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

Public Safety Building (Continued from 7/xx/19)
Major Nonresidential Project/Site Plan Review

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

Chairman Bethoney stated the item before the Board was the consideration of the Certificate of Action (COA) for an application for Special Permit for a Major Non-Residential project known as the Public Safety Building located at 26 Bryan Street, Dedham. Mr. Bethoney stated member Jessica Porter was unable to physically attend the meeting in person and was joining remotely via video conference. Present on behalf of the Town of Dedham was Interim Town Manager Nancy Baker, Police Chief D'Entremont, Fire Chief Spillane, Chairman of the Building, Planning and Construction Committee Jim Sullivan, Public Works Director Joe Flanagan and Brad Dore of Dore & Whittier. Mr. Bethoney asked the Planning Director for an update on the proposed draft COA before the Board. The Planning Director provided the Board an overview, which included an overview of the condition related to a post occupancy parking/traffic analysis. He also reviewed a proposed condition regarding placing the above ground utilities from Bryant Street to Washington Street underground. The Planning Director added the proposed conditions had been reviewed by the Peer Reviewer, Steve Findlen of McMahan and Mr. Podolski.

Mr. Flanagan discussed with the Board the financial issues regarding placing the utilities below ground. He added that when utilities are placed underground, additional poles are often needed for the points at which utilities go under and come back above ground. For the proposed project, the removal of an estimated 5 to 7 utility poles would potentially require 12 to 16 to accommodate undergrounding of utilities.

Mr. Podolski asked if the utilities were proposed to be underground on the original plans. Mr. Dore said yes. Mr. Podolski then asked when things changed? Mr. Dore said they have been working on it for two years. Mr. Podolski stated his unhappiness that this topic is now being discussed when they are seeking an approval for the project. Mr. Bethoney replied that no one from the Town or team has discussed with the Planning Board that putting the utilities underground would be financially feasible or result in more utility poles and illusion that overhead wires would be gone. Mr. Podolski found it to be a disgrace and dishonest. Mr. Dore stated they have been trying to work with the utility companies, but it has been difficult and those conversations have taken until recent to move forward.

Mr. Podolski stated they waited two years to tell the Board this and the project as a whole doesn't work.

Mr. Steeves stated the Board and Town was presented a beautiful building and now it would be overrun with additional utility poles. Mr. Bethoney asked Mr. Flanagan if the number of utility poles from the project would be a net gain, loss or neutral. Mr. Flanagan stated a gain in utility poles. Mr. Bethoney responded why they want to do this at all if it is a net gain? Mr. O'Brien asked if they had to put the utilities underground or they could save some money by not doing it.

Mr. Flanagan replied there would be significant savings. Utilities underground would be two to three million dollars.

Mr. Bethoney discussed Dedham taxpayers will not be happy to have spent all the money allocated to the project and left with the multitude of wires in front of it. Mr. O'Brien said the Board's goal was to remove all the fronting wires along Washington Street and Bryant as part of the Town buildings. However, putting millions of dollars into aesthetics like utility wires doesn't seem responsible.

Mrs. Porter asked Mr. Flanagan what would he do? Mr. Flanagan stated underground is a better solution but it will be time consuming and expensive. In addition, he felt just putting utilities underground for this one building would not be worth it.

Mr. Steeves stated the Town should build a new fire station where the current one is and keep the existing Town Hall for the police department. He added the current fire station, selected in 1930, works perfectly.

Mr. O'Brien asked how was the decision about placing the utilities going to be made. Mr. Bethoney replied it is the Board's decision. Mrs. Baker stated if another meeting is necessary to develop a compromise, the Town would be happy to entertain that. She did not want an approval that would financially hinder the project. Mr. Bethoney asked what the team had budgeted for the underground utilities. Mr. Dore stated 1.5 million dollars.

Mrs. Porter provided comments regarding the draft COA such as making sure that Mr. Steeves was present at all hearings as it is unclear, adding conducting pedestrian and bicycle counts, in addition to the vehicle counts and crash data as part of the post occupancy traffic/parking analysis, including that revisions and representations to the proposed project be included as part of the architects affidavit condition and COA. Mrs. Porter also asked that the plans provide the opportunity to accommodate electric vehicle charging stations in the future. Mr. Bethoney asked why that wasn't noted on the plans. He further added why the Board was reviewing a draft COA that does not reflect revisions and representations made by the Town and project team. Mr. Dore stated all plans reflect the changes over the course of the project, they have just not been shared yet.

Mrs. Porter added her final comment was regarding the removal of a memo from her regarding a parking analysis. She asked why it was removed. The Planning Director stated he removed it based on Mr. Podolski's request as typically official project documents from the project team and peer reviewer are listed. Mrs. Porter felt it was a document that helped inform their decision making.

Chairman Bethoney asked peer review Steve Findlen if he add any comments or anything to discuss. Mr. Findlen replied he had reviewed the COA and provide comments to Mr. Rosenberger. He also added that the consultant team had been responsive throughout the process updating plans based on his comments and issues.

Mr. Bethoney asked the Board if they were comfortable with maintain the condition regarding placing utilities underground. Mr. O'Brien felt they should only remove any overhead utilities for functional purposes. Mr. Podolski stated he would not vote for the current version of the COA. Mr. Steeves add the consultant team doesn't know how much it would cost. Mr. Dore agreed and that's why they have provided a cost allowance for the underground utilities.

Mr. Bethoney asked the Board if they were in agreement with Mrs. Porter's comments. Mr. Podolski discussed he asked the Planning Director to remove Mrs. Porter's memo as he didn't feel it was appropriate as that section of the COA is to list the technical documents and correspondence regarding the project. Otherwise, the Board would have to provide every Board members comments in that section, which would not be the purpose of the appendices. With regard to the EV charging infrastructure, Mr. Dore agreed to the condition.

Mr. Bethoney asked the consultant team if the Board would get a final set of plans for review and approval. Mr. Dore explained the consultant team would incorporate all of the conditions requested by the Board and use those finalized plans for bidding purposes. Mr. Bethoney discussed the Board's protocol is to vote on a final set of plans as part of any COA. An approval first, followed by the final plans is not how the Board operates expressed Mr. Bethoney. Mr. Dore replied the Board is issuing a COA based on a well-developed set of plans. A final set will be prepared for bidding purposes.

Mr. Steeves stated it would be unacceptable for a future construction team to request changes to the project. Mr. Dore replied that would be the goal, but like any construction project, changes do often occur. However, as the designer of record, they will be required to provide an affidavit that the project has been built substantially per the plans of record. Mr. Steeves disagreed based on his construction experience; the project should be built per plans.

Chairman Bethoney asked the Board if they were ready to make a decision on the COA before them. Mr. O'Brien replied no. Mrs. Porter stated an updated set of plans would be necessary to ensure her proposed comments are incorporated. She would be put the comments into a memo to the Town and consultant team if necessary for any final plan set.

The Planning Director stated the Board should review the plan set dated January 2019 to ensure everything is incorporated. Mr. Podolski questioned the status of those plans as it is August and wondered if that was indeed the correct, updated plan set. Mr. Dore those are the plans the peer reviewer has utilized and is the current set. They can update the date on the front of the plan set however. Mr. Bethoney stated the Board is concerned that all the representations made by the applicant may not be reflected in the plan set in front of them. Mr. Podolski asked if the proposed parklet was referenced in the plan set. The Planning Director stated yes it is. Mr. Bethoney asked the Planning Director to update the plan set of record to be more descriptive and list all plans as part of the project.

Mr. O'Brien asked if Mr. Podolski would approve of the project with the condition regarding underground utilities removed and what are the consequences if Board voted to not support the project. Mr. Podolski replied his current feelings on the project are that they applicant waited to the last minute to not agree to terms of the project agreed to two years prior. Furthermore, he also felt the project was developed without any input of the Planning Board and didn't outreach to the Board until the project was 90% designed. There is little parking, no traffic study and ultimately everything is being deferred until after the project is constructed. He lastly stated the project is a detriment to the citizens of Dedham.

Mrs. Baker stated the Town is committed to continued study of placing the utilities underground, but consideration should be provided for not pursuing that if cost is a barrier. She stated the discussions regarding the parking waivers, circulation and a post occupancy study are not new. The Town is committed to ensuring the entire site works and if something doesn't, they will take the necessary steps to remedy. Mrs. Baker discussed she understands the concerns regarding the Ames project, but the proposed public safety building will be a state-of-the-art building that the fire and police departments deserve. With respect to change orders on the proposed public safety building, it is not realistic to assume everything will go according to plan. Changes are a natural course with construction projects. If the Board is not able to come to a decision today, she is available to work with the Board to address any issues for the next meeting. Lastly, Mrs. Baker stated a negative vote would be devastating to the public safety departments and citizens who approved the funding for the project at Town Meeting.

Mr. Sullivan briefed an overview of conversations with utilities regarding the potential placement underground and the difficulty of coordinating with those companies. It has been a much more complicated project than anyone anticipated. Mr. Bethoney asked why a private developer was able to put utilities underground across the street. Mr. Flanagan replied that for the most part, the underground infrastructure was already in place to facilitate that. The area in front of the public safety project is the exact opposite, there is an abundance of utilities to accommodate underground.

Mr. Steeves discussed when the project was presented to Town Meeting, everyone thought it was an absolutely fabulous project. Now many of the items presented are not going to happen.

Motion: Mr. O'Brien moved to continue the discussion to September 12, 2019, seconded by Mrs. Porter.

Vote: The vote was 3-2 (Mr. Podolski and Mr. Steeves voting no).

Mr. Bethoney told the Board if they had any questions or comments, to please contact the consultant team or Mrs. Baker. He also added that the Board should be prepared to make a decision on the COA and that the consultant team have all plans and documents updated and ready for the Board. Mr. Bethoney also asked the Planning Director to provide all minutes related to the project in hard copy to the Board as soon as possible and share with the consultant team.

Motion: Mr. Podolski moved to adjourn, seconded by Mr. O'Brien.

Vote: The vote was unanimous at 5-0.