

**PLANNING BOARD**

John R. Bethoney, Chair  
Michael A. Podolski, Esq., Vice-Chair  
James E. O'Brien IV, Clerk  
Jessica L. Porter  
James F. McGrail, Esq.  
Andrew Pepoli, Associate

Planning Director  
Jeremy Rosenberger



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Administrative Assistant  
Jennifer Doherty

Assistant Town Planner  
Michelle Tinger

**TOWN OF DEDHAM  
450 WASHINGTON STREET  
DEDHAM, MA**

**MINUTES OF THE PLANNING BOARD MEETING  
VIA TELECONFERENCE  
FEBRUARY 9, 2022, 6:00 P.M.**

**BOARD MEMBERS:**

John R. Bethoney	Chair
Michael A. Podolski, Esq.	Vice-Chair
James E. O'Brien IV	Member
Jessica L. Porter	Member
Jim McGrail, Esq.	Member
Andrew Pepoli	Associate Member

**PLANNING DEPARTMENT STAFF:**

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

**1. CALL TO ORDER**

Chairman Bethoney called the meeting to order at 6:00 p.m. He explained the meeting procedures and protocols to the public.

**2. WIGGIN AVENUE - TOWN OF DEDHAM ENGINEERING DEPARTMENT**

On a motion made by Mr. McGrail, it was resolved to approve the layout plan as proposed to the Planning Board. Mr. Podolski seconded the motion. A roll call vote was taken:

John R. Bethoney	Yes
Michael A. Podolski	Yes
James E. O'Brien IV	Yes
Jessica L. Porter	Yes
James F. McGrail, Esq.	Yes

Motion carried unanimously, 5-0.

**3. REVIEW AND APPROVAL OF MEETING MINUTES**

On a motion made by Ms. Porter, it was resolved to approve the minutes from January 4, 2021. Mr. Podolski seconded the motion. A roll call vote was taken:

John R. Bethoney	Yes
Michael A. Podolski	Yes
James E. O'Brien IV	Yes
Jessica L. Porter	Yes
James F. McGrail, Esq.	Yes

Motion carried unanimously, 5-0.

On a motion made by Ms. Porter, it was resolved to approve the minutes from the January 5, 2021. Mr. Podolski seconded the motion. A roll call vote was taken:

John R. Bethoney	Yes
Michael A. Podolski	Yes
James E. O'Brien IV	Yes
Jessica L. Porter	Yes
James F. McGrail, Esq.	Yes

Motion carried unanimously, 5-0.

On a motion made by Ms. Porter, it was resolved to approve the minutes from the January 13, 2021, as amended. Mr. Podolski seconded the motion. A roll call vote was taken:

John R. Bethoney	Yes
James E. O'Brien IV	Yes
Jessica L. Porter	Yes
James F. McGrail, Esq.	Yes

Motion carried unanimously, 4-0.

Ms. Porter requested that her speech be included verbatim in the January 27, 2021 minutes. There were a few other grammatical and spelling amendments. She asked that there be more detail included regarding the waivers.

On a motion made by Mr. Podolski, it was resolved to approve the minutes from the January 27, 2021, as amended. Mr. McGrail seconded the motion. A roll call vote was taken:

John R. Bethoney	Yes
Michael A. Podolski	Yes
James E. O'Brien IV	Yes
Jessica L. Porter	Yes
James F. McGrail, Esq.	Yes

Motion carried unanimously, 5-0.

4. **PUBLIC MEETING**  
**270 & 290 BUSSEY STREET — DELA PLAZA EAST INC., MINOR SITE PLAN**  
**REVIEW/MODIFICATION**

The Applicant requested more time to prepare for this presentation. The application would be postponed until further notice.

**5. SELECT BOARD TRAFFIC/PEDESTRIAN STUDY REQUEST**

Chairman Bethoney read a letter from Ms. Dimitria Sullivan, Chair of the Select Board. The letter noted that there had been accidents involving pedestrians and these events are concerning to the Town. As a result, Ms. Sullivan asked for the Chairs of certain Boards and Committees, and Town staff, to meet and begin the planning process of making Dedham a safer place for pedestrians. Mr. Bethoney agreed to participate in this committee.

Ms. Porter asked if there could be a yearly review by the Planning Board of collisions. Mr. O'Brien noted that these collisions seem to happen between 3:00 p.m. and 7:00 p.m. Mr. McGrail pointed out that there are issues with apps directing traffic through Dedham in a way that could be increasing collisions. He also mentioned that sidewalk snow removal may need to be improved. Mr. Podolski noted concern about distracted driving. He suggested that the police could use cell phone records to confirm if there is distracted driving and walking.

**6. PUBLIC HEARING  
146, 188 AND 216 LOWDER STREET AND 125 STONEY LEA ROAD, PLANNED RESIDENTIAL DEVELOPMENT**

Mr. Rosenberger stated that notice of the meeting was provided to abutters within five hundred (500) feet of the property, participants in past PRD meetings, on social media, on the agenda, and on the Town website. There have been three communications from residents that have been received for tonight's meeting.

Due to the approval of the PRD, the Planning Board agreed to have a meeting regarding the PRD land donation. Once the Planning Board and developer agree on terms, the Certificate of Action (COA) will be updated. If both parties cannot agree, the land donation will return to the developer after 12 months.

Attorney Zahka provided additional information regarding the land donation and the PRD. Two solar-powered rapid flashing lights are on order, per the Town's requirements. The current COA does not reference a land donation. The PRD, as approved, includes approximately forty-eight acres of open space. For the land donation to be accepted, there would need to be a public hearing to amend the COA.

The land donation would be approximately twenty acres. The land would have restrictions which include: land will only be accessed via the ECEC property; parking for the land would be on the ECEC property; no use of motorized vehicles except for maintenance; no parking or paving or buildings, except for a small safety structure; only unpaved trails; no dumping on the land; and that the land is used for passive recreation such as hiking and walking. These are all restrictions aligned with the restrictions on protected open space in the COA.

Ms. Porter asked about access via Stoney Lea Road. There was a discussion regarding parking and access to the property. Essentially, there is only access via the ECEC. There was discussion regarding access and ensuring it does not cross private property.

The Chair opened the discussion to the public.

**Mr. Gary Brefini** of 136 Stoney Lea Road. He noted that access to the land via Stoney Lea Road would be challenging because of wetlands. Walking to school in this area would be very difficult. He also noted that he regularly picks up garbage in the neighborhood and has concerns about an increase in waste due to more traffic. Part of the selling point of the neighborhood is that it feels like the country but is close to roads and Town. He voiced concern that property values would go down if there were walking trails.

**Mr. Nathan Gauthier** of 89 Maple Place noted that he is part of the Conservation Commission. He noted that he was under the assumption that there would be public access to the land. Limiting access by way of the ECEC will restrict the Town's eligibility for some grants.

**Mr. Adam Chapdelain** of 88 Stoney Lea Road. He is a solid supporter of giving access to the land via Stoney Lea Road. Additionally, trail access would increase rather than decrease property values.

**Mr. Jim Maher** of 22 Sherman Road asked if there could be access from other points. Mr. Zahka noted that access to the land has been generically described in the document and that it is only via the ECEC. There was a discussion regarding how to limit access. Mr. McGrail noted that when this PRD came to the Board, the land was going to be set aside for conservation. There was no mention of donating it to the Town. Mr. McGrail suggested donating it to the Town so that the ECEC could use it. Part of why the access would be limited to ECEC is due to public safety.

**Mr. Steven Borth** of 155 Stoney Lea Road noted that he did not receive a notification for the meeting. Chairman Bethoney noted that this would be investigated. Mr. Borth noted that the roads in the area are substandard, which causes problems if there is street parking. Parking causes the roads to be one lane. People have been accommodating, but this could be a problem if traffic increases. He also noted that garbage in the area has increased.

**Mr. Richard Gelerman** 196 Stoney Lea Road. As an attorney with expertise in municipal law, he noted that the MOU shows that access has been decided. Since that has been determined, it should not be up for discussion.

**Ms. Tracey White** from the School Board Committee noted that access from the ECEC was agreed on, and this would increase learning space for students. Timing is limited to solidify this gift. Part of the access was done for safety purposes. This is a great opportunity for the community and school, but limits are needed due to the property's location.

**Mr. Edward Bigelow** 271 Stoney Lea Road. He has lived in this neighborhood for 50 years and supports the access restrictions.

**Ms. Eileen Kylie.** Since the last meeting, there has been an increase in pedestrian collisions. She was hoping that data could be available in real time. This is related to the land donation because it could negatively impact traffic. Chairman Bethoney noted that the traffic study did show that it would not negatively impact traffic but would ensure that the Town responds to this.

**Mr. Fred Civian** of 24 Spruce Street. He has been active in civic government. He noted that the donation is a wonderful opportunity. There could be strategies involved such as increasing access, ensuring parking and unfettered access, or restricting access to only the neighborhood. Within any project, there are significant challenges.

**Mr. Bob LoPorto** of 148 Crane Street thanked the developer for the donation. He supported multiple access points to the land.

**Mr. Sean Kelleher** of 106 Robert Road explained he lives near the ECEC and believes the land donation is a great opportunity. He felt that there should be multiple access points. As it is a wetland, there could be boardwalks to facilitate access. An increase in waste is an issue, but this does not override the pros of having a park.

**Ms. Edith Graichen** of 30 Arbor Lane stated that she supported what Mr. LoPorto said. She also noted that they would need a bridge for the ECEC to have access. More access points would be better.

**Mr. Jim Kaufman** of 248 Highland Street noted that if access is only via the ECEC, it will be constrained. If the developer is receiving tax breaks for the donation, there should be an increase in access.

Chairman Bethoney clarified that the Board can only vote based on the applicant's submitted proposal.

**Mr. Gary Brefini** noted that most people who favor increased access do not live in the neighborhood. He voiced concern that there is more wildlife in the area as their habitats disappear. This is a safety concern for children walking to school or others going through the park. Additionally, the roads in the neighborhood are subpar and cannot handle increased traffic.

Mr. Pepoli noted that parents can decide what is safe or unsafe for their children. Also, as Town land is public it should be accessible to the public.

**Mr. Steven Borth** noted that there is not a sidewalk in this area. He suggested that the Board take a walk in the neighborhood to see the sidewalks and lanes.

**Mr. Drew Pearce** noted that Stoney Lea Road is very narrow. If access is given from Stoney Lea Road, it could be logistically challenging. He also stated that the gift should be accepted with the developer's restrictions.

Mr. Podolski thanked the public for its feedback and participation. He noted that if the donor would like to restrict the gift, there are two options: accept the gift with restrictions or do not accept it.

Ms. Porter asked the developer to give the gift and increase public access. She also noted that she walks in the area three to five times a week. She sees people from all over Town walking in the area. The neighborhood's concerns are valid, but there is a social contract wherein being part of a town means sharing space.

Mr. O'Brien thanked the developer for his donation and commitment to his neighbors.

Mr. Joyce, the developer, noted the pedestrian beacons are ordered and should be delivered in March. The DPW is aware that this is due to manufacturing delays and that there is a plan to install when the ground is more pliable. He also confirmed that the \$100,000 donation would be when the first building permit is requested. This should occur in approximately five months. If money is needed for the traffic study, he can donate part of the money early. Mr. Joyce noted that

the land donation was a result of a request. He did his due diligence with the neighbors to ensure it was done correctly. Mr. Joyce also wanted to be clear that he did not give something and then ask for it to be returned. He is willing to work with the Town and the neighbors to ensure this is done correctly.

Chairman Bethoney noted that the COA would need to be modified for the land donation. He will confirm if this needs to be done by reopening the public hearing. The modified COA will be brought to the Planning Board. The Planning Board does not need to provide an opinion tonight on the land donation.

**7. PUBLIC HEARING**  
**124 QUABISH ROAD — ROUTE 1 MANAGEMENT LAND TRUST LLC, PLANNED COMMERCIAL DEVELOPMENT/MIXED USED DEVELOPMENT PROJECT**

*Request for Special Permits for a Major Non-Residential Project, Planned Commercial Development, Mixed-Use Development, work within a Flood Plain Overlay District, retaining walls in excess of 4 feet, and for various uses (free-standing ATM, General Service Establishment, and Restaurant), and any associated waivers to construct a four (4) story, 293 dwelling unit Mixed-Use Development with 454 off-street parking spaces. The subject property is located at 124 Quabish Road, Dedham, MA, Assessors Map/Lot 149/6, and is located within the Research, Development, and Office (RDO) Zoning District and Flood Plain Overlay District (FPOD). Dedham Zoning By-Law Sections 280-3.1, 4.1, 4.2, 5.1, 5.2, 6.3, 6.5, 7.4, 7.9, 8.1, 9.2, 9.3, 9.4, 10, Table 1, Table 2 and Table 3. Representative: Peter A. Zahka, Esq.*

Attorney Zahka noted that the team is working through the architectural peer review. The issues can all be addressed, but new drawings need to be prepared, delaying the process. The Design Review Advisory Board met with the Applicant, and there has been progress on this front. The comments are being considered. They have met with the Conservation Commission and there will be a peer review. Access to Wigwam Pond has also been discussed. Unfortunately, there are significant restrictions due to the landscape, and it will not be possible.

There are other access points that would be better and will be explored. Traffic has not been addressed for peer review in other areas because data has not been delivered yet. This will be presented to the Planning Board when it is received. Fiscal peer review is being addressed. Chairman Bethoney noted that he missed the last hearing related to this project. He has done his due diligence, listened to the recording, and read all associated documents. The affidavit has been filed with the appropriate parties.

**On a motion made by Mr. Podolski, it was resolved to continue the public hearing to the evening of March 9, 2022. Ms. Porter seconded the motion. A roll call vote was taken:**

<b>John R. Bethoney</b>	<b>Yes</b>
<b>Michael A. Podolski</b>	<b>Yes</b>
<b>James E. O'Brien IV</b>	<b>Yes</b>
<b>Jessica L. Porter</b>	<b>Yes</b>
<b>James F. McGrail, Esq.</b>	<b>Yes</b>

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

**8. NEXT MEETING**

The Planning Board's next meeting was scheduled for March 9, 2022, at 6:00 p.m.

**9. ADJOURNMENT**

**On a motion made by Mr. Podolski, it was resolved to adjourn the meeting. Ms. Porter seconded the motion. A roll call vote was taken:**

<b>John R. Bethoney</b>	<b>Yes</b>
<b>Michael A. Podolski</b>	<b>Yes</b>
<b>James E. O'Brien IV</b>	<b>Yes</b>
<b>Jessica L. Porter</b>	<b>Yes</b>
<b>James F. McGrail, Esq.</b>	<b>Yes</b>

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