

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

Jeremy Rosenberger
Town Planner

PLANNING BOARD MINUTES
October 10, 2019, 6:30 p.m., Lower Conference Room

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

Staff: Jeremy Rosenberger, Planning Director
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 9/12/19)
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, McMahon Associates

Motion: After discussion of who would attend on behalf of the Town at the next meeting, Mr. Podolski moved to continue the hearing to October 11, 2019, seconded by Ms. Porter.

Vote: The vote was unanimous at 5-0.

337-339 Washington Street (Continuance from 8/8/19)

Applicant: Garnett Realty Trust
Project Address: 337-339 Washington Street, Dedham, MA
Zoning District: CB
Representative: Stephen Rahavy, Esq.

Attorney Stephen Rahavy, Esq. discussed they had just recently provided the Peer Reviewer updated plans and requested a continuance of the public hearing.

Motion: Mr. McGrail moved to continue the hearing to December 12, 2019, seconded by Mr. Podolski.

Vote: The vote was unanimous at 5-0.

685 Providence Highway & 4 Prospect Street Approval Note Required Plan (ANR)

Applicant: Federal Realty Trust
Project Address: 685 Providence Highway & 4 Prospect Street, Dedham, MA
Representative: Kevin Hampe, Esq.

In attendance were Attorney Kevin Hampe, Esq., David Webster of Federal Realty Trust and Zach Richards of Bohler Engineering. Attorney Hampe discussed Federal Realty is the property owner of the subject property 685 Providence Highway, formerly a Speedy Muffler shop. They have also recently purchased the adjacent property, 4 Prospect Street. That property is improved by a single family dwelling and is located in both a Highway Business (HB) Zoning District and Single Residence B Zoning District. The proposal before the Board is to alter the lot line of the two subject properties so that the HB portion of 4 Prospect Street is combined with 685 Providence Highway. Mr. Hampe added the alteration of the lot lines would allow the Applicant to have more redevelopment flexibility.

Zach Richards of Bohler Engineering provided the Board an overview of the proposed changes in lot lines. Mr. Richards did note a small portion of the proposed altered 4 Prospect Street would be within the HB district still to ensure compliance with the zoning bylaw dimensional requirements.

Mr. Bethoney discussed the Planning Director's memo concluded that the proposal was eligible for endorsement as an ANR.

Ms. Porter noted that the 685 Providence Highway would still retain some residentially zoned area at the western portion of the property. Mr. Richards replied yes as that area is wetlands and provides a buffer to the commercially zoned portion of the property. Ms. Porter also stated that she would like to see, if and when the property is redeveloped, the landscape buffer zone is maintained between properties.

Mr. Bethoney then asked if any audience members would like to ask questions or provide comments. Denise Swanson, of 7 Prospect Street, asked how much square footage of the 4 Prospect Street property was being allocated to 685 Providence Highway. Mr. Richards stated 20,000 sq. ft. Mrs. Swanson then asked if the purpose of the lot changes were to allow for more parking. Mr. Webster replied they would be come back to the Board in the future with a proposal for a new building and new parking. There would be a new site plan proposal. Mrs. Swanson felt it was too preliminary to be discussing property changes.

Mr. Bethoney asked the Planning Director if the proposal was the correct process. Mr. Rosenberger replied yes. Mr. Webster stated is intention is to meet with the neighborhood prior to any future filings with the Board. Mr. Bethoney discussed the Applicant is well aware the Board's desire to ensure the neighbors are heard and any concerns are conveyed to the Board. He added the Board is legally and statutorily obligated to approve the ANR if the Board determines it meets the requirements for endorsement.

Ms. Porter thanked the Applicant for meeting with the neighborhood. She also discussed that Dedham has stricter parking requirements than other surrounding towns. As such, they should build only what they would need for a use and provide additional landscaping as necessary.

Fred Civian of 44 Spruce Street asked how much square footage would be lost if the Applicants were to propose new lot lines that were the same as the zoning district boundary lines. Mr. Richards stated it would be about 3,000 sq. ft. lost. Mr. Civian stated he is concerned about using residentially zoned property for commercial purposes. Mr. Richards stated the residentially zoned portion of the proposed new configuration would be for landscaping/buffering purposes and not any buildings.

Mr. Bethoney asked if the Board has purview with regard to where an Applicant proposes lot lines. Mr. Rosenberger responded no as an ANR is not a zoning exercise. The Board can provide feedback and make recommendations though. Mr. Civian stated the Applicant should recognize that neighborhood support is going to be necessary for any future approvals. Mr. Bethoney agreed with Mr. Civian statement.

Mr. McGrail asked if the Applicants proposed use of the residentially zoned area is in response to ensuring they meet the parking and landscaping requirements of the Zoning Bylaw. Mr. Webster stated yes. Mr. McGrail replied he would be willing to discuss the appropriate waivers if the Applicant would consider the neighborhoods concerns regarding the new lot lines.

Mr. O'Brien stated he felt the same way. He added the Board has a good relationship with the Applicant and hopes they could work together.

Mr. Steeves discussed that the less waivers the Applicant asks for, with a preference of no waivers requested, the better.

David Adams of 570 Washington Street asked why the new proposed lot does meet the frontage requirements. Mr. Rosenberger responded, that pursuant to state statutes, conveyances and certain allocations of pre-existing land that do not meet zoning frontage requirements, have protections.

Mr. Webster thanked the Board for all the comments and looked forward to working with the neighborhood.

Motion: Mr. Podolski moved to approve the ANR, seconded by Mr. O'Brien.

Vote: The vote was unanimous at 5-0.

62 Old River Place Approval Note Required Plan (ANR)

Applicant: Jonathan Crutchley
Project Address: 62 Old River Place, Dedham, MA
Representative: Michael Morris, Norwood Engineering

Michael Morris from Norwood Engineering was in attendance on behalf of the Applicant and property owner Jonathan Crutchley. Mr. Morris explained the Applicant is seeking ANR approval to divide the existing lot into two lots, both which would meet all zoning requirements. He explained the existing property is improved by a single-family dwelling. The Applicant would like the opportunity to construct a new single-family dwelling on the proposed new lot.

Chairman Bethoney referenced the Planning Director's memo stating his opinion the proposed ANR is eligible for endorsement by the Board.

Carla Foley wanted to know what the materials would be for the proposed new dwelling and was concerned about the sewer easement on the property. Mr. Morris replied he did not know the proposed building materials. Mrs. Foley asked what would happen after the ANR is approved.

Mr. Bethoney asked Ken Cimeno, the Town's Building Commissioner to address the question. Mr. Cimeno concurred with Mr. Rosenberger's recommendation that the proposed new lots meet all the requirements of the zoning bylaw. He added any proposed new dwelling would have to be located outside of the sewer easements and would be subject to the zoning bylaw regarding setbacks, coverages and height. He felt a dwelling could be placed on the proposed new lot. Mr. Cimeno added that any new dwelling would need a building permit. There is no notification to abutters required as part of a building permit. Any new dwelling would be required to get a stormwater management permit, which notification is required.

Emily Morgan of 82 Old River Place, stated her opposition to the subdivision and any new construction. She felt it would erode the historic district and is an oasis in Dedham square. Mr. Bethoney responded that the Board does not have discretion with regard to an ANR plan. If they meet all the statutory requirements of an ANR plan, the Board must approve it. The Board is in agreement about concern about the historic character of the area. Mrs. Morgan asked when is the opportunity to voice their opposition. Mr. Bethoney responded during the stormwater permitting process by the Conservation Commission. Mr. Cimeno stated that since the property is within a historic district, the historic district commission would be required to review it.

Bruce and Laurie Ravey stated they oppose the project but understand the process.

Mr. O'Brien asked if anyone from the neighborhood was familiar with the Applicant. Mrs. Morgan stated she was not. Mr. O'Brien added it might be helpful for them to reach out and have a discussion regarding their concerns. Maybe there is a way to have some input in the future dwelling's design.

Mr. McGrail asked if the Applicant was required to attend. He felt it would be nice if the owner or buyer of the property would be in attendance to respond to neighbor's questions. In the future, perhaps we make it a requirement that actual applicant attend. Mr. Bethoney asked the Planning Director to ask town counsel if the Board can require an Applicant to be in attendance. Mrs. Foley stated she had spoken with the Applicant and he has no interest in building the lot, only in selling and moving.

Motion: Mr. Podolski moved to approve the ANR, seconded by Mr. O'Brien.

Vote: The vote was unanimous at 5-0.

**580 Providence Highway
Pep Boys
Minor Site Plan Review**

Applicant: Pep boys
Project Address: 580 Providence Highway
Zoning District: HBD

Mr. Bethoney called for representatives for Pep Boys located at 580 Providence Highway. The regional manager of Hertz (owner of Pep Boys) Deshon Walker was present. Mr. Bethoney stated that any proposal such as this needs to have the property owner, engineer, attorney and/or any other pertinent representative in

attendance before the Board. Mr. Bethoney asked Mr. Rosenberger what kind of plans had been submitted for the proposed Minor Site Plan. He responded an existing conditions site plan, a proposed site plan not developed by an engineer and a narrative describing the proposed Hertz rental operation. Mr. Bethoney asked if the proposal conforms with the current zoning bylaw regulations. Mr. Rosenberger responded that Pep Boys was granted approvals in 1996 for the current site. The proposed new use of a rental agency, which is currently operating unlawfully on the property, would increase the amount of off-street parking on the property. As such, the new use requires Minor Site Plan approval due to the intensification of the property. The applicant is seeking to demonstrate that the new proposed car rental use by Hertz can co-exist with Pep Boys on the property.

Mr. Bethoney asked if Hertz was approved when Pep Boys was approved. Mr. Rosenberger replied no. Mr. Bethoney stated they are operating a business contrary to what was approved for the site. As such, they need to have better representation at the table with the Board and the appropriate and correct plans for them to review.

Mr. McGrail asked if the neighbors could be notified. Mr. Rosenberger stated the Board has discretion with regard to notice to abutters and if peer review is required. Ms. Porter stated she would recuse herself from the case as she is a direct abutter across the street. Ms. Porter then left the room.

Mr. O'Brien asked how did this come up that Hertz was operating illegally. Mr. Rosenberger stated the Building Department asked them to get the necessary approvals to operate from the Planning Board.

Mr. Bethoney stated the Board would not take up the matter any further as the Applicant has significant work to do. Mr. Cimeno explained he had received complaints about parking problems, fire lanes blocked and ADA issues at the property. When he visited the site, he found the property was not operating per previous approvals. He explained this situation to Pep Boys, but was ignored.

Mr. McGrail noted the signage is not being turned off after business hours, which is in violation. Mr. Bethoney asked Mr. Walker to add that to the list of issues that needs to be addressed.

Mr. Podolski suggested Mr. Rosenberger put together a letter outlining what is required by the Applicant and send it to Mr. Walker. Mr. Bethoney replied to add the need for abutter notice and peer review will be required. When the Applicant is ready to meet all the requirements outlined, the Board would be happy to schedule them at a future hearing.

**55 Anna's Place
Animal Rescue League (Continued from 9/16/19)
Major Nonresidential Project**

Applicant: Animal Rescue League
Project Address: 55 Anna's Place
Zoning District: SRB/SRA
Representative: Peter Zahka, Esq.

Chairman Bethoney stated the Board would now continue the public hearing regarding Animal Rescue League (ARL), continued from September 16, 2019 for a Special Permit for a Major Nonresidential Project. In attendance were Attorney Peter Zahka, ARL President Mary Knee, Dr. Edward Schettino VP at ARL, Susanne Schlaud of MDS Architects, Shawn Manning of VHB, Steve Cecil of Harriman and Bob Baldwin and Lindsey Richard of QPD.

Attorney Zahka discussed Mr. Steeves missed the last meeting and had a form for him to sign after he reviews the minutes so he can vote on the project. He also discussed the received a second peer review report on September 16, 2019 that documented six outstanding issues. They responded on October 1st to those outstanding issues and received a 3rd peer review response on October 9, 2019. He noted two of the six outstanding issues were noted as substantive issues and have been resolved. The remaining four issues were updates to plans. Mr. Zahka reminded the Board the parking had reduced from 155 to 120 off-street parking spaces and changed what was to be overflow parking to be green space. In addition, they are prepared to add sound proofing material at the outdoor dog area. They have been working with an acoustical engineer to implement a system that would significantly reduce noise. They would have samples at the next meeting. Lastly, Attorney Zahka explained his client had a meeting with Stephanie Carter that resulted in some changes in the landscaping based on her comments. He would now hand it over to discuss parking.

Same Forge of VHB provided the Board an overview of vehicular circulation to and from the site and also parking. Mr. Forge noted they had reduced the amount of off-street parking by 35 spaces. They are seeking to provide a second curb-cut to the site, which would allow for easier access by the surgical mobile unit vehicles as they go to and from the site. Mr. Forge discussed the fire department had reviewed the proposed plans for circulation and are ok. He also highlighted they had run a new photometric plan based on the updated site plan to ensure adequate coverage across the site and also to ensure no spillage outside of the site.

Attorney Zahka discussed the proposed parking layout requires three waivers: 1.) reduction in parking spaces to 120 where 127 are required; 2.) the majority of aisle widths reduced to 20 ft. to reduce the amount of impervious materials; and 3.) 12 ft. internal radii. He stated that the 120 spaces would be more than adequate to handle the peak demands for parking when there is an all-staff meeting. However, they would work with the adjacent church if such need were to ever arise, which the studies don't envision.

Peer review Steve Findlen of McMahon discussed there were originally 19 issues based on the original site plans. Four were unresolved: 1.) Labeling of a stop sign; 2.) Size of dumpster; 3.) Additional details on updated landscaping; and 4.) Updated waiver request on the cover sheet. He had not received the revised plans from Mr. Zahka, but it appears based on their conversations and plans presented that all remaining issues have been addressed.

Mr. Bethoney asked if the plans meet the zoning bylaw regulations aside from the waivers requested. Mr. Findlen replied yes. Mr. Podolski asked that the dumpsters be properly screened and invisible from the street. He also asked what the minimum radii they are proposing is. They have requested a waiver to be less than 12 ft., but they should be specific. Mr. Forge stated the minimum would be 5 ft. Attorney Zahka replied they would update the plans to reflect the waiver would be no less than 5 ft. Mr. Podolski asked why they are seeking to reduce the aisle width from 24 ft. to 20 ft. Mr. Zahka responded they did it to reduce overall pavement on the site and did not do it for the money, they had more parking space originally. They could provide 24 aisle widths, but did it for environmental and visual reasons.

Mr. O'Brien asked if there would be spillage of lighting off the property. Mr. Zahka replied no.

Mr. McGrail asked what the hours of operation would be. Attorney Zahka responded they typically are closed after 7:30pm. They would be open to a condition that any non-security lights be turned off within a half hour of closing. Ms. Porter asked if there would be illuminated signage. Mr. Zahka replied no. She asked if they had considered charging stations for electric vehicles.

Mrs. Schlaud replied they are planning to install the infrastructure to accommodate charging station for if and when the ARL is ready. Ms. Porter asked if that was in the plans. Mrs. Schlaud replied they could add it. Ms. Porter appreciated the bike racks and protected pedestrian cross-walks depicted on the plans.

Ms. Porter asked if they had thought about having the surplus parking area one way instead of two way since they are proposing 20 ft. aisle widths. Shawn Manning of VHB replied that may introduce complexity to the site as there may be large trucks that need to access that parking area. Mr. Zahka responded that Ms. Porter was talking about the overflow area and not the main parking areas. Mr. Cecil discussed it could work either way, but making it one-way would reduce the convenience.

Mr. Bethoney asked if any members of the community had any comments regarding what had been discussed, but not traffic yet. Ann Frasca asked what significant reduction in noise means and how does that become enforceable? Attorney Zahka replied that at the next meeting they will submit the material with the specs and we can add the mandate to the approval as a condition. Mrs. Frasca also asked about the overflow parking at the church. She would be concerned about that situation as there are no sidewalks. She is also concerned about parking on the adjacent streets. Mrs. Knee responded ARL has used parked at the church before for trainings or all-staff meetings during the day. Staff have utilized the pathways through the woods between the properties. She added nothing they would hold in the evenings would require any overflow situations. Mr. Bethoney asked if they would prohibit parking in the neighborhood as a condition. Mrs. Knee replied yes. He then discussed they would move the discussions to traffic.

Shawn Manning, principal at VHB, provided the Board an overview of what a traffic study is, the streets and intersections involved in the study, sight line distances and the results of the traffic study for ARL. Mr. Bethoney asked what is the current and expected trip generation for ARL. Mr. Manning replied the existing morning generation is 8 trips and afternoon is 10 trips. Proposed from 8-10am would be 39 trips and in the afternoon, 40 trips. Mr. Bethoney asked if VHB studied existing levels of service at intersections and how they would be impacted. Mr. Manning responded they did, and the impacts would be minimal. Mr. Bethoney added there is public concern this project will impact the already congested neighborhood intersections.

Mr. Bethoney asked if Mr. Findlen agreed with the analysis. Mr. Findlen replied yes it conforms to industry standards.

Mr. Podolski stated he asked Mr. Findlen by email if there should be any consideration for reconfiguring the two proposed access points one way in and one way out. Mr. Findlen replied they considered it, but it would concentrate traffic all in one place during peak hours. The proposal by ARL would decrease congestion as there are more options. Mr. Manning added the proposed configuration would also allow better movement and separation for the different patrons that come to the site.

Mrs. Frasca was concerned about adding up to 40 trips in the PM and the AM. She expressed that it took her 15 minutes to go two-tenths of a mile this evening. Mrs. Frasca felt the Pine Street and Bridge Street intersection was at a tipping point. Mr. Bethoney asked how the peak hour was determined. Mr. Manning responded with an overview of how he as a traffic engineer conducts level of service audits. After discussion, he responded the project would not change the level of service at Pine and Bridge, which operates at a "C" level of service.

Stephanie Carter stated she was opposed to the second entrance, directly across from here driveway. She mentioned it is difficult to get in and out of here driveway and the proposed project would add to the congestion. Mrs. Carter also discussed her concern with headlights coming in and out of the driveway into my house. She also highlighted the traffic study was conducted on January 10, 2019, which was not an appropriate time to conduct the analysis. Nobles Academy had just started and were not fully 100% operational. Nobles first day back but not all were back, a lot on vacation. She also asked why the existing curb-cut couldn't be widened instead of two curb cuts. Lastly, Mrs. Carter discussed she had met with ARL to discuss changing landscaping to accommodate her concerns.

Mr. McGrail asked why there weren't more attendees from the public at the night's meeting. Mrs. Frasca replied initially there were people from the neighborhood, but she felt the sentiment among residents is nothing can be done to stop the project. They feel their concerns would be dismissed. Mrs. Carter discussed most people are opposed but they feel it has already been decided.

Mr. Bethoney stated that residents are losing their chance to have input on the project by not attending. Dr. Schettino mentioned that there were supporters at the last meeting, but they did not speak. Mr. Bethoney discussed a letter from St. Susanna's church supporting the project. He then mentioned an email of a supporter and one that did not. A resident from 37 Orchard Street stated they are an animal foster parent and supports ARL. Mrs. Carter discussed she did not see the Board as a rubber stamp and appreciates them listening to her concerns.

Mr. Zahka requested a continuance to October 24, 2019 to wrap of the presentation and provide closing statements. Mr. Bethoney asked someone from the ARL team to reach out to Mrs. Carter.

Mr. Steeves discussed ARL has come before them a number of times and that the Board has been very lenient with them. Maybe it was time for ARL to provide some benefits to Dedham. Mr. McGrail responded that the Board will likely find that ARL does a great deal for the town. Ms. Porter discussed her desire for more pedestrian safety measures and landscaping to address the concerns of the abutters.

Motion: Ms. Porter moved to continue the public hearing to October 24, 2019, seconded by Mr. O'Brien.

Vote: The vote was unanimous at 5-0.

2019 Fall Town Meeting Warrant Articles

Mr. Rosenberger discussed with the Board that the continued hearing regarding the firearms zoning amendment is continued to October 24, 2019. The proposed extension of the mixed used development moratorium is also for October 24, 2019. Mr. Bethoney asked Board members to be prepared to vote on the amendments.

Town Planner Update

Mr. Rosenberger provided the Board and update with regard the next Dedham Master Plan, which was allocated \$150k at the previous Town Meeting. He is working with Mrs. Porter and Mr. O'Brien to finalize a proposed scope of work. Mr. Rosenberger discussed he had conversations with the Metropolitan Area Planning Council (MAPC), the state regional planning organization, who could potential provide a \$35k match if the Town were to hire them as consultants for the Master Plan. He further added that MAPC have a long track record of developing Master Plans and are extremely knowledgeable with regard to community engagement, housing and public health, which are some of the main topics of the scope of work. Mr. Rosenberger stated he would like to get the Board to support the hiring of MAPC for the master plan. Mr. Podolski stated he would not vote for a state agency to lead the master plan effort.

Ms. Porter discussed she had met some of the potential MAPC team and that they are fantastic and creative, in addition to being at the forefront on community engagement. Mr. Rosenberger stated that MAPC would be working on behalf of the Town, not the other way around.

Motion: Ms. Porter moved to support the selection of MAPC as the master plan consultant team, seconded by Mr. O'Brien.

Vote: The vote was 4-1 (with Mr. Podolski against).

Adjourn

Motion: Mr. Podolski moved to adjourn, seconded by Ms. Porter.

Vote: The vote was unanimous at 5-0.

Respectfully submitted,