

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
Ralph Steeves, Associate



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

Jeremy Rosenberger
Town Planner

PLANNING BOARD MINUTES
October 24, 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.

Livable Dedham

Mr. Bethoney stated the Planning Board was pleased to welcome back Diane Barry Preston of Livable Dedham. Ms. Barry Preston is back before the Board for a discussion regarding accessory dwelling units.

Ms. Preston explained that Liveable Dedham is a four-year old Dedham advocacy organization dedicated toward improving the community and making it more age friendly. In 10 years, 41% of people in Dedham, if trends hold, will be over the age of 55. And many other communities around the country and in fact, around the world, are looking at becoming more "age-friendly", which means housing and neighborhoods provide more walkability, sidewalks, safer paths to services and better programs and activities, better communication, and opportunities to volunteer.

Housing is the groups number one issue and is difficult because of the cost of land. She is before the Board to talk about accessory dwelling units. Based on a survey of residents in town, they learned that 71% of people of those surveyed want to continue to live in Dedham as they age. That means taxes, home modifications, paying for utilities, etc. Those are the people that we are most concerned of the missing middle-, and lower-income residents. She understood the Planning Board had a series of discussions about accessory dwelling units and zoning laws last year.

The building commissioner and the former interim town planner had concerns about the current zoning laws for several reasons. One is that they felt they were overly restrictive and encouraged illegal units and therefore can also present safety challenges. Liveable Dedham would like to see more accessory dwelling units, because it is part of the larger solution toward creating more housing that she called “downsize housing”. These people want to continue to live in our town, they may have houses that will be too big or not appropriate for them because they cannot enter on one floor, their bedrooms, or bathrooms, maybe upstairs, they do not have grab bars, all kinds of things. We see accessory dwelling units as part of the solution. We have all heard of many people who have had to leave town because they could not find anything suitable for them.

People are interested in accessory dwelling units being a desired option for seniors in our town, for several reasons. One is it allows multi-generational housing, so that families can live together while maintaining their independence. It would allow people to supplement their income so that they can pay for taxes and afford home modifications and insurance and all those things that go with owning a home. It also incrementally diversifies the housing stock in our town, helping to provide more affordable options for seniors and adults of all ages really. Accessory dwelling units help to stabilize the apartment stock in our town. Typically, an accessory dwelling unit rents for much lower than a market rate apartment. Lastly, accessory dwelling units offer a discreet way to add housing to neighborhoods rather than large apartment buildings.

Ms. Preston stated she appreciates that the Board cares about this issue and would like to offer Liveable Dedham’s support. Liveable Dedham could perhaps partner with the Board as they explore accessory dwelling units in the form of having a couple of community meetings. We can educate the community about what accessory dwelling units are, and why they are part of a range of housing, which would also include supportive senior housing and other kinds of things. We would be happy to partner with the Board with publicity facilitation and perhaps a speaker or two.

In closing, we have partnered with the Planning Department to hire a consultant who is looking at our picture of our neighborhoods, neighborhood by neighborhood, the density of the housing, how many people are in their homes, are they single family homes, multiple family homes, is there buildable land in the community so that we can get a lay of the land. She was planning on hosting a community forum where she will share the results neighborhood by neighborhood on December 2, 2019.

Mr. Bethoney expressed that the Board and the community appreciates all the hard work Liveable Dedham has been doing. He added if the Board is to entertain potential zoning changes, community support is a necessity.

Mr. O’Brien stated he is concerned that a tsunami is coming of citizens that do not have enough retirement savings to provide an adequate standard of living.

Ms. Preston replied that is the goal for diversification of Dedham’s housing stock, to allow for such options.

Mr. Podolski asked Ms. Preston if she was familiar with Salem's accessory dwelling unit bylaw. Ms. Preston replied she would get them to him. He added he has concerns about allowing single family dwellings to become multi-family dwellings. He would stay open-minded.

Ms. Preston noted that Newton allows accessory dwelling units by right in some areas of their city, and very few residents have taken advantage of the allowance. It is an option.

Mr. Podolski stated the problem is not so much the initial ADU, it is when there is a sale and units are converted to a two-family dwelling.

Ms. Preston stated she would like to get the Board's support to hold a community meeting with the public to gauge support. Mr. Bethoney asked Board members if they support such an approach. Mr. Podolski replied he does not want to be portrayed as supporting accessory dwelling units.

Mr. Bethoney stated he would like to hear about other communities that have allowed them and how they are regulated.

Motion: Mr. McGrail expressed he supports the process Livable Dedham is proposing which Mr. Bethoney stated he would take as a motion, which was seconded.

Vote: The vote was approved unanimously, 5-0.

Public Hearing: Firearms Zoning Amendment (Continued from 10/3/20)

Mr. Bethoney stated the Board would now discuss the continued public hearing from October 3, 2019 regarding a firearms zoning amendment. He asked Mr. Rosenberger to provide an update since the last public hearing.

Mr. Rosenberger discussed the zoning amendment is for regulating retail firearms establishments with the existing Adult Use Overlay District (AUOD). The Board asked at the last meeting to compare the proposed amendment with firearms regulations in Everett, which he has provided in a memo to the Board. He also presented maps portraying the proposed buffer zones in relation to daycares, open space, recreational areas, and churches. The buffer zone plays an important part as establishments would be restricted if certain uses were within a certain distance of a firearms establishment. When a buffer zone of 1,000 ft. is applied, such a buffer distance would effectively prohibit a firearms establishment in an AUOD. When buffer zones such as 150 ft. or 300 ft. are employed, a firearms establishment could be established in an AUOD, of course by Special Permit. Lastly, he discussed the 10-Point Mayor partnership on firearms has been incorporated into the proposed zoning amendment as requested by the Board.

Mr. Bethoney asked if all Board members had read Mr. Rosenberger's correspondence. They all stated yes. He then asked if there were any comments or questions from the public. There were none.

Mr. Bethoney then asked Board members if anyone had any comment. Mr. Podolski stated he was concerned with the language that the business had to provide information regarding any equity partners for the establishment and related securities information. He felt that would cause any potential firearms establishment from wanting to pursue the use and is a bit overbearing.

Mr. Bethoney asked Mr. Rosenberger the rationale for the section's wording. He replied that the language was reflecting the language used to regulate adult businesses in the AUOD. Mr. McGrail felt the language, outside of mortgage holders, mirrors liquor license regulations. Ms. Porter stated this is existing language from when the Board approved the AUOD. Mr. Podolski felt that the language was fine for adult uses but could cause issues regarding firearms establishments.

Ms. Porter brought up a couple points for comment. She wanted to know if it was worth discussing that firearms establishments be treated like adult uses where no exterior display of product or services are allowed. Mr. Rosenberger responded that, as heard at previous discussions regarding firearms, that state requirements do not allow display of product and windows are not allowed to be transparent. He felt such language would be redundant in the zoning amendment when it is already regulated.

Ms. Porter asked why they could not regulate display and signage like adult uses. Mr. Rosenberger stated there could be issues regulating signage as that is a matter of free speech. However, the display of products, as they have discussed, is clearly regulated at the state level.

Ms. Porter then discussed the idea of forming a subcommittee of a couple members of the Board to further discuss the AUOD and other uses that should be regulated, such as vape shops, pawn shops, etc. She would not push on the signage issue, but that topic would be on the table to explore if the Board could in fact further regulate signage in the AUOD. Lastly, Ms. Porter stated the regulations should also include firearms use as far as minors not being allowed into the establishments. Mr. Rosenberger stated he did not add firearms establishments to that section since it is regulated at the federal level and minors are not allowed into the stores.

Mr. O'Brien asked for more information on Section 11, which is the Mayor's partnership language. Mr. Rosenberger replied this section was inserted based on the feedback from the community who asked that the Town include and endorse the Mayoral 10-Point Partnership on firearms. Mr. Podolski asked if he and Mr. Rosenberger could spend some more time refining the language of the partnership to meet the merits of including in a zoning amendment. Mr. Bethoney suggested the Board approve the amendment subject to further refinements of this section by Mr. Podolski and Mr. Rosenberger.

Mr. Bethoney asked for a motion to close the public hearing.

Motion: Mr. O'Brien moved and was seconded by Ms. Porter.

Vote: The Board voted 5-0 to close the public hearing.

Motion: Mr. O'Brien moved to approve the proposed zoning amendment with the condition that

Mr. Podolski and Mr. Rosenberger would clarify the language regarding the 10-Point partnership. Mr. Podolski seconded.

Vote: The vote was unanimous, 5-0.

Public Hearing: Mixed Use Development Moratorium (Article 13)

Mr. Bethoney read the public hearing notice into the record and Mr. Rosenberger discussed the hearing was noticed pursuant to the statutory requirements of M.G.L. 5 & 11. A motion was made, seconded, and approved unanimously 5-0 to open the public hearing.

Mr. Bethoney stated Article 13 proposes to extend the moratorium for mixed use development to May 31, 2020. The extension would allow for the continued study and review for whether any revisions of Zoning Bylaw relative to mixed use development are needed. He asked if any member of the community would like to be heard.

Mr. Carmen Dello Iaconna expressed there are upwards of 600 apartments coming forward at some point. He believed the Planning Board has made Dedham a better community, but the Town and Board need extra time to study mixed use developments. He understood the Board would like to be thorough and ensure a comprehensive review has been conducted prior to bringing any new changes to Town Meeting.

Mr. Podolski agreed with Mr. Dello Iaconna and offered that the initial goal of concluding a study by Fall 2019 Town Meeting was tight. An extension of the moratorium would provide the necessary time to complete the job.

Mr. Bethoney asked Mr. Rosenberger to discuss with the Board the status of the study. Mr. Rosenberger discussed the study had just concluded an open house the previous week, with almost 50 attendees. An online survey launched yesterday. The consultant has also reached out to over 100 stakeholders in Dedham Square to gauge issues and opportunities regarding mixed use developments. He added community process takes time, but the consultant has stated a report to the Board would be concluded by November 25, 2019. But we are getting close, and the Board is warranted in the request for an extension.

Mr. McGrail expressed he would vote against the proposed moratorium extension, not because he does not support the concept of a moratorium to study mixed use development, but the consultant was not timely, and a lot has been accomplished so far with the study. He did not want to send a message to the community that when we tell the community we will do something in six months, we come back and request further time.

Ms. Porter agreed with Mr. McGrail and added that based on the memo, a report would be produced for Town Meeting and the Planning Board could exercise their regulatory powers to ensure developers adhere to it.

Mr. Bethoney asked what mixed-use developments are in the pipeline, rumored or discussed. Mr. Rosenberger replied he could only talk to officially submitted projects, not rumors, and therefore only one project is in the pipeline, which is 337-339 Washington Street.

Mr. Bethoney stated if the moratorium were to expire, what stops a developer from exercising certain zoning freezes on their properties. He believes there would be a flood of Form A requests if the moratorium were not continued.

Motion: Mr. Podolski moved to recommend to Town Meeting that Article 13 be so voted, seconded by Mr. O'Brien.

Vote: The motion was approved, 3-2 (Ms. Porter and Mr. McGrail in opposition).

**55 Anna's Place
Animal Rescue League (Continued from 10/10/19)
Major Nonresidential Project**

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

Mr. Bethoney opened the continued public hearing on the Animal Rescue League's application for a Special Permit for a Major Nonresidential Project. Attorney Peter Zahka was present on behalf of the Animal Rescue League (ARL), along with Mary Nee, President of the ARL. They were also joined by other ARL employees and consultants. Mr. Zahka noted the last hearing was October 10, 2019. They have been going back and forth regarding issues noted by peer reviewer McMahon & Associates. There were 27 original issues. As of the last meeting, all but four had been resolved. On October 11, 2019, they received notice from the peer reviewer that all issues had been resolved and adequately addressed.

Mr. Bethoney asked if peer reviewer, Steve Findlen of McMahon & Associates would provide an overview of their role and a summary of the issues and resolutions, which Mr. Findlen did.

Mr. Zahka noted that since the last meeting the landscape consultant had met with Ms. Carter of 227 Pine Street to discuss potential mitigation on her site. They have attempted to address Ms. Carter's concerns by adding 20 additional shrubs to the landscaping. Orchard style trees have also been relocated to be more toward the center of the parking lot in front of the proposed building to provide better screening. The Applicant would seek to add this as a condition of approval. In addition, they have offered to provide additional funding to Ms. Carter for landscaping to be installed at 227 Pine Street. That is also requested to be a condition of approval. Lastly, Mr. Zahka referenced they are proposing to reduce the amount of off-street parking from 155 spaces to 120 spaces.

Mr. Zahka then provided an overview of changes to landscaping and some fencing. He also described plans specifying where the new driveway would be. The point is the property would be better served by two driveways instead of one. Their traffic engineer and Mr. Findlen are in agreement that the additional driveway would be beneficial to the project and surrounding road network. It will help distribute ARL vehicles evenly and from an onsite operations perspective, direct vehicular traffic more effectively. Lastly, it would be better for fire department operations and maneuverability.

Attorney Zahka discussed they have been investigating the perceived issue of onsite barking dogs. He wanted to emphasize there will be no increase in the number of dogs kept on the property, which is 25. Of that 25, the Town of Dedham has a contract with ARL to take apprehended dogs. In terms of trying to mitigate the noise from the dogs, they are proposing acoustical treatments on the fencing that surrounds the dog outdoor play areas and adjacent building.

Mr. Bethoney asked if any Board members had comments or questions thus far.

Ms. Porter asked what the lifespan of the acoustical treatment would be. Mr. Zahka replied that he was unsure of the lifespan, but any condition of approval would require the treatment would be in continual state of good condition and replaced, as necessary.

With that, Mr. Zahka explained that at their first hearing, he provided a summary of the benefits that having the ARL provides the Town of Dedham. He reminded the Board that the ARL is a charitable organization and therefore not subject to certain tax laws, in this instance, real estate taxes. It is a federal law. There is an assumption that because they are a charitable organization, they provide a resource that government might not otherwise provide. However, charitable organizations are wide ranging, from education to religious uses. What we are presenting are conservative numbers as far as community contributions. The operational costs of providing the charitable items to be discussed are not valued.

Ms. Nee then explained the shelter operations for dogs and the agreement with the Town of Dedham for sheltering stray dogs at \$5,600. She also added they deal with many other stray animals from the Dedham community. ARL also has initiatives regarding feral cats. The Board and the Applicant then discussed the feral cat initiative. Ms. Nee also discussed their work with Dedham student community service.

Mr. Bethoney confirmed that ARL provided \$104,189 worth of services to the Town of Dedham. Attorney Zahka stated that number reflects personnel and equipment.

Ms. Nee discussed 44 of their volunteers are from the Town of Dedham, as well as 15 Dedham foster families. Their rabies clinic, which has been in operation for over 10 years, is provided free to the Town of Dedham.

Mr. Podolski asked what ARL is charging for rabies clinics and microchips. Ms. Nee replied they receive \$400 for those services, which are essentially subsidized services as they do not recoup the expenses necessary to provide them in fees or charges. He also asked if ARL would continue to

hold staff meetings at the Endicott Estate. Ms. Nee replied they will use the new building. Mr. Podolski asked if they pay a fee to use the Endicott Estate. She responded yes; they pay a fee. Lastly, he asked if they financially contribute to the causes/organizations listed in the Community Impact Assessment Report. Ms. Nee responded they provide personnel and equipment based on the cause, but do not financially contribute. Mr. Podolski felt it was not right to portray support when they are not financially providing any contribution.

Attorney Zahka stated the ARL is a non-profit and as a result they provide support with their staff and equipment. ARL is not the Rotary Club which has a goal of raising money to then distribute. They are two different organizations. Mr. Podolski expressed ARL's presentation of benefits are just numbers on a screen.

Mr. Bethoney then asked if any other Board members wished to be heard. There were none. He then asked if any members of the public wished to be heard.

Freddie Chavez discussed his belief that the feral cat population came about due to folks outside of Dedham dropping them off in Dedham and them escaping. He said there is no proof of ARL's number for dealing with the feral cat population.

Ms. Nee responded they have video cameras and have not had any anonymous drop-offs in the last three years.

Stephen Volke of 201 Pine Street stated they have been given a heartfelt presentation by ARL, but the fact is they want to construct an office building that will bring light and noise pollution and construction to a residential neighborhood. The neighborhood will get the worst aspects of the ARL with no tax revenue. Their residential values will be diminished because of the project. He also stated the proposed landscaping will only be effective six months of the year when they are leaf bearing. He will have to put additional landscaping on his property to mitigate the project.

Debbie Chadwick stated she had lived in the town for 44 years and has been an ARL employee for 23 years. She became engaged with the ARL as a volunteer through the Dedham schools. ARL provides extensive training and education to the young volunteers that come from Dedham schools. The value of these volunteer program is priceless and cannot easily be put to dollars.

Jeanne Proudly of 83 Pine Street stated she is a volunteer with the ARL and is a foster family. She noted that donors to the ARL would likely not want the ARL then distributing their fundraising efforts to other charities. Donors are specifically giving to ARL to help them provide charitable services to the communities they support. In addition, she probably has the most impact from vehicles on the street due to being across the street from Nobles. The perceived issue of vehicle and building lighting is not a big deal and some of the issues presented are unfairly overstated.

Cheryl Traversi of 40 Arlington Road stated she is an 18-year resident of the Riverdale section of Dedham and has been employed by the ARL for 13 years. She discussed while some have mentioned the beautiful property as a park, it is not a Town of Dedham park. It is private property run by an extremely successful nonprofit that serves the community. Ms. Traversi mentioned many of

the neighborhood use the property to walk their dogs, which the ARL has graciously allowed without incident. As to the Board's question why there were not more people here in opposition, her conversations with Riverdale residents stated they were not in opposition and therefore had no reason to attend.

Anne Frasca asked if the financial figures show donation revenue from Dedham residents. We have provided expenses stated Ms. Nee. Mr. Bethoney asked if Dedham resident donations offset Dedham expenses.

Attorney Zahka expressed the questioning was getting out of hand. He has not heard anything from the audience that is reasonable or pertains to what the ARL has presented this evening. He stated that he and Mr. Podolski had different opinions of how non-profit and charitable organizations should be taxed. However, that should not be at the discretion or come from the Planning Board. That is the role of the Board of Assessors. Charitable status is a state and federal law and not the jurisdiction of the Planning Board. What Boston does is a voluntary program with non-profits, and it is not across the board used by all non-profits in Boston.

He continued by saying what has been presented this evening, as requested by the Planning Board, is a reasonable effort to quantify the expenses and benefits to the Town of Dedham by the ARL. And it is an extremely conservative estimate. ARL has owned this property for over 100 years. ARL is following the Dedham Zoning Bylaws regarding the use of the property. If this property were to be turned into a subdivision, the ramifications would be much more detrimental than the proposal before the Board. And lastly, the purported feral cat problem stated by Mr. Chavez is completely nonsensical.

Stefanie Carter stated yes ARL is a charitable organization, but what they are proposing is a commercial building in a residential area. It will forever be a commercial building.

Mr. Bethoney said the Board doesn't disagree, but ARL as a private property owner has the right to propose such a building or use as set forth in the Zoning Bylaw. Of course, it will change the character, which is for ARL to mitigate to their fullest ability and for the Board to review.

Mr. O'Brien discussed what if the Board were to vote no, even though the organization has been there for 100 years. They could sell the property if they need to. Could a hospital go there? That would be much more invasive or even a residential subdivision.

Mr. McGrail expressed he has always discussed the applicant needs to work with the direct abutters along Pine Street as they are the most subject to meaningful impact. However, he has felt that there is an undercurrent that the ARL operates or will operate a nuclear power plant at this site, sometimes demonizing the organization. We should stress that the ARL is a good organization that have done a lot of good for their 100 years in Dedham. It is up to the Board to determine whether the project meets the standards for a Special Permit. In addition, he asked this at the last meeting, if this was such a controversial project, where is all the opposition. And if there is an undercurrent of support, where is a support petition.

Mr. Bethoney stated they were going to move on to substantive issues. If folks know of people in support of the project or not in support, have them reach out or comment. He asked when they would continue to. Mr. Rosenberger stated the next Board meeting is November 14, 2019. Mr. Zahka stated they have nothing left to present.

Motion: After discussion, the Board decided to continue the public hearing on November 7, 2019 at 7pm. Mr. Podolski moved, seconded by Mr. McGrail.

Vote: The vote was unanimous, 5-0.

**Scoping Session: 146, 188 & 216 Lowder Street and 125 Stoney Lea Road
Old Grove Partners, LLC
Planned Residential Development (PRD)**

Mr. Bethoney introduced the scoping session for a planned PRD at 146, 188 and 216 Lowder Street and 125 Stoney Lee Road by Old Grove Partners, LLC.

Attorney Peter Zahka was in attendance on behalf of the applicant, in addition to John Joyce, the property owner as well as the principal of Old Grove Partners, LLC. The subject proposal involves four properties. Also in attendance was Reagan Harold from Beals and Thomas, who is the project engineer. He added they are before them for a scoping session to have an initial discussion with the Board. The project involves 62 acres. One of the properties contains a single-family home with accessory building, one of which provides a hockey rink and a pool. Mr. Zahka then described for the Board what a PRD is and how the Board has regulated these projects in the past.

Attorney Zahka expressed the project could be constructed as twenty single family dwellings through a subdivision. Based on the PRD regulations, up to thirty single family dwellings could be allowed. The Applicant would like to present the project at May 2020 Town Meeting.

Mr. Joyce stated he purchased the property 16 years ago. Today, it is too much land and house. They have tried to sell the property conventionally for three years but have been unsuccessful. That led him to investigate the other ways the property may be used. After discussions with Mr. Zahka, the idea of preserving as much of the land as possible has always been the priority goal. We have had two neighborhood meetings, one in the summer and one in early October. They were productive, with a lot of people from Stoney Lea and Sawyer Drive. We have informed the neighborhood about the Scoping Session tonight. Nobody obviously wants to see anything happen, but in the end, they would like to do something with the property.

Attorney Zahka stated notices were sent to 50 property owners regarding the previously mentioned neighborhood meetings. He then asked Reagan to provide an overview of the site and proposed project.

Ms. Harold provided the Board a presentation of the proposed project. She described there are wetlands on the site, about 17 acres, and a couple wetlands crossings are proposed. They will be feasible. The proposed conventional subdivision shown to the Board provided a 50 ft. right of way and 22 ft. roadway to access the 20 subdivision lots. The actual developable land is approximately

23 acres. They are showing homes between 5000-6000 sq. ft. as part of the conventional subdivision.

Mr. Bethoney asked Mr. Rosenberger if there was a way to certify the shown subdivision's accuracy. He replied that would be the next step when they officially file.

As far as the proposed PRD, they are proposing to cluster the dwellings much closer to Lowder Street. They are proposing 30 standalone townhouse style dwellings. They would be approximately 2,500 sq. ft. with three bedrooms. A conventional subdivision would obviously be quite a bit more in square footage. The PRD would provide less developed land at 11 acres compared to 23 with the subdivision. 43 acres would be permanently protected. They have conducted a traffic impact assessment for the project, which showed the PRD would not provide a significant increase in traffic or will require traffic mitigation.

Mr. O'Brien asked if they had shown the two versions to the neighborhood to see which one was more favorable. Ms. Harold stated overwhelmingly no one wanted the subdivision. He also discussed he would like to see more variety in terms of the style of the proposed dwellings instead of "cookie cutter" designs.

Ms. Porter agreed with Mr. O'Brien's comments. She also wondered if they had explored actual townhouse units, as what is being depicted for the PRD are stand-alone dwellings where townhomes are typically attached. Such townhomes might be more desirable to folks looking to downsize. Mr. Joyce responded they had not looked at that option, however the master bedrooms would likely be on the first floor. Ms. Porter also asked if they are considering walking trails around the pond on the property. Mr. Joyce replied there are currently paths today, although a bit overgrown. She then asked if there would be public access. Mr. Zahka expressed none as of this time is proposed as that was a concern of the neighbors.

Mr. Bethoney asked what the plan was for the proposed open space. Mr. Zahka reiterated the concern of neighbors by activating the open space. He also thought the Town may not want to take the properties off the tax roles for whatever little revenue they are being taxed at. The idea currently is the condominium association which owns the PRD would have strict terms of use of the open space and be protected in perpetuity.

With past PRD's, Mr. Bethoney stated that residents have contended developers were never going to actually build subdivisions. He asked Mr. Joyce if he would develop a subdivision if he could not build the PRD. He replied he would sell the property. Mr. Bethoney discussed he felt the subject properties were prime examples of what the PRD bylaw is intended for.

Mr. Zahka requested a vote by the Board to provide the project to peer review. A motion was made by Ms. Porter and seconded by Mr. O'Brien and approved 5-0 to send the project to peer review using McMahan & Associates.

A resident noted that most residents in attendance at the neighborhood meeting were from Stony Lee and only a handful from Lowder Street. She did not want it misrepresented that the entire community was in attendance. She also is very concerned about existing traffic issues on Lowder

Street, and additional impacts of the proposed project. Lastly, she hoped that if the Board were to move forward with the project, Mr. Joyce would have to be the developer.

Mr. McGrail stated he and the neighborhood are working with the Transportation Advisory Committee to address issues. He also noted that Mr. Joyce has put time into discussing his project with the community and appreciated that.

Old Business/New Business

Ms. Porter discussed the idea of creating a subcommittee of perhaps two Board members to review the Adult Use Overlay District and to think about how to anticipate or regulate uses that may be issues.

Mr. McGrail stated he was fine with discussing uses such as vape shops, tattoo parlors and any other potential uses that may cause concern.

Mr. O'Brien asked if the Master Plan process would potentially take this up.

Ms. Porter replied it could, but it might be a better actionable item for the Board. But the idea is that the Board typically does not have the time to have these kinds of discussions during their public meetings and therefore a subcommittee would provide the time.

After discussion, and due to the time, Mr. Bethoney stated the Board will take up the discussion at their next meeting in November.

52 Garfield Road Compliance Letter Request

At this point, Mr. Bethoney recused himself from the meeting and left the room due to a conflict of interest with the subject property.

Mr. Rosenberger stated the owner of 52 Garfield Street, formerly 58 Garfield Street is seeking a letter of compliance from the Board. The property was the subject of a determination of adequacy in 2014, which was approved. However, a condition of the approval required a compliance letter to be issued. He discussed it was unclear if the letter was to be issued by the Planning Director or the Board. As such, the request is for the Board to issue a letter of compliance as the roadway/driveway is now complete, and this would allow for the sale of the property.

Mr. Rosenberger stated he visited the subject property with Building Inspector Jim Sullivan. They both agreed the roadway/driveway were built per the approved plans.

Motion: Mr. McGrail moved to approve the issuance of a compliance letter. Mr. O'Brien seconded.

Vote: The Board approved the motion, 4-0.

Adjourn

Motion: After discussion, Mr. O'Brien moved to adjourn, seconded by Ms. Porter.

Vote: The motion was approved 4-0.

The meeting adjourned at 10:30pm.