

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
November 7, 2019, 6:30 p.m., Lower Conference Room

Present: John R. Bethoney, Chair
Michael A. Podolski, Vice Chair
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.

Robert LePorto
Manor Fields Discussion

Rob LePorto discussed briefly that he attended the mixed-used development open house at the Dedham Middle School and found it to be a highly interactive and engaging meeting. He was actually before the Board seeking clarification regarding the proposed Town Meeting Article 6 for Manor Fields. Mr. LePorto believed a new traffic study would be necessary for the proposed project. He highlighted since the initial traffic study, there have been new developments in the area, especially Boston, in addition to Amazon. The increase since the initial study is of significant concern and should be incorporated. The results could show the Fields may need to provide better traffic management.

Mr. Bethoney said he has thought about Mr. LePorto's request for an updated traffic study and discussed it with the Planning Director to determine if it's within the Board's regulatory authority to require an applicant, who already has a Certificate of Action and site plan approval, to conduct additional studies. He then asked the Planning Director to discuss the Board's regulatory authority.

Mr. Rosenberger stated the Board issued a Certificate of Action for minor site plan review in 2014 for the Manor Fields project. If the project were to increase or decrease in scope, which would cause changes to the approved plans, the applicant would have to come back before the Board.

Joanne Keening of Precinct 5 expressed her concerns with Amazon's operations on Dedham streets which is a huge concern with the neighborhood and overall safety. Ms. Keening stated that based on a previous judicial ruling, the project cannot be built on the site. The current wooded land prevents flooding issues, and any

disturbance or loss of wetlands would be detrimental to the surrounding neighborhood. Lastly, the traffic in the area is a large concern.

Ms. Porter asked if the Parks and Recreation chairman would want to comment on the statements that had been made.

Jonathan Briggs, Parks and Recreation Chair, expressed that he was curious as to the status of Amazon. Mr. Rosenberger explained that Amazon has expressed interest in occupying the whole building, but they have not submitted any plans or an application. There will likely be an opportunity for the Board's regulatory review and approval.

Mr. Briggs said they want the proposed Manor Fields to do what's right for the Town of Dedham and ensure it is safe. He added there is no proposed change in the layout of the plans. To undertake an additional traffic study would cost more money. Until they have additional funds for such a study, they would not be able to conduct one.

**Animal Rescue League (Continued from 10/24/19)
Major Nonresidential Project**

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

Chairman Bethoney directed the Board would now continue the public hearing regarding the Special Permit and site plan review request by the Animal Rescue League (ARL). He asked Attorney Peter Zahka to provide a brief summary and overview of what has been presented thus far for the proposed project.

Attorney Zahka stated Mr. O'Brien will have to review minutes and watch the video for the meeting on November 7, 2019 so he can sit at the next hearing. Mr. Zahka then provided a summary of the existing site and proposed project with regard to the building design, parking layout and traffic impact assessment. As far as payment in lieu of taxes, known as a PILOT, he had reached out to the Dedham Board of Assessors to understand how PILOTs work in the Town. The Board of Assessors would need to establish an official pilot program, which the Board would implement. Mr. Zahka added he and Ms. Nee had approached all three members of the Board of Assessors about initiating a task force to look into a program. After research, the most common approach is certain entities pay a percentage of what they otherwise would if not exempt. He expressed he has yet to find anywhere where taxes from churches or philanthropic charities had entered into PILOT agreements. Such agreements have tended to be cultural institutions, universities, and museums. Mary Nee put together and showed the Board the fiscal benefit of ARL to the town, and outside of the Town. Within the Town of Dedham is \$100,000. Under most PILOT programs, they would get a credit for most, if not all of that. They understand this is an issue and are proposing a condition to mitigate any impacts of the project by contributing \$5,000 a year for the next ten years to the Town of Dedham. In addition, ARL would continue to hold rabies vaccine clinics free of charge to Dedham residents. With that, Attorney Zahka said members of the team were on hand to answer any questions or comments.

Mr. Bethoney asked Steve Findlen of McMahan & Associates to describe his role as peer reviewer on behalf of the Town of Dedham. Mr. Findlen discussed McMahan & Associates has been retained and paid for by the applicant to review the applicants plans and materials and compare those to the zoning bylaw and any other pertinent industry standards. Initially, they found 27 issues. Eight dealt with traffic related issues and

the remaining 19 involved issues or comments related to site plan review. As discussed at previous meetings, all 27 issues have been satisfied and addressed.

Mr. Bethoney stated the Board would now take comments from the public.

Ms. Maria Katsinis
84 Violet Avenue

Ms. Katsinis discussed there had been many changes in the area due to Nobles and Greenough over the past 30 years. She was concerned that her street is a quiet residential street and they have dealt with cut thru traffic and vehicles speeding through. Ms. Katsinis asked why there were so many parking spaces proposed. Attorney Zahka replied that the zoning bylaw requires 127 off-street parking spaces, and they are actually below that number. There will be times like staff meetings, when there will be over 100 people. ARL will have enough space on the site to accommodate everyone, so they do not park on Pine Street or any of the neighborhood streets.

Mr. Bethoney asked if ARL will be submitting traffic and parking demand management plans. Attorney Zahka replied no as they meet the zoning bylaw and as portrayed in their traffic assessment, will have minimal impact on the roadways. Mr. Bethoney asked if they could develop a policy for employees and/or attendees to not utilize neighborhood streets for parking. Ms. Nee described there haven't been any issues, but they would certainly accommodate the request to ensure employees and patrons do not utilize the neighborhood for parking purposes. Mr. Zahka expressed they would accept any reasonable condition the Board may want related to the topic.

Mr. Anthony DiBeneditto
15 Stivaletta Drive

Mr. DiBeneditto agreed with the previous comments that the quiet nature of the area will be disrupted by the proposal. He is concerned about construction vehicles using Stivaletta Drive to turn around. Also, Mr. DiBeneditto asked if the proposed building takes into account future expansions.

Attorney Zahka responded that a full construction management plan would be submitted, specifically detailing construction truck routes. He also discussed that the proposed project is part of an ARL master plan process to plan for the next twenty years of the organization. Mr. Bethoney asked Ms. Nee if they had any long-term plans for expansion on the site. She replied no.

Ms. Jan Vogel
64 Reed Street

Ms. Vogel stated that the ARL has been a good member of the community.

Mr. Joe McKeown
21 Aspen Court

Mr. McKeown stated he was not opposed to the ARL but is opposed to the building in a residential area. He felt his dead-end street will become increasingly utilized as a turn-around.

Ms. Cheryl Traversi
40 Arlington Road

Ms. Traversi noted that traffic is the world they live in. Also, she mentioned the property has been around for over 100 years and is in full support of the project.

Mr. Russ Poole
4 Hillside Road

Mr. Poole described how he was involved in a motor vehicle accident on Pine Street in which he sustained injuries. He stated the traffic from Nobles and Greenough was a horror show and that ARL, which is next to the academic campus, would add to the issues. As such, he strongly recommends the Board not authorize the proposed project.

Mr. Stephen Volk

201 Pine Street

Mr. Volk stated the project is a commercial development in a residential area. Specifically, his concern is the second entrance closest to Nobles. The entrance is in between two blind corners. He felt if the project would provide minimal traffic issues, then why do they need two entrances? Mr. Volk added that his discussions with Mr. Baldwin and his colleagues from ARL who met with him were highly productive, friendly, congenial, and they got something done. He has not heard from anyone else. He is against the project and would like the Board to reject it as it is a commercial project in a residential area.

Attorney Zahka replied that Mr. Volk did raise some legitimate concerns regarding the way Pine Street curves. However, the ARL's access points meet state standards for stopping distances and sight lines. They will need to trim back some brush to allow a bit more sight distance at one of the entrances.

Bob Baldwin, Project Manager for ARL, said the engineers stated they need two entrances to reduce traffic from Pine Street because it allows more choices to the site. It also allows better distribution of vehicular traffic on the site, such as employees, medical vans and visitors to the cemeteries. Mr. Bethoney asked how many medical vans they will have. Ms. Nee replied the vans are like RVs and they would have two. Mr. Bethoney asked Mr. Findlen if he would agree with Mr. Baldwin's statements. He replied yes.

Mr. McGrail asked if they were to remove one of the curb-cuts, would they need to move the parking area closer to Pine Street? Mr. Baldwin replied yes. Mr. Volk stated the parking lot is already twenty feet from the street, it could not be moved more. Mr. Baldwin explained they would need more asphalt if it cannot get any closer to Pine Street. Mr. Volk felt they should try to make the building smaller and move it back.

Mr. Bethoney responded that the applicant has heard all the comments this evening and there would be no action taken tonight. Hopefully they will assess the comments and address them in the future.

Dr. Edward Schettina, Vice President of the ARL, stated that he canvassed the area, asking for questions, and some people did ask questions. He stated most people were fine. They knocked on roughly 30 doors. 25 people were in favor of the project. They purposely avoided some side streets where there was police activity. Mr. Zahka presented a petition with 400 signatures of Dedham residents in support of the project. He acknowledged the Special Permit process is not a popularity contest but wanted to show there is support in the area and in the Town.

Mr. McGrail agreed that it was not a popularity contest but it's nice to hear from supporters and those against so we can have a conversation. Overall, he's glad to see both sides seeking to hear from the neighborhood and outreaching.

Ms. Stephanie Carter

227 Pine Street

Ms. Carter asked for clarification with regards to the roadway aisle widths in front of the proposed building. Mr. Bethoney stated the aisles in front of the building are 24 ft., while the rest of the site would be 20 ft. Ms. Carter also wanted to confirm the traffic study discussed there would be 30 trips during the peak morning hours, but 71 employees. Attorney Zahka replied the peak hour was 7:15 to 8:15 in the morning.

Ms. Carter discussed she had heard multiple comments regarding the operating hours of the ARL. Is 7:30am to 7:30pm seven days a week correct? Ms. Nee replied the office hours are Monday through Friday, but the shelter is open seven days a week. While they do expect to increase the weekday worker attendance from 51 to 71, the weekends would be shelter staff only and any volunteers. The most popular day people come to adopt is Saturday. Mr. Bethoney asked if they could develop a more accurate number of attendees on the weekend for their next meeting. Mr. McGrail assumed the number will not change based on the new building as the current animal operation is not changing.

Ms. Carter discussed she canvassed the neighborhood and has a petition against the project. 171 people signed it and most have asked to downsize the proposed project. The majority of opposition is from Riverdale. As such, she would like the Board to consider that people in the area are not in favor of the project. While Ms. Carter acknowledged ARL has made some modifications, one thing they have not yet proposed is downsizing the building. Why do they need such a large footprint and such large training conference centers? She is also not in favor of a second roadway access point. It is a convenience for ARL but not the neighborhood. Lastly, Ms. Carter discussed that not all the abutters have been spoken to.

Mr. McGrail asked if they were to eliminate one of the driveways, which one would it be? Attorney Zahka replied the original, existing driveway would be the preference. The new curb-cut would offer safer and better access to the site. Ms. Carter stated her preference was to keep the existing driveway. Mr. McGrail asked Mr. Findlen for his recommendation. Mr. Findlen responded that it is a complicated question as you need to consider the operations of the site. It has always been analyzed with two access points. Ms. Nee stated the operations of the site require the proposed site plan and layout of access points. Mr. Findlen stated he does not have any issue with the two driveways as it works.

Ms. Katsinis said she respected ARL. She is concerned about cut-through traffic. Mr. Bethoney stated any traffic controls are the responsibility of the Select Board.

Ms. Anne Frasca
22 Aspen Court

Ms. Frasca said she agrees with everything Ms. Carter has stated. She said as part of the canvassing of the neighborhood, fewer than ten people were in support of the project. Ms. Frasca did have a question as she had not heard before that ARL was seeking to allow non-ARL entities to use the facility. Ms. Nee replied there was a request at the previous neighborhood meeting for area PTOs and organizations to use the facility for meetings. It would not be rented out. Ms. Frasca discussed the garaging and servicing of the medical trucks did not seem to be an appropriate use for the residential area. She didn't see why that couldn't happen off-site. Furthermore, as previously mentioned, the sheer size of the proposed building is not in character with the residential area.

Ms. Nee replied the garage is not a typical garage but is a medical support facility. It would handle all the medical equipment, ensuring proper disposal and cleaning. There is no maintenance of the vehicles. It wouldn't be efficient to their operations to locate it off-site.

Ms. Marielena Nee
43 Greenlodge Street

Ms. Nee stated she has been a volunteer for the ARL. She felt it was unfortunate that ARL was being looped in with the issues regarding Nobles and Greenough. As a long-term volunteer for the ARL, she has never witnessed any issues on or accessing the site. Lastly, she feels all the community services the ARL provides are not being brought to the forefront. Mr. Bethoney discussed the ARL has presented a community impact

and fiscal analysis, which Mr. Zahka has briefly touched on. Their representation is they provide a net of \$104,000 to the community annually.

Ms. Carter asked how does the use of the facility by non-entities affect the timing and lights at the site?

Mr. Bethoney discussed, what he has heard tonight, is the applicant should concentrate on the building massing, site lighting, hours of operation and traffic impact. Ms. Carter added landscaping is also an ongoing conversation.

Motion: Mr. McGrail moved to continue the public hearing to December 5, 2019 at 7pm, seconded by Ms. Porter.

Vote: The vote was unanimous at 5-0.

**8 Industrial Way
Arthur J. Hurley Company, Inc.
Minor Site Plan Review**

Applicant: Arthur J. Hurley Company, Inc.
Project Address: 8 Industrial Way, Dedham, MA
Representative: Lara Hurley

Lara Hurley of the Arthur J. Hurley Company explained the company is celebrating its 90th anniversary. She discussed the company is a distributor of electrical wire and cable and related products. To celebrate their birthday, they would like to add a new loading dock and storage area onto an existing fabrication building. Ms. Hurley introduced their consultant Russ Forsberg, engineer Joe Murphy and construction manager Dennis Lynch. Mr. Forsberg discussed the company is looking to improve the efficiency of its existing 14.3 acre property by adding on to an existing building to remove the need for forklifts to move between an existing receiving building, that is proposed to be torn down, and the building proposed for improvements. Employees would no longer be subject to the elements when moving materials back and forth. He then provided the Board an overview of the current and proposed operations. Mr. Forsberg discussed the addition would be 19 ft. in height and approximately 6,652 sq. ft. in size. He added the materials would match the existing building.

Mr. Forsberg discussed the closest abutter, the MBTA, is 191 ft. away from the addition. He also added there is an abundance of existing perimeter vegetation that effectively screens the property from the abutting neighborhoods and as such would not cause any detriment.

Mr. Bethoney referenced the Planning Director's staff report dated November 5, 2019. He then asked if there were any members of the community that would like to comment on the project. There were none.

Ms. Porter asked how many total employees and visitors go to the site on a typical day. Mr. Forsberg responded that there are 11 employees at the existing building and that would not change. There are four additional employees in another building on the property. He further added there are no visitors to the site except for trucks associated with the business operations.

Ms. Porter asked if they felt the amount of parking provided was adequate and wouldn't be changed. Mr. Forsberg replied yes. Mr. Podolski asked that if the project were to be approved, that such representations be made in a certificate of action.

Mr. Podolski asked for the applicants to provide a better understanding of the perimeter vegetation to ensure abutters aren't impacted or if any landscaping would be needed. Mr. Forsberg replied the Hurley Company is seeking to increase the amount of landscaping on the property over time, realizing that the majority of the industrial property is impervious. Mr. Podolski stated he would want a provision in the certificate of action that if any of the perimeter landscaping were to be removed, that the applicant would be required to come back to the Planning Board to replace it. Mr. Rosenberger stated a stormwater permit will be required from the Conservation Commission.

Motion: Mr. McGrail moved to approve the requested minor site plan, with the proposed additional conditions stated by the Board. The motion was seconded by Mr. Podolski.

Vote: The vote was unanimous at 5-0.

**110 Stergis Way
B2 Tech LLC
Minor Site Plan Review**

Applicant: B2 Tech LLC
Project Address: 110 Stergis Way, Dedham, MA
Zoning District:
Representative: Kevin Hampe, Esq.

Kevin Hampe, Esq. was in attendance representing the applicant B2 Tech LLC. He was joined by Natalie Chu and Tamara Chu owners of the business and John Taff, the general manager of the proposed facility. Attorney Hampe discussed they are seeking for the Board to consider the applicant's proposed new 14,000 sq. ft. baseball practice/training facility in an existing warehouse building an insignificant modification of the existing site plan. He added the site was originally developed back in 1995. The building/site has primarily been used as a wholesale and warehouse use. The portion of the building they are seeking to occupy has been vacant for many years. They intend to operate an indoor baseball training facility, which is an allowable use in the Highway Business Zoning District. Their maximum occupancy would be 56 people. The facility would provide batting cages, video rooms, waiting areas, etc. Most of the space will be devoted to the batting cages. There are currently 42 parking spaces for the property and 39 would be required. As such, the proposed use would meet the parking requirements of the Dedham Zoning Bylaw. Lastly, the proposed use would be less intrusive than the previous warehouse use and the site would be repaved and restriped.

Mr. McGrail discussed Mr. Taff has done a terrific job meeting with the youth commissions and high school teams and other youth baseball stakeholders in Dedham. He felt the facility would provide a significant upgrade for Dedham youth baseball. Mr. Hampe expressed the facility would offer preference and discounts to Dedham youth.

Mr. Bethoney asked if any Board members had concerns with regard to the insubstantial modification request. Mr. Podolski asked Mr. Hampe if there is enough parking on the site for both the existing electrical supply company and the proposed baseball facility. Mr. Hampe replied they have a surplus of three parking spots pursuant to the zoning bylaw parking requirements.

Ms. Porter asked how long the applicant's lease would be. Mr. Hampe replied three to five years. She asked if they would consider installing a bike rack. Mr. Hampe replied yes. Mr. Podolski stated he had no objections to the project, but that Stergis Way, especially where it enters Legacy Boulevard will need to be dealt with by the way of future improvements.

Motion: Mr. Podolski moved to approve the request for insubstantial modification of an existing site plan, seconded by Mr. McGrail.

Vote: The vote was unanimous at 5-0.

**26 Bryant Street
Town of Dedham
Special Permit Major Nonresidential Project/Site Plan Review**

Applicant: Town of Dedham, Town Manager Jim Kern
Project Address: 26 Bryant Street, Dedham, MA
Zoning District: Central Business (CB)
Representative: Dore and Whittier, Architects

Mr. Bethoney asked if all the Board members had an opportunity to review the Certificate of Action and are ok with it.

Motion: Ms. Porter moved to approve the Certificate of Action for the Public Safety Building, seconded by Mr. Podolski.

Discussion: Mr. Steeves stated the proposed project was a square peg in a round hole.

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

**2019 Fall Town Meeting
Warrant Article 12**

Mr. Bethoney asked the Planning Director to give updates regarding Warrant Article 12. Mr. Rosenberger discussed the Board approved proposed zoning amendments for the retail sale of firearms on October 24, 2019 after an extensive public comment period. The approval was conditioned that Mr. Rosenberger, Mr. Podolski and Ms. Porter work together on fine tuning the language. Unfortunately, Town Counsel provided comments and edits after the publication deadline for the warrant publishing. The main comment was ensuring that some of the language did not conflict with local and state firearms regulations. Based on the comments, further revisions were necessary. As such, the Board would have to put forth a substitute motion to include the revisions that didn't make the warrant article book. The revisions were only regarding adopting the Mayoral 10 Point Code on firearms. Mr. Rosenberger discussed he had already talked to Moderator Dan Driscoll who understood the situation.

Mr. Podolski stated that the changes by Town Counsel are appropriate, he just wished they could have been done in a timely manner. He added that what the Board has put together is unique and they should be proud of it.

Motion: Ms. Porter moved to recommend the substitute motion to Town Meeting, seconded by Mr. Podolski.

Vote: The vote was unanimous at 4-0.

4 Antonio Estates Supreme Development

Mr. Rosenberger stated 4 Antonio Estates would not be discussed this evening as the Applicant was not able to attend.

35 Roosevelt Road Kevin Costello

Mr. Rosenberger discussed 35 Roosevelt Road would not be discussed this evening as the Applicant was not able to attend.

Meeting Minutes

Motion: Ms. Porter moved to table the review of the 2018 meeting minutes to the next meeting, seconded by Mr. Podolski.

Vote: The vote was unanimous at 5-0.

Old/New Business

Mr. Steeves wanted to know if the Public Safety Building was not going to move forward until the new Town Hall was completed. He said they have discussed it before and that it should be in meeting minutes. Mr. Bethoney stated the applicant has represented nothing will happen on the Public Safety Building until the new Town Hall is ready for occupancy. Mr. Podolski agreed with Mr. Steeves' statements and discussed he attempted to put similar language into the Certificate of Action.

Mr. Bethoney requested that Mr. Rosenberger send the Town Manager a letter stating the representations have been made that Town Hall will be fully occupied until work begins on the Public Safety Building.

Adult Use Overlay District (AUOD) Subcommittee

Mr. Bethoney discussed with the Board Ms. Porter's requested agenda item for a discussion for an Adult Use Overlay District subcommittee. The subcommittee would explore other uses that could potentially require further restrictions such as vaping shops, tattoo parlors, etc. Ms. Porter thought the formation of a subcommittee would be a good idea and is up for discussion tonight.

Mr. McGrail expressed the subcommittee was a good way to be proactive and think outside of the box. He added the subcommittee would not last forever. Mr. Podolski agreed with the intent and thought one or two Board members should work with Mr. Rosenberger to put together ideas and bring them back to the Board.

Motion: Mr. Podolski moved to nominate Ms. Porter and Mr. McGrail for the subcommittee and was seconded by Ms. Porter.

Vote: The vote was unanimous at 5-0.

Adjourn

Motion: Mr. Podolski moved to adjourn at 9:50 pm, seconded by Ms. Porter.

Vote: The vote was unanimous at 5-0.