

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

**MINUTES OF THE PLANNING BOARD MEETING  
VIA TELECONFERENCE  
JANUARY 26, 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
James F. McGrail, Esq.	Member
Andrew Pepoli	Associate Member

**PLANNING DEPARTMENT STAFF:**

Jeremy Rosenberger	Planning Director
Jennifer Doherty	Administrative Assistant

**1. CALL TO ORDER**

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

**2. PUBLIC MEETING  
748 & 750 PROVIDENCE HIGHWAY – DEDHAM 800, LLC, MINOR SITE PLAN MODIFICATION**

*Request for modify/revise previously approved one-story, 9,362 sq. ft. commercial/retail building with 174 off-street parking spaces (shares w/adjacent one-story restaurant) to a one-story, 7,162 sq. ft. commercial/retail building with 127 parking spaces. Representative: Peter A. Zahka, Esq. Staff: Jeremy Rosenberger, Planning Director*

Attorney Zahka noted the subject property contains TGI Fridays and is a commercial lot. In 2016, the applicant appeared before the Planning Board for Major Site Plan Review to upgrade the site by adding an approximately 9,300 sq. ft., one-story commercial building. At that time, no waivers were required. The Board approved the project.

The Conservation Commission also issued an approval with an order of conditions for the project. However, an abutter appealed both the decision of the Planning Board and the Conservation Commission. The appeal of the Planning Board was dismissed by the Land Court. The Department of Environmental Protection (DEP) issued a superseding order that overturned the Conservation Commission's order of conditions. The Applicant has appealed the DEP ruling and both parties are in discussion to settle the matter.

DEP has requested that the Planning Board review a revised plan as a result of the discussions between parties. The revised plan provides a smaller 7,000 sq. ft., one-story commercial building. Furthermore, a waiver for 32 parking spots would be needed due to a request to reduce the amount of impervious surface as part of the project. Mr. Zahka noted that this is a significant ask. Otherwise, the plan fulfills all zoning requirements. A traffic consultant was retained to do a parking analysis.

Chairman Bethoney stated peer review shall be required to review the proposal. The Board agreed. The Applicant will work with the Planning Director to be placed on a future agenda when the review is complete.

**3. REVIEW OF MEETING MINUTES**

**On a motion made by Ms. Porter it was resolved to approve the minutes from the February 10, 2021. The motion was seconded by Mr. O'Brien. 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.**

**On a motion made by Ms. Porter it was resolved to approve the minutes from the February 24, 2021. The motion was seconded by Mr. McGrail. 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.**

**On a motion made by Ms. Porter it was resolved to approve the minutes from the September 8, 2021. The motion was seconded by Mr. Podolski. 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.**

**On a motion made by Ms. Porter it was resolved to approve the minutes from the September 22, 2021. The motion was seconded by Mr. McGrail. 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.**

**4. DEDHAM PUBLIC LIBRARY STRATEGIC PLANNING COMMITTEE**

The Dedham Public Library Strategic Planning Committee asked that a Planning Board member serve on the Committee. Mr. Rosenberger noted that the Committee's role is to create a vision for the library and how it interacts with the community. Ms. Porter volunteered for this position.

**On a motion made by Mr. Podolski it was resolved to nominate Ms. Porter to the Public Library Strategic Planning Committee. The motion was seconded by Mr. McGrail. 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.**

**5. PROJECTS AND PLANNING UPDATES**

Mr. Rosenberger highlighted the active projects that are planned for Dedham, including 95 Eastern Avenue (Hotel), 480 Sprague Street (Amazon), Lowder Street (PRD), 124 Quabish Road (Mixed Use), Delapa Plaza (Site Improvements), and 750 Providence Highway (Retail). For the PRD on Lowder Street, a public meeting regarding the land donation needs to be organized. The Board discussed setting the date for February 9, 2022 and publicizing this meeting.

Future Dedham projects include 725 Providence Highway (Restaurant), 750 Providence Highway (Retail), 355 Washington Street (Mixed Use), Lamoine Street (Residential Subdivision), 213 Colburn Street (Mixed Use), and Stergis Way (Mixed Use).

The Designing Dedham 2030 Master Plan is almost complete and will be presented to the Board in March. There is a Dedham Square Study that is being completed. There is an Upper East Street historical survey to categorize historical assets in Dedham.

The Board discussed if state MBTA Communities Act zoning requirements could be discussed in the future. Mr. Rosenberger noted that this will be addressed on March 9, 2022. This will be in collaboration with Town Counsel, the Select Board, and the Planning Board. There needs to be

clarity regarding the state changes to regulations. Mr. Rosenberger hopes to receive information from the state and insight from the Planning Board.

Ms. Porter asked if Planned Residential Development zoning bylaw requirements could be clarified. Mr. Rosenberger noted that this is a significant task, and it would be a major undertaking to include this for spring meeting. There is a concern that another PRD will be proposed before the policies are reviewed and improved.

**6. PUBLIC HEARING**  
**95 EASTERN AVENUE—SREG MANAGEMENT LLC, MAJOR NONRESIDENTIAL PROJECT**

*Request for a Special Permit for a Major Nonresidential Project, Special Permit for a hotel use in a Flood Plain Overlay District, Major Site Plan Review, and associated waivers to construct a five (5) story, 120 room hotel and 136 off-street parking spaces. The subject property is located at 95 Eastern Avenue, Dedham MA, Assessors Map/Lot 123-16 and 123-22, and is located within a Highway Business (HB) Zoning District and Flood Plain Overlay District (FPOD). Dedham Zoning By-Law Section 3.1, 4.1, 4.2, 5.1, 5.2, 8.1, 9.2, 9.3, 9.4, 9.5, Table 1, Table 2 and Table 3. Representative: Kevin Hampe, Esq.*

After the last meeting, Chairman Bethoney stated it was requested that the applicant draft a Certificate of Action (COA). This was provided to the Planning Board for review. The objective was to discuss the COA.

Attorney Hampe thanked the Planning Board for their work. He noted that the applicant is willing to contribute \$30,000 for the sidewalk provision, as per the request. The applicant is open to allowing access from Eastern Avenue to Wigwam Pond. Adjacent property owners will need to be consulted.

Mr. O'Brien thanked everyone involved in the process. He noted that it is important to consider residents first when hiring for businesses in the town. Business can be used as a community builder through responsible hiring and compensation.

Michael Podolski made a statement regarding the project.

"Thank you, John. I would like to take a few minutes to explain and discuss and explore how I looked at this project from the very beginning.

I would tell the town residents that are watching, and for the record, that I received more emails regarding this project, than I probably received for Legacy Place or Hebrew Senior Life. Unfortunately, most of them were negative against the project. I have thought all along that this was not a good use of the commercial space. However, I have to point out to our residents that, this use, whether we like it or not, is *allowed* in this zone.

So, what that brings to mind is a bigger point that the residents will understand that is -as a Planning Board we do not get to select who comes in on a project or what they are building. We cannot go out into the world of commercial developers and say we want you to come to Eastern Avenue and build a storage unit so come on down. It just does not work that way. Maybe in the future, when we have more economic development direction, maybe we will be doing that. But right now, we have to deal with what we are presented.

What we were presented with on this parcel was a proposal for a hotel, and it is an allowed use on the parcel. I do not think that we can prevent or deny it just because it is a hotel. But we heard the residents and we have done the best we can, to try to make sure that this will be the best hotel that Dedham has. We have been assured by Mr. Saletin and his Counsel, and after two years of listening, I believe them, and they know we will be watching. We will go from there.

So, the other big gorilla in the room that came into the project was the height of the building. We all on our board and across town understand what the zoning board bylaws say, and it is supposed to be 45 feet. That is the highest building you can have in a commercial zone. Unfortunately for better or worse the decision as to the height of this building was in the jurisdiction of the Zoning Board of Appeals. For better or for worse, they approved the building at 68 feet. So, then the applicant came back to us and said we can put a 68-foot building here, because the Zoning Board of Appeals has waived the restriction.

So, in many respects that put us at a disadvantage when negotiating with the developer. But to their credit, we were at least able to negotiate off one floor. So, we took it down from 68 feet to 54 feet, which it is now. That is a 14-foot reduction. Is it the best now? Is it in violation of the bylaw that says it should be no higher than 45 feet? Technically it is, except that bylaw has been waived by the Zoning Board of Appeals, so they are within their rights to insist that they could at least build the five-story building. I do give a lot of credit to the developer for agreeing to do that because they really did not have to. They came back with a very imaginative way by expanding the footprint of the building, they will keep the same number of rooms, so it was it was good minds at work there.

The other thing that has been asked from the residents is how can this be built, isn't this conservation land?

Again, true, but that is not in the jurisdiction of the Planning Board. That is in the jurisdiction of the Conservation Commission. The Conservation Commission held extensive hearings on this proposal, and they decided, not the Planning Board, that it could be built according to the engineering presented by the applicant, and that it was in accordance with their decision.

We incorporate every Conservation Commission decision into our certificate, so they are going to be bound not just by the certificate of action by us, but also by the Conservation Commission's orders. The applicant has presented, and I do not disbelieve them, that it is probably going to be better in the wetlands area, once this building is built, with all the mitigating factors that they have to put into the project.

When I address a large project like this, I look at the pros and the cons. What are the pros and the cons? We have to determine if the benefits to the community outweigh the detriments.

Con wise, I start with that it is a hotel. I never would have chosen to put a hotel there, but that is out of my hands. That is what was proposed, that is what the applicant wants to build there, and it is an allowed use in the zone.

Second thing was the height, again we did the best we could, we got it down 14 feet, and they have a waiver to allow them to build up to 68 feet by the ZBA. I did not like it, but I have to deal with it.

Traffic, I am more than convinced by traffic engineering and our own town consultant, that despite what people might think, that a hotel use is *not* an intense use when it comes to traffic. You know people come and go, at all times of the day and night. It is not like a nine to five job where they all show up at nine and they all leave at five. It is not like that, and our own town consultant and the engineers all agree that it is probably going to have a minimal impact. You will have an impact on Eastern Avenue absolutely as people try to get in and out of Lechmere Road. But no matter what went there, it was going to have an impact on Eastern Avenue.

The other thing was environmental, which I just discussed environmental impacts, I believe, are going to be mitigated. I cannot believe that the Dedham Conservation Commission would have ever approved it otherwise.

So, what are the pros? Well, it is going to be a hotel without a restaurant and without a function facility. To me that is a big plus. We are not going to have a bar, there is not going to be a restaurant drawing people there, and they are not going to have weddings. It will be strictly for people to get a room for the night.

The hotel is required to have severe security regulations. Everybody is going to come in and out through the front door, there will be no side or back doors allowing people in and out without being checked for security.

The hotel has agreed to have a length of stay limit for how long people can have a room there. In my memory it will not be more than 30 days accepted. There is a special condition for any possible corporate client that is looking for an extended stay because they are going to be doing work in the area. But otherwise, it is not going to become any kind of a place where you can go and live there for six or eight, or ten months or for a time. It is not going to happen.

They are going to become a new taxpayer in the town. You have to imagine that with the condition of the current lot they are not paying much by way of taxes. This is going to bring a brand new rather large taxpayer into the town. And not only will they be paying real estate taxes, but they are also going to be paying the room tax, and as most of us now know the room tax goes directly into the Robin Reyes fund in this town and it's used to finance other town building projects. It remains to be seen how much room tax is going to rebound after all the problems we have had with Covid, but I see that as a plus. I think that the financial end of it for the town is going to be a plus.

Access to Dedham Square - the applicant has committed to having a bus to take their residents up to Dedham Square and back. They have also committed to a substantial amount of time and money towards renovating what I would call the pedestrian access across route one. They put their money where their mouth is, they are going to make it much safer for people to walk out of that hotel, walk across route one and get into Dedham Square if they so desire to do that. They have also put their money where their mouth was and have agreed to reimburse the town for some of the brand-new sidewalk that is in front of that building, they have put \$30,000 into that sidewalk fund.

I have already stated they have reduced the height. Is it the height that I would want? No, but it is not my decision, it was kind of taken out of our hands.

This applicant has now cooperated with this town. Regarding the exterior the architectural portions of the building - they came in with a plan and they are leaving with a different one. They cooperated. They have agreed to make all the changes that our town consultant asked them to do, and we believe it will be a much better-looking building as a result of that. And do not forget, when this building gets built it is going to be surrounded by trees and bushes, and flowers. It is not going to be a piece of ugly asphalt that is cracking up and falling apart. They are going to have a high-tech security system in the parking lot and around, and the parking lots will be dark sky compliant.

We have been promised by the applicant it is going to be a high-end hotel. Until they get their permit, they cannot tell us which brand, but it is not going to be a "Hotel Six". They have agreed to a labor preference for Dedham Residents, as we heard earlier, which was adequately and appropriately suggested by Member O'Brien.

And now they have also agreed to mill the entirety of Lechmere Road and repave it at their own cost. And to the left of that road, they have agreed they will allow the Town of Dedham some kind of legal access to Wigwam Pond, a boardwalk or whatever.

So, I just want to get my pros and cons on the record, so that the taxpayers and the residents of Dedham understand where I am coming from.

Mr. Chairman thank you for giving me the extra time and I'll be ready to vote when you call for it. Thank you."

Ms. Porter felt the architect peer review was beneficial to the process. She thanked the applicant for being amenable to changes. The hotel will improve the area. This appears to be the best way that lot could have been developed.

Chairman Bethoney noted that the applicant has proposed the best hotel possible. They have been respectful, polite, and professional through this process. Also, they have been very amenable to modifications. Despite this, he still does not believe the hotel is the best for the town and area.

The Planning Board discussed the process. The applicant noted that it was long and an expensive process but that the project was improved by the process.

**On a motion made by Mr. Podolski it was resolved to approve the waivers as presented. The motion was seconded by Mr. McGrail. A roll call vote was taken:**

<b>John R. Bethoney</b>	<b>No</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, 4-1.**

**On a motion made by Mr. Podolski it was resolved to approve the certificate of action with amendments. The motion was seconded by Mr. McGrail. A roll call vote was taken:**

John R. Bethoney	No
Michael A. Podolski	Yes
James E. O'Brien IV	Yes
Jessica L. Porter	Yes
James F. McGrail, Esq.	Yes

Motion carried, 4-1.

On a motion made by Mr. Podolski it was resolved to approve the site plan revised November 8, 2021. The motion was seconded by Mr. McGrail. A roll call vote was taken:

John R. Bethoney	No
Michael A. Podolski	Yes
James E. O'Brien IV	Yes
Jessica L. Porter	Yes
James F. McGrail, Esq.	Yes

Motion carried, 4-1.

7. **OLD/NEW BUSINESS**

Chairman Bethoney directed the Board to a letter from Ms. Cecilia Butler, dated January 12, 2022. It voices concern regarding newer buildings in Dedham Square. She requested that zoning in that area be a consideration, as well as the history of applicants when applications are being reviewed.

8. **NEXT MEETING**

The next meeting of the Planning Board was scheduled for February 9, 2022, at 6:00 p.m.

9. **ADJOURNMENT**

On a motion made by Mr. McGrail it was resolved to adjourn the meeting. The motion was seconded by Mr. Podolski. 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.