

**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  
Andrew Pepoli, Associate Member



Dedham Town Hall  
450 Washington Street  
Dedham, MA 02026  
Phone 781-751-9240

Jeremy Rosenberger  
Planning Director

**PLANNING BOARD  
MEETING MINUTES  
TOWN OF DEDHAM  
450 WASHINGTON STREET  
DEDHAM, MA**

**VIA TELECONFERENCE  
MAY 27, 2021, 6:30 P.M.**

**BOARD MEMBERS:**

John R. Bethoney	Chair
Michael A. Podolski, Esq.	Vice-Chair
James E. O'Brien IV	Member
Jessica L. Porter	Member
James McGrail	Member (arrived at 8:00 p.m.)
Andrew Pepoli	Associate Member

**PLANNING DEPARTMENT STAFF:**

Jeremy Rosenberger	Planning Director
Michelle Tinger	Assistant Planning Director
Jennifer Doherty	Administrative Assistant

Minutes prepared by Mary-Margaret Scrimger of Minutes Solutions Inc. from an audio recording.

**1. CALL TO ORDER**

**Mr. John Bethoney was not in attendance at the beginning of the meeting due to his working relationship with the first applicant. He had recused himself for the first hearing. Mr. Mike Podolski was the acting chair during Mr. Bethoney's absence.**

Mr. Podolski called the meeting to order at 6:30 p.m.

**2. PUBLIC HEARING**

**322 - 326 Washington Street and 25 & 27 Harris Street—Needham Bank:**

*Request for a determination of insignificant modification of previous approvals to allow for waiver of providing two additional off-street parking spaces. Representative Peter A. Zahka, Esq.*

Mr. Zahka noted that it was determined that ten (10) parking spaces were needed and had been approved. Due to different ways of calculating floor area by the Building Department, it has now been decided that twelve (12) parking spaces are required. The building footprint has not changed. There are minor changes, such as an office being relocated to the basement due to staircase size. This is a single tenanted building which causes the staircase and other common areas to be included in the floor area calculation. With informal investigation, it was observed that most of the cars in the existing Needham Bank parking lot are not being used by Needham Bank Patrons. Only four to five vehicles per day use the parking lot for the Needham Bank. Due to this, Mr. Zahka would like to request a waiver for the increase of parking spaces.

Mr. Podolski noted that the applications were approved in January and only now, in May, the calculation issue is being brought to light by the Building Department. There will be an attempt to ensure that errors like this do not happen in the future. Single tenancy compared to a multi-tenancy is where this stems from and how the calculation changes. Mr. Podolski and Mr. O'Brien both noted that a stairway is still a stairway and is not dependent on a tenancy. Mr. Rosenberger will note that the bylaw needs to be more concise to ensure it is more accurate to the Town's needs.

**A motion was made by Ms. Porter to approve the change to be an insignificant modification to the Needham Bank. The motion was seconded by Mr. O'Brien. A roll call vote was taken:**

<b>James O'Brien:</b>	<b>Yes</b>
<b>Jessica Porter:</b>	<b>Yes</b>
<b>Michael Podolski:</b>	<b>Yes</b>
<b>Andrew Pepoli</b>	<b>Yes</b>

**Motion passed unanimously, 4-0.**

**A motion was made by Ms. Porter to waive two parking spots based on floor area for the Needham Bank. The motion was seconded by Mr. O'Brien. A roll call vote was taken:**

<b>James O'Brien:</b>	<b>Yes</b>
<b>Jessica Porter:</b>	<b>Yes</b>
<b>Michael Podolski:</b>	<b>Yes</b>
<b>Andrew Pepoli</b>	<b>Yes</b>

**Motion passed unanimously, 4-0.**

### **Stergis Way—Nordblom Company**

*Scoping Session for discussion regarding proposed Mixed-Use Development project. Representative Kevin Hampe, Esq.*

**Previously Mr. John Bethoney was not in attendance at the meeting due to his working relationship with the first applicant. He had recused himself and was now back**

**in the meeting. As such, the role of chair was given to Mr. Bethoney at approximately 6:50 pm.**

Mr. Hampe, the legal presentation for Nordblom Company, introduced the mixed-use development. The applicants wanted to discuss development options. Mr. Fremont-Smith, a representative from Nordblom Company, provided a presentation. The Stergis Way property, an old industrial park, has not been well maintained. He acknowledged the Board's concern for pedestrian access.

There are natural resources and a lovely view of Boston from the site. Legacy place appears to be the village center within this neighborhood. Housing could be a feasible option for Stergis Way. Sidewalks for pedestrians would be challenging and Nordblom Company is looking at creative solutions to this. Traffic master planning is a significant consideration. A traffic master plan will cost approximately \$20,000 and will be a private cost.

Mr. Nordblom has discussed this with other local landowners in the area. A question he posed to the Board was a mechanism of a road safety audit. Traffic engineers have a structured process of engaging with various stakeholders, accessing the needs of stakeholders in the area, evaluating data, and creating a plan with short- and long-term solutions. Traffic needs to be looked at holistically, as there is no one solution.

Mr. Bethoney noted that development near Legacy Place is not possible without improving traffic, including back entrances to Legacy Place. Mr. Findlen, the senior project manager at McMann Associates, noted familiarity with road safety audits. He recommended that the Board consider this, as it identifies short- and long-term improvements. The issues are also clearly identified.

With the encouragement of the Board, Nordblom Company will proceed with traffic evaluation. The Board encouraged Nordblom Company to connect with abutters to their property to discuss implementing traffic solutions when they are available.

**146, 188, and 216 Lowder Street and 125 Stoney Lea Road—Old Grove Partners, LLC:**

*Requesting for approval of a Planned Residential Development (PRD), as shown on a detailed site development plan submitted under Section 7.1 of the Dedham Zoning By-Law. The proposed PRD shall have a maximum of twenty-six (26) dwelling units on +/- 62 acres. The properties are located at 146, 188, and 216 Lowder Street and 125 Stoney Lea Road, Dedham MA, situated within a Single Residence A Zoning District, and shown on Dedham Assessors' Map 105, Lots 17, 19, 23 and Map 118, Lot 31. Representative Peter A. Zahka, Esq. (Continued from 5/6/21 and proposed to be continued to 5/27/21)*

Mr. Bethoney provided an overview of past discussions and actions regarding this project. Ms. Radner noted that she was addressing the Board as a personal citizen, not within her role as a government employee. She provided her address and identified as an advocate of open spaces, not just for humans but also for wildlife. She noted concern about the access to the open space and not planning the open access. Primary access through the ECEC would be problematic because of dense vegetation and marshland surrounding the point of access.

Without a dedicated access point, which includes parking, the Town cannot apply for funds for this type of infrastructure. Additionally, without appropriate pathways and boardwalks, the land is difficult to access. Ms. Radner noted that if the land is not accepted as a gift from the PRD then it can be sold to another party. The assessment of the 12 acres is only \$1,200, but it does have a higher value. There could be a tax burden on the Town due to the value of the land. Ms. Radner recommended not accepting the land gift.

Mr. McGrail took personal offense at Ms. Radner's comment that the Planning Board is not doing its job. The public had been given adequate notice about the gift of this land. Additionally, this gift was suggested by the Planning Board, not by the PRD. Ms. Porter noted that the best option is open space protected and available for the public to access. She would like a public process on how to proceed with the project. A full discussion and community process would be helpful. Mr. McGrail noted that there had been significant communication with the community. He also noted jurisdictional concerns. Mr. Podolski suggested accepting the gift and deciding after the fact.

Mr. Borth provided his address. He noted surprise regarding the comments from Ms. Radner. He additionally felt access from Stony Lea is problematic. He has not investigated other options for access. He noted that legal issues had been resolved via the certificate of action by Mr. Zahka. His concern is with a conservation easement. When a deed restriction protects items, there needs to be periodic enforcement of the restrictions. In 20 years, when most of the people involved in this decision are gone, it was questioned how it will be enforced. He noted that a conservation easement on the PRD property will ensure more robust and long-lasting protection.

In response to Mr. Borth, Mr. Zahka noted that the Town has the right of first refusal on forestry land. His client has tried to be respectful to the Town and has put effort into work with them. There is also time to investigate this deeper, as the land transfer will be before the building permit. The applicant is willing to give the Town the covenant as a separate document to allow the Town to enter the land. This would be a zoning bylaw. Mr. Bethoney confirmed that the applicant is willing to put a restrictive covenant authorizing the Town to enforce the restrictions within the certificate of action on the PRD. Mr. Zahka confirmed. For example, if the PRD was putting landscape debris onto the protected land, the Town could enforce penalties.

Mr. McCleary provided his address; he abuts the PRD. He noted concern for open space, traffic, and the environment with the PRD. He requested that the PRD be delayed until a comprehensive traffic plan is provided.

Mr. Bethoney noted that the applicant has donated \$115,000, of which \$100,000 would go to a traffic study. He also questioned the Town if the Planning Board could delay the project when the traffic situations were pre-existing. The Town Council confirmed earlier via email that the Planning Board cannot delay a project due to issues not directly connected to the PRD. The Planning Board cannot induce payment for items that are not directly related to the project, such as traffic.

Mr. Bethoney noted five significant issues:

- Will the Planning Board delay the decision?

- Will the Planning Board consider inducing a \$400,000 additional donation to mitigate the pre-existing problems?
- Will the applicant place a conservation covenant on the PRD open space?
- Will there be access to the donated space other than via the ECEC?
- If the impact to traffic in the area is more significant than anticipated due to the PRD, will the applicant cover efforts to mitigate?

Mr. Bethoney will submit this document to Town Council and make it public.

Ms. Porter requested a joint meeting with the Select Board to address the evaluation of projects from a more holistic standpoint. This project is an excellent case study for discussion. Mr. Bethoney noted that he discussed this with Ms. Sullivan, the chair of the Select Board. One of her main goals is to address these issues.

Mr. Bethoney asked the Board members to confirm receipt of the peer review letter from McMahon and Associates, the public works memo, the letter from residents regarding public safety, and the email response from Mr. Zahka. All Board members confirmed that they have received and reviewed the listed documents.

Mr. McCleary, 228 Lowder Street, a direct abutter to the project felt that the full traffic study should be conducted before the PRD project moved forward.

Mr. Civian thanked the Planning Board for their work. He noted that ECEC access was potentially satisfying but requested information regarding parking prohibition on a public street. Mr. Bethoney does not believe prohibiting parking can be done. Mr. Civian noted that access to the land will be challenging and requested as much flexibility as possible for access and protecting the land.

Mr. Hooper provided his address. He requested a holistic approach to this. He felt that there is no sustainable path in every single prescient for safety, traffic, and open space.

Mr. Schultz provided his address and noted that he is an abutter to the PRD. He asked how construction and construction traffic will be regulated. Mr. Rosenberger confirmed a construction plan needs to be evaluated and approved. Notification would be via the planning department.

Ms. Lea provided her address. She noted that posing whether the Planning Board has the right to delay the project due to pre-existing issues is not the right question. Her concern is that 26 houses will exacerbate the traffic challenges. Mr. Bethoney noted that he had discussed the increase of traffic in the area with the peer reviewer. The peer reviewer noted that the addition of houses will not negatively impact the traffic situation. This opinion is from a traffic engineer. Ms. Lea asked what would happen if the study is wrong and the assumptions were incorrect. The ramifications are significant. Additionally, there are negative impacts to her property, specifically flooding, due to false assumptions on a neighboring PRD.

Mr. Hooper noted to the peer reviewer from McMahon and Associates that adding roughly 50 to 75 cars to an intersection would not negatively impact traffic. Mr. Findlen, of McMahon and Associates, highlighted the different ratings of the traffic, using data from

2018. It is then evaluated with an increase in traffic. With the addition of cars, there is not a significant impact. There is only one car increase in the queue.

Ms. Radner provided her address and asked how adverse impact will be determined, especially on Lowder Street, which is already a failure. Mr. Findlen noted that if there are concerns after the project is completed, they will be addressed. Mr. Zahka noted that the applicant is donating \$100,000 for additional traffic research. The applicant has been amenable to the vast majority of requests made during the project.

**A motion was made by Mr. Podolski to close the public hearing regarding 146, 188, and 216 Lowder Street and 125 Stoney Lea Road. The motion was seconded by Mr. O'Brien. A roll call vote was taken:**

<b>James O'Brien:</b>	<b>Yes</b>
<b>James McGrail:</b>	<b>Yes</b>
<b>Jessica Porter:</b>	<b>Yes</b>
<b>Michael Podolski:</b>	<b>Yes</b>
<b>John Bethoney</b>	<b>Yes</b>

**Motion passed unanimously, 5-0.**

Mr. Rosenberger noted that the Certificate of Action is consistent with the two other PRDs. The Board discussed pertinent portions. Mr. Podolski noted section 11, requesting that the pond's limited use exclude motorized boats. Mr. Pepoli felt that the modification should be for 40 horsepower motors. Ms. Porter supported Mr. Podolski that motorized boats be limited. Mr. Pepoli agreed with the Board as more information was presented. Mr. Joist provided his address, noting that he has a battery-powered trolling motor on the pond. He suggested that limitation.

Mr. Podolski noted that in section 14 the language was "reasonable best efforts" and requested a change to "reasonable and best efforts." Ms. Porter asked to amend section 12 because of access to the park. The Board discussed appropriate wording for this section and various access points into the natural space. Mr. Joist noted that he has tried to do the right thing, but the land donation is being bogged down with details and becoming a roadblock to the project continuing.

Ms. Porter noted that she would like 48 hours' notice to abutters when blasting is scheduled.

In a letter from Mr. Nowak, he asked about water retention. Mr. Bethoney asked for these questions to be answered. Mr. Rosenberger confirmed he would respond.

Ms. Porter asked for confirmation that any damage to the streets due to construction be repaired by the application. Ms. Porter also asked for a neighborhood check-in at the mid-way point. Then, after two and a half years, the applicant will meet with the neighbors.

Mr. Zahka requested that the Board vote this evening. Most of the issues delaying the project are from a goodwill gesture of a land gift.

A motion was made by Mr. Podolski to approve the residential development known as 146, 188, and 216 Lowder Street and 125 Stoney Lea Road as presented and subject to a revised and approved certificate of action. The motion was seconded by Mr. O'Brien. A roll call vote was taken:

James McGrail: Yes  
James O'Brien: Yes  
Jessica Porter: Yes  
Michael Podolski: Yes  
John Bethoney Yes

Motion passed unanimously, 5-0.

**3. REVIEW AND APPROVAL OF MINUTES**

The Board reviewed the minutes, which were the first prepared by Minutes Solutions Inc. The Board noted that this format was easy to read and helpful to the Board.

A motion was made by Ms. Porter to approve the minutes from March 10, 2021, with minor amendments. The motion was seconded by Mr. Podolski. A roll call vote was taken:

James O'Brien: Yes  
Jessica Porter: Yes  
Michael Podolski: Yes  
John Bethoney Yes

Motion passed unanimously, 4-0.

A motion was made by Mr. Podolski to approve the minutes from March 24, 2021, with minor amendments. The motion was seconded by Ms. Porter. A roll call vote was taken:

James O'Brien: Yes  
Jessica Porter: Yes  
Michael Podolski: Yes  
John Bethoney Yes

Motion passed unanimously, 4-0.

**4. OLD/NEW BUSINESS**

The next meeting, on June 9, 2021, will be in person. The Board discussed if this will be a hybrid model. The hybrid model has much to be desired at this point. It will be broadcasted on Dedham TV. Eventually, a hybrid model will likely be an option.

**5. ADJOURNMENT**

A motion duly made by Mr. McGail, it was resolved to adjourn the meeting at 10:35 p.m. The motion was seconded by Mr. Podolski. A roll call vote was taken:

**James McGrail: Yes**  
**Jessica Porter: Yes**  
**James O'Brien: Yes**  
**Michael Podolski: Yes**  
**Mr. Bethoney Yes**

**Motion passed unanimously, 5-0. The meeting was adjourned.**

**DISCLAIMER**

The above minutes should be used as a summary of the motions passed and issues discussed at the meeting of the Board of the Planning Committee. This document shall not be considered a verbatim copy of every word spoken at the meeting.