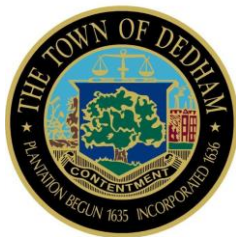


**PLANNING BOARD**

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

Planning Director  
Jeremy Rosenberger



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Office Manager  
Jennifer Doherty

Senior Planner  
Michelle Tinger

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

**MINUTES OF THE PLANNING BOARD MEETING  
APRIL 13, 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
Drew Pepoli	Associate Member

**PLANNING DEPARTMENT STAFF:**

Jennifer Doherty	Office Manager
Michelle Tinger	Senior Planner

Minutes prepared by Angela Fracassi of Minutes Solutions Inc., from a video recording.

**1. CALL TO ORDER**

Chairman Bethoney called the meeting to order at 6:00 p.m.

**2. APPROVAL OF MEETING MINUTES**

The following amendments were made to the minutes of November 12, 2020:

- Ms. Porter's recusal was further clarified.
- Two spelling errors were corrected.
- Ralph Steeves was identified as an Associate Member.

The following amendment was made to the minutes of December 12, 2020:

- Ms. Porter's recusal was further clarified.

The following amendments were made to the minutes of January 12, 2022:

- Section 3, paragraph 6, Ms. Porter's question was regarding illuminated signage, not general lighting.
- Old/New Business: the e-mail was from Ms. Cecelia Butler, not Susan Butler.

On a motion made by Ms. Porter, seconded by Mr. Podolski, it was resolved to approve the minutes from the meetings of November 12, 2020, December 2, 2020, and January 12, 2022, as amended. Motion carried unanimously.

3. **PUBLIC MEETING**  
**725 PROVIDENCE HIGHWAY, MINOR SITE PLAN REVIEW – FEDERAL REALTY**  
**INVESTMENT TRUST (FRIT)**

**GUESTS:**

Kevin S. Hampe	Applicant's Attorney
Tony Librot	AAM15 Management
Mark Hebert	Applicant, Federal Realty Investment Trust
Bill Lucas	Bohler Engineering
Jeffrey Dirk	Traffic Consultant, Vanesse Traffic
Bill Sullivan	HAS Architects
Steven Findlen	Peer Reviewer, McMahon and Associates

Attorney Hampe presented the application for minor site plan review to demolish an existing car dealership and service center for the construction of a new drive-through restaurant of approximately 4,000 square feet called Kelly's Roast Beef, with 69 off-street parking spaces and landscaping improvements. Mr. Hampe presented the existing conditions and outlined the benefits of building a restaurant at this location. The Applicant had already presented to the Design Review Advisory Board and anticipated presenting to the Conservation Commission in the very near future. Mr. Hampe requested to limit the peer review scope of the minor site plan review to the build-out area only.

Mr. Lucas presented the current site conditions and the proposed site plan. The site plan included several improvements to the landscaping, curb cuts, and pedestrian access. The storm water management system would be assessed by the Conservation Commission at a later date.

Chairman Bethoney opened the floor to questions from the Board.

**Ms. Porter** requested that revised site plans include additional clarification regarding the pedestrian access points.

**Chairman Bethoney** noted the sidewalks in front of Auto Zone were currently in poor condition, and that the property previously consisted of two lots that were merged several years ago.

**Mr. Pepoli** inquired if the sight lines had been evaluated.

**Mr. Lucas** answered that site lines had been assessed as part of the traffic review, which would be presented this evening.

Tony Librot introduced himself and presented some information regarding the proposed occupant, Kelly's Roast Beef. He then presented the floor plan, with a large dining area, kitchen, drive-through, washrooms, and offices. The store would employ approximately 35 people, both full and part-time. The hours of operation would be 10:00 a.m. to 11:00 p.m.

Mr. Dirk presented the traffic review. He stated that pre-COVID-19 traffic volumes were used in the study. The analysis concluded that the project would not result in a significant increase in motorist delays or vehicle queuing, and that no safety deficiencies were noted. Lines of site at the driveways were found to exceed the recommended minimum distances for safe and efficient operation. The drive-through would accommodate up to eleven vehicles without impeding traffic circulation. The recommendations in the traffic review included that driveway should be over 24 feet wide for two-way travel and 20-feet wide for one-way travel, vehicles exiting the site should be placed under stop-sign control with a painted stop line, and the drive-through should include “one-way” and “do not enter” signage. The report recommended converting the Route 1 southbound right turn lane into a thru/right turn lane in order to reduce queuing.

Mr. Findlen conducted the peer review, which included a review of the site plans and the traffic study. The review identified 20 issues and had not yet received a response from the Applicant; however, he noted that some of his concerns were addressed in the Applicant’s presentation to the Board. Some issues identified in the report included site access from Washington Street, internal circulation concerns, drive-through queuing analysis, clarification regarding parking, emergency vehicle access, and dumpster screening.

Chairman Bethoney stated that the Applicant requested that the Planning Board limit the scope of the peer review to only the build-out area, which would restrict the scope of Mr. Findlen’s review.

The Board identified nine parking spots that were set apart from the others. The Applicant clarified that the nine parking spots would be reserved for drive-through patrons only who needed to wait additional time for a longer order, to reduce queuing.

**Ms. Porter** questioned whether the effect of the proposed U-turn on Legacy Boulevard was understated in the traffic report.

**Mr. Dirk** responded the traffic signal would be re-timed, provided that re-timing does not have a significant negative affect on opposing traffic, and explained that in order to re-time the signal, the Planning Board would need to make it a condition of the approval, and the Applicant would take that conditional approval to Mass DOT. Finally, the Applicant would have to hire a contractor to implement the changes.

**Mr. O’Brien** inquired about the future of Auto Zone.

**Mr. Hebert** explained that they have attempted to move Auto Zone to another area; however, they have a long-term lease.

**Ms. Porter** noted that the Town of Dedham bylaw states that illuminated signs need to be turned off once a business closes and noted that the site had not been compliant.

**The Chair** advised the Applicant to address this concern and work with their tenants to be compliant with the lighting bylaw.

Chairman Bethoney stated that the current circulation and design of the site is inadequate and needs to be improved. The Board agreed that since many customers would be accessing the site from Washington Street, the surrounding area must be considered. The Board’s major concerns

included the internal circulation and geometry of the site; they were not particularly concerned with the landscaping. As a result, the Board agreed not to consider the Applicant's request to limit the scope of the site plan review.

Ms. Tinger noted that a peer review was conducted on the site approximately one year ago and agreed to forward it to the Applicant.

Chairman Bethoney directed the Applicant to take the Board's comments under advisement, and to return for another public meeting.

4. **PUBLIC MEETING**  
**748 AND 750 PROVIDENCE HIGHWAY – MINOR SITE PLAN MODIFICATION, DEDHAM 850 LLC**

**GUESTS:**

Peter Zahka	Applicant's Attorney
Matt Smith	Engineer, Norwood Engineering
Steven Greenbaum	Attorney for abutter Pearl Realty

Attorney Zahka attended the meeting via telephone. He presented the Applicant's request to revise a previously approved application for a major site plan review of a one-story, 9,362 square foot commercial retail building with 174 off-street parking to a one-story, 7,162 square foot commercial retail building with 127 parking spaces. He noted that Dedham bylaws require that the site have 163 parking spaces and requested a parking waiver for 36 off-street parking spaces.

Mr. Findlen presented his report, which agreed with the Applicant's assertion that the site was deficient by 36 parking spaces and advised that a waiver would be required. The Chair opened the floor to questions from the Board.

**Mr. O'Brien** asked Mr. Findlen the extent that COVID-19 would have on long-term traffic patterns. **Mr. Findlen** answered that although traffic levels had recently increased, they are still below pre-pandemic levels, but that no one can currently predict the long-term effects.

**Mr. McGrail** noted that there are many empty parking spaces along Providence Highway and asked whether Mr. Findlen anticipated whether granting the waiver would likely pose a problem. **Mr. Findlen** answered that utilization data was not included in the Applicant's package, so he was unable to provide an answer.

**Mr. McGrail** stated that traffic did not dramatically decrease in Dedham, especially when compared to Boston, and as a result, he believed the parking needs from three years ago are comparable to current needs.

**On a motion by Mr. Podolski, seconded by Mr. O'Brien, it was resolved to deny the parking waiver request for 748 and 750 Providence Highway. Motion carried unanimously.**

Attorney Greenbaum requested that his client to be informed of any further public hearings or public meetings regarding the site, and that the litigation with his client was still pending.

5. **PUBLIC MEETING**  
**270 AND 290 BUSSEY STREET, MINOR SITE PLAN REVIEW, DELA PLAZA EAST**

Peter Zahka	Applicant's Attorney
Anthony Delapa	Dela Plaza 's Representative
Marisa Delapa	Dela Plaza 's Representative
Jim Siteman	Dela Plaza 's Representative

Attorney Zahka attended the meeting by telephone. He presented a request for a determination of insignificant modification for proposed parking and site improvements, in order to improve ADA accessibility, aesthetics, and landscaping. The Chair opened the floor to questions from the Board.

**Mr. O'Brien** thanked the Applicant for their efforts to improve the appearance of the property. He noted that he had not yet seen the Certificate of Action and asked what would happen if there were conservation issues.

**Mr. Delapa** responded that they would work with the engineers to address any findings.

**Chairman Bethoney** requested that the revised site plans include the existing landscaping.

**Ms. Porter** asked if the Applicant would be willing to include a provision in the Certificate of Action to the effect that the Applicant must maintain the parking lot, signage, and striping in perpetuity, and specify an amount that the Town may fine the Applicant should the property fall into a state of disrepair.

**Attorney Zahka** responded that he had not seen a Certificate of Action with these conditions, and he would need to discuss the matter with the Building Department.

**Mr. Podolski** inquired if the parking lot lighting would be redone.

**Mr. Delapa** responded that the lights had recently been replaced.

**Mr. O'Brien** noted that snow storage was missing from the plan.

**Mr. Delapa** responded that snow storage would be added to the revised plans.

**Chairman Bethoney** advised that the final plan must have a flagpole area and asked when the final plan would be ready.

**Mr. Delapa** anticipated the plan would be ready in approximately 30 days.

**Attorney Zahka** suggested that the revised plans could be ready by mid-May of 2022.

**Chairman Bethoney** noted that the façade improvements do not require Planning Board approval and were not affected by conversations regarding parking improvements.

**On a motion by Mr. O'Brien, seconded by Mr. Podolski, it was resolved to allow the ADA parking spot painting to take place prior to the approval of the final site plan and Certificate of Action, both of which will be reviewed at a later date. Motion carried unanimously.**

6. **MBTA COMMUNITIES**

Mr. McGrail explained that the Secretary of Housing and Community Development agreed to meet with a delegation from the Town to further discuss the new MBTA legislation. He advised that it would be premature to move forward with the RFQ prior to that meeting. The Board agreed that Mr. McGrail, the Town Manager, Town Planner, and one member of the Select Board should attend the meeting.

Mr. Podolski noted that the May 13, 2022, meeting date stated in the RFQ must be changed, and the Town required clarification whether Dedham was a bus or commuter rail community.

The Board noted that they had not yet determined whether to comply with the legislation's conditions; however, the language in the RFQ implied that the Board had reached a decision. The consultant's role should be to determine how compliance would affect the rest of the town, and whether it would be a worthwhile goal.

Ms. Tinger stated that the Planning Department did not have the resources to complete the assessment without hiring a consultant, and that many communities were currently at the same stage as the Town of Dedham. She handed out a copy of a recent study conducted by Framingham so the board could see an example.

7. **SPRING 2022 ANNUAL TOWN MEETING, ZONING ARTICLE 20**

**ARTICLE TWENTY:** *By Select Board Member Dimitria Sullivan.* To see if the Town will vote to amend Section 1.2 of the Use Regulation Table (Table 1) of the Dedham Zoning By-law to deleting the ~~striketrough text~~ and inserting the underlined text, as follows:

Private garage for not more than three (3) automobiles, one of which may be a commercial vehicle if not exceeding 2.5 tons in gross weight. The keeping of an ~~unregistered~~ automobile that is either unregistered or does not bear a current State inspection sticker outside of an enclosed garage for more than three months in any calendar year shall not be regarded as an accessory use in any residential district, ~~nor after a period of three months~~ except in accordance with a permit therefor by the Board of Appeals based on a finding that the further keeping of the automobile upon the premises complies with the requirements of this Bylaw and specifying a fixed term and such conditions as the Board of Appeals deem necessary to assure such compliance.

or take any other action relative thereto. *Referred to Planning Board for study and report.*

**On a motion made by Mr. Podolski, seconded by Ms. Porter, it was resolved to reconsider a vote on Zoning Article 20. Motion carried unanimously.**

**On a motion by Mr. O'Brien, seconded by Mr. Podolski, it was resolved that the Planning Board recommended that Article 20 be indefinitely postponed. Motion carried unanimously.**

8. **OLD/NEW BUSINESS**

**Master Plan:** The Board reviewed the draft of the Dedham Master Plan. The Board acknowledged the thoroughness of the plan and commended the Master Plan Committee's hard work. The Board suggested that the public have an opportunity to review the material prior to the Board providing its endorsement. Ms. Porter stated that the documents have been accessible to the public since December of 2021, and the public comment period was extended, but was now closed. The Board agreed to conduct a comprehensive review of the document two chapters at a time at future Board meetings.

**Proposed Letter to State Representatives:** The Chair proposed that the Board prepare a letter for the state representatives stating that prior to taking a position on future legislation regarding land use and zoning, they receive feedback from the Planning Board and public through a scheduled public hearing.

9. **NEXT MEETING**

The next meeting of the Planning Board was scheduled for April 27, 2022, at 6:00 p.m.

10. **ADJOURNMENT**

**On a motion made by Mr. McGrail, seconded by Mr. O'Brien, it was resolved to adjourn the meeting at 9:16 p.m. Motion carried unanimously.**