

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 JOINT MEETING
OF THE PLANNING BOARD AND SELECT BOARD
MARCH 9, 2022, 6:00 P.M.**

PLANNING BOARD MEMBERS:

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

SELECT BOARD MEMBERS:

Dimitria Sullivan	Chair
Sarah MacDonald	Vice-Chair
Kevin R. Coughlin	Member
Dennis Teehan	Member

REGRETS

James A. MacDonald	Select Board Member
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PLANNING DEPARTMENT STAFF:

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

GUESTS:

Jonathan Eichman, Esq	Counsel for the Town of Dedham from KP Law
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1. CALL TO ORDER

Chairman Bethoney called the meeting to order at 6:00 p.m. and thanked the Select Board for their attendance at this special joint meeting.

2. PUBLIC MEETING: MBTA COMMUNITIES

Chairman Bethoney explained that the purpose of the meeting was to discuss the draft MBTA Communities guidelines. The Boards also need to determine if they would be hiring a consultant to perform an in-depth analysis of the guidelines. The consultant report and recommendations would then be presented to the public at a public hearing.

Mr. Rosenberger and Mr. Eichman presented a summary of the legislation. The intent of the legislation was to address the lack of supply of affordable housing in the state of Massachusetts, and to encourage multi-family housing developments near public transit stations. Mr. Rosenberger noted that because the legislation was new and not yet finalized, it contained some undefined or unclear terms, and that some questions may not be answerable at this time.

Mr. Eichman explained that despite having two commuter rail stations, Dedham was considered a MBTA bus community under the legislation and is subject to the “bus community” guidelines. The bus community guidelines state that the town must designate at least 50 acres of land as a multi-family zoning district, and at least 25 contiguous acres of which must be located within a half-mile of a commuter rail station, with no district smaller than five acres. The district or districts must allow, by right, for a minimum of 20% multi-family units as a percentage of Dedham’s total housing stock, which, for Dedham, would total 2,092 multi-family units. Mr. Eichman clarified that the term “by right” means that no additional approval or permits would be required. He further clarified that the legislation did not require that 2,092 units be built, but that the district’s zoning capacity must allow for 2,092 multi-family units. Subdistricts may have different densities, as long as the overall gross density is at least 15 units per acre. Dedham is 6,281 acres and does not currently have a multi-family district of a size that complies with all the requirements. The definition of multi-family housing is a building with three or more residential units, or a lot of two or more buildings with at least one residential dwelling unit per building. The Boards questioned whether the rail station must be within the community’s borders, and Mr. Eichman stated that the legislation did not specify.

Site plan review and approval may regulate matters such as vehicular access and circulation on a site, the architectural design of a building, and screening of adjacent properties. Site plan review may not be used to deny a project that is allowed as of right, nor may it impose conditions that make it unfeasible or impractical to proceed with a multi-family use that is allowed as of right.

Mr. Rosenberger presented a map of Dedham with the half-mile radiuses superimposed over the two existing railway stations. He also outlined the grants that the Town would no longer be able to access, should the Town decide not to comply with the legislation.

The compliance deadlines were as follows:

- March 30, 2022: Deadline to submit public comment.
- May 12, 2022: Deadline to submit a form stating that an informational meeting took place, and to apply for interim compliance.
- December 31, 2022: Deadline to submit a request for compliance if already compliant or an action plan if not yet compliant.
- March 2023: Deadline to implement the action plan.

The floor was opened to questions from the Boards.

Mr. O'Brien inquired who would oversee the submission of documents.

Mr. Eichman responded that the Planning Department would prepare the submission, but the Select Board would have the final approval.

Ms. Sullivan inquired if the Town had the option to opt out of compliance after the interim compliance documents are submitted.

Mr. Rosenberger responded that the Town may change its mind at any point.

Mr. O'Brien inquired if there is any appeal process outlined in the legislation.

Mr. Eichman responded that there was no appeal process at this time.

Mr. Rosenberger noted that the final guidelines have not yet been established.

Mr. Coughlin inquired who would be managing the consultant and their costs, and whether Mr. Rosenberger found the timelines to be manageable.

Mr. Rosenberger answered that the Planning Department would manage the consultant and fees and estimated the cost to be between \$20,000 to \$50,000, depending on the level of community involvement. He added that the timelines are achievable.

Mr. Teehan noted that the policy and its language are both out of touch and difficult to understand and inquired if the Boards were to decide not to comply at this time, would they be able to apply for compliance later.

Mr. Eichman answered that this issue was not addressed in the legislation; however, it seemed likely that non-compliant towns would be able to comply in the future.

Ms. MacDonald commented that the draft Designing Dedham 2030 Master Plan has been released and outlined many of Dedham's housing challenges. She encouraged the Planning Department to contact other communities for their perspectives. She also inquired if there are state funds related to improving transit service once the housing is built around the rail stations.

Chairman Bethoney inquired if the state allocated any funding to assist towns in hiring the necessary consultants.

Mr. Rosenberger answered that the state is supplying technical assistance, and funding sources could be explored. However, he cautioned that using Town funds reduces bureaucracy and delays.

Ms. Porter noted that the Massachusetts Housing Partnership is working on offering technical assistance.

Ms. Porter noted that other surrounding communities have applied for and received many grants, some of which may be useful to the Town of Dedham, such as those related to improving road conditions.

At this time, the Select Board members concluded their portion of the meeting and exited the room. The Planning Board continued on with their agenda for the evening.

3. **PUBLIC HEARING (CONTINUED FROM 2/9/22)**
124 QUABISH ROAD — ROUTE 1 MANAGEMENT LAND TRUST LLC, PLANNED
COMMERCIAL DEVELOPMENT/MIXED USED DEVELOPMENT PROJECT

GUESTS:

Peter Zahka	Attorney, Applicant's Representative
Joe Federico	Applicant, Route 1 Management Land Trust
Marc Federico	Applicant, Route 1 Management Land Trust
Alex Melvin	Architect, Embarc
Bill Mensinger	Principal, Embarc
Steven Findlen	Peer Reviewer, McMahon and Associates
Michael Sinesi	Peer Reviewer, DSK Architects

Mr. Rosenberger explained that since the last public hearing, the Applicant had received and responded to the peer review report and had submitted a revised site plan.

The Board noted that the project could not be approved without significant roadway improvements.

Attorney Zahka explained that the Applicant completed a traffic report that was peer reviewed; however, the same roadway and intersections were currently undergoing a road safety audit. Some of the Applicant's plans may in turn be dependent on the findings of the audit. As a result, the Applicant could not present the traffic report, and could not speak to traffic issues in detail at this time. Attorney Zahka anticipated that the audit would be completed in late April 2022.

Ms. Porter inquired if the pedestrian and cycling improvement plans were being integrated into the road safety audit or the Applicant's proposal.

Mr. Findlen stated that the improvement plan that the Town is currently working on will include information regarding how to integrate new developments into the pedestrian and cycling master plan.

Mr. O'Brien advised that the road safety audit, traffic review, and other plans should include public transportation infrastructure.

Chairman Bethoney advised that any business owner who would benefit from Legacy Place must participate in road improvements and increased capacity on Legacy Place should they require any type of special permit from the Planning Board in the future.

Ms. Porter clarified that the road safety audit and the pedestrian and cycling master plan are two separate projects and asked the Applicant to clarify whether they intend to participate in either project.

Attorney Zahka responded that he would seek clarification regarding the scope of work for the two projects, and that they were cooperating with, and waiting for, the results of the road safety audit. He also stated that he would speak to the traffic engineer to determine when he will be ready to make a traffic presentation.

Ms. Porter opined that traffic to the site would be reduced if the commercial spaces were reduced or eliminated, and that the area surrounding the site was already "retail-dense".

Chairman Bethoney inquired if the Applicant would consider requesting a waiver for the non-residential requirements.

Attorney Zahka answered that in the scoping session, Building B originally had two floors of office space which was reduced significantly at the Board's suggestion. The current requirements state that 10% of the square footage must be non-residential, and the current plans are for only 5% non-residential space. The Applicant did not wish to further reduce the non-residential space.

Mr. Mensinger and Mr. Melvin presented an overview of the site location, existing conditions, site updates, cladding and materials, and included several renderings of the project. They presented and explained three cladding strategies: extrude, plane, and carve. The proposal integrated both the plane and carve strategies, using a combination of a wood-like body with iron spot brick on Building A, and iron spot body with a corrugated metal cladding on Building C. Building B used mainly the plane strategy; the lower floor would be cladded in white, with some wood banding on the first floor near the front door. The three upper floors would be cladded in aluminum composite metal banding. In Building A, the retail podium would also be cladded in white, and the residential units would be a combination of wood, brick, and metal. The renderings of Building A were changed after peer review and integrated the peer reviewer's suggestions. Building C had a public-facing side which faced Legacy Blvd, and a private-facing side that faced the courtyard. They outlined the cladding strategy and materials on both sides, and distributed samples of the cladding materials, and presented a series of renderings around the buildings, including the amenities. They then presented the building sections and floor plans of the buildings' common areas and parking garage.

The Chair opened the floor to questions from the Board.

Mr. Pepoli inquired if any shrouding would be placed in front of the rooftop HVAC units.

Mr. Mensinger stated that the condensers would not be visible; however, the HVAC equipment, which had not yet been selected, may be visible from the roof. He noted that the Applicant intended to shield these units from view as much as possible.

Ms. Porter inquired as to whether the amenities would be accessible to all residents.

Mr. Mensinger explained that although the individual buildings have different amenities, they would be available to any resident.

Ms. Porter inquired if the heating would be gas or electric, and if individual meters were going to be installed.

Mr. J. Federico answered that they were considering electric heating and individual meters.

Mr. Sinesi expressed satisfaction with the Applicant's architectural plans and stated that all the issues identified by his report were addressed in the revised site plans. He commended the architectural design components of the project. He suggested rerouting the exit ramp of Garage A in order to reduce traffic congestion during peak times.

Mr. O'Brien noted that the design had been refined and simplified, and that he appreciated the Applicant cooperating with the peer reviewers to improve the proposal.

Chairman Bethoney commended Mr. Mensinger and Mr. Melvin for the quality, level of detail, and depth of knowledge in their presentation.

Ms. Porter stated that having windows on both sides of Building A's retail space poses a challenge to potential tenants and advised the Applicant to reach out to potential tenants to ensure that the space as planned can meet their needs.

Attorney Zahka noted that the Applicant intended to install the telephone poles underground, and a flagpole would be added.

On a motion made by Mr. Podolski, seconded by Ms. Porter, it was resolved to issue a continuance of the public hearing to March 23, 2022, at 7:00 p.m., to discuss the project's fiscal impact. A roll call vote was conducted. Motion carried unanimously.

4. COMMUNITY BRANDING AND WAYFINDING PLAN

On a motion made by Ms. Porter, seconded by Mr. Podolski, it was resolved to appoint Mr. Pepoli to the Community Branding and Wayfinding Plan Committee. A roll call vote was conducted. Motion carried unanimously.

5. APPROVAL OF PREVIOUS MEETING MINUTES

On a motion made by Mr. Podolski, seconded by Mr. McGrail, it was resolved to table the approval of the meeting minutes from October 13, 2021, October 18, 2021, October 27, 2021, November 9, 2021, November 15, 2021, and December 8, 2021. Motion carried unanimously.

6. OLD BUSINESS / NEW BUSINESS

There was no old business or new business to discuss at this time.

7. NEXT MEETING

The next Planning Board meeting was scheduled for March 23, 2022, at 6:00 p.m.

8. ADJOURNMENT

On a motion made by Mr. McGrail, seconded by Mr. O'Brien, it was resolved to adjourn the meeting at 9:08 p.m. Motion carried unanimously.