

**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



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Office Manager  
Jennifer Doherty

Senior Planner  
Michelle Tinger

Planning Director  
Jeremy Rosenberger

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

**MINUTES OF THE PLANNING BOARD MEETING  
JULY 27, 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	Office Manager
Michelle Tinger	Senior Planner

**1. CALL TO ORDER**

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

**2. APPROVAL OF MEETING MINUTES**

**a. April 13, 2022**

The Board reviewed the minutes from April 13, 2022, and made the following revision:

- Replace the word "site-lines" with "sight-lines".

**On a motion made by Ms. Porter, seconded by Mr. Podolski, it was resolved to approve the meeting minutes from April 13, 2022 as amended. Motion carried unanimously.**

**b. April 27, 2022**

The Board reviewed the minutes from April 27, 2022, and made the following revisions:

- Jeremy Rosenberger was present.
- Include an explanation for Chairman Bethoney's recusal.

**On a motion made by Ms. Porter, seconded by Mr. Podolski, it was resolved to approve the meeting minutes from April 27, 2022, as amended. Motion carried unanimously.**



that they successfully contacted the Applicant and were informed that the Approval Not Required Plan had been withdrawn. They informed the Applicant that he would have to submit a new plan should he wish to develop the land in the future. If a new plan is filed, the Planning Board would be obligated to endorse any plan that is in compliance with frontage and access requirements. The Chair opened the floor to public comment.

**Thomas Duncan, 58 Willow Street** inquired about the current status of Prospect Street.

**Chairman Bethoney** advised him to submit his question in writing to Mr. Rosenberger.

**Martha Abdella, 12 Marion Street** noted that the property is not being properly maintained.

**Chairman Bethoney** explained that the Planning Board does not have jurisdiction; however, the Building Department may be able to help in this regard.

**Chairman Bethoney** further recommended that any members of the public interested in the status of the property send an e-mail to Mr. Rosenberger so that they can be informed if the Applicant submits another plan.

5. **PUBLIC MEETING**  
**MINOR SITE PLAN REVIEW**  
**725 PROVIDENCE HIGHWAY -- FEDERAL REALTY INVESTEMENT TRUST.**

**GUESTS:**

Keith Hampe	Applicant's Representative
Mark Hebert	Applicant, Federal Realty Investment Trust
Jeff Bandini	Project Manager, McMahon and Associates

The Board reviewed the proposed Certificate of Action for Minor Site Plan Review to demolish the existing former car dealership/service center and construct a new 4,000 square foot drive-thru restaurant with landscaping improvements. Mr. Hampe noted that there were some changes to the plan since meeting with MassDOT, given the costs of implementing signal improvements. Mr. Hampe stated that the Applicant would pay for the design only, at an approximate cost of \$38,000. It was noted, however, that they would not be responsible for the implementation.

Mr. Hampe clarified that the State would be responsible for the implementation, since the signals are located on state-owned property. The Board advised that they were satisfied with the pedestrian access as outlined in the site plans. Mr. Hebert stated that after touring the site with Ms. Porter, he has additional plans for safety improvements that are beyond the scope of this project but would be included in future projects.

The Board reviewed the documents and requested that the Applicant make the following amendments as conditions for their approval:

- Clarify that the updated parking waiver has been reduced and is closer to compliance than earlier applications.
- Language regarding "discouraging cut-through traffic" be deleted and replaced with language that emphasizes pedestrian safety.

- Clarify that the length and width of the left-turn lane would not change; however, the storage length would be reduced through striping to encourage drivers to use alternate routes.
- Route 1 should be relabeled Route 1A .
- A plan to contribute to the community and/or community events be included.
- An American flag be prominently and properly displayed on the site.

**On a motion made by Ms. Porter, seconded by Mr. McGrail, it was resolved to approve the site plans and Certificate of Action for 725 Providence Highway, as amended. Motion carried on a vote of 4-1 (Member Podolski dissenting).**

**5. CONTINUATION OF PUBLIC HEARING  
PLANNED COMMERCIAL DEVELOPMENT/MIXED USE DEVELOPMENT  
124 QUABISH ROAD -- 1 MANAGEMENT LAND TRUST LLC**

Peter Zahka	Applicant’s Representative
Joe Federico	Applicant
Paul Federico	Applicant
Mark Federico	Applicant
Ed Pesce	Engineer, Pesce Engineering
Bill Messinger	Architect, Embarc
Jeff Bandini	Project Manager, McMahon and Associates

Mr. Pesce presented an updated site plan and highlighted the recent changes. He explained the dog run and community garden were rotated approximately 90 degrees so that any runoff from the dog run could be properly treated. He outlined the changes to the location of the storm water outlets and inspection ports. The updated plans also identify the locations of the temporary stormwater sedimentation basins and material stockpile locations. There were also several changes made to the landscaping plan.

Mr. Messinger outlined the changes to the architectural plans. The changes to Building A included moving the location of the elevator and stairs, some material changes, and changes to the fourth-floor terrace. The building setback was also increased. There were façade changes made to all three buildings.

Mr. Zahka outlined the steps the Applicant had taken thus far, and the benefits that the development would bring the town. He stated that the Applicant would be happy to continue to participate in and cooperate with the Legacy Boulevard Stakeholder meetings, and he stressed the importance of hiring a consultant to coordinate the project. The Applicant pledged \$10,000 for improvements to Legacy Boulevard.

The Board inquired whether sidewalk and other pedestrian safety improvements on Legacy Boulevard would be included in the Applicant’s future plans. Mr. Zahka noted that these items could only be included if the owner of Legacy Boulevard approves the plan and noted that there are no plans for safety improvements on Route 1.

Mr. Podolski inquired why the building heights must be over 45 feet. The Applicant clarified that the retail floor required 16 feet, and each residential floor requires a minimum of 8 to 10 feet in the current market.

The Board expressed support for the project and thanked the Applicant for working with various Boards and the peer review towards improving the project.

Ms. Porter suggested the traffic study completed by Vanesse could be used to improve the entirety of Legacy Boulevard. Attorney Zahka was noted that the traffic study had been completed, but the report had not yet been finalized.

Chairman Bethoney noted that traffic calming measures are generally needed on roads where excessive speed is a problem; however, the area in question is frequently congested. He noted that any Applicant on Legacy Boulevard that applies for a special permit is not entitled to that permit, and that applicants must include significant road improvements to their site plans in order to have their special permits considered. The only way to relieve congestion in this area is to increase capacity, straightening the road, and making the roadway more efficient.

Mr. Rosenberger noted that there have been changes to zoning laws at the State level. Projects that have an affordable housing component, that are within a certain distance from public transit, and are mixed use require a majority vote (3 out of 5 members) of the Board to be approved, rather than a super majority vote (4 out of 5 members) as was previously required. Mr. Rosenberger and Town Counsel have both agreed that this project meets the criteria in the new legislation, and therefore may pass with only a simple majority in favor of the project.

The Board agreed to direct the Applicant to draft a preliminary Certificate of Action. Mr. Zahka estimated that he could have a draft ready in approximately 10 days.

**On a motion by Mr. Podolski, seconded by Mr. McGrail, it was resolved to continue the public hearing on August 24, 2022, at 7:00 p.m. Motion carried unanimously.**

**6. PUBLIC MEETING  
MINOR SITE PLAN REVIEW  
270 and 290 BUSSEY STREET -- DELA PLAZA EAST, INC.**

**GUESTS:**

Peter A. Zahka                                      Applicant's Representative

Mr. Zahka presented the updated site plans for 270 and 290 Bussey Street. He outlined some of the changes that have been implemented since the previous meeting with the Planning Board, which was held in April 2022. The updated plan included 142 parking spots, including six ADA compliant spots. Additional improvements to the building will also take place, including façade and landscaping improvements. Construction was anticipated to take four to five months to complete. The parking lot work consists of releveling, striping, and repaving the entire lot in order to bring it into compliance.

The Board expressed concern that the Applicant had not adhered to their site plans in the past. Ms. Porter noted that the Application was missing several dates and the waiver applications should use more specific language. She also noted that the Certificate of Action will state that the Applicant is responsible for maintaining the property and that the Town has enforcement powers.

The Chair then opened the floor to public comment.

**Joe Heisler, 27 Meadow Street** stated that the Applicant's father made a commitment to redeveloping the property prior to passing away, and that the current plan was a band-aid solution to the property's various problems. He asked the Board to look closely at the plans to ensure that the Applicant is in compliance.

**Theresa O'Connor, 27 Meadow Street**, stated that she was looking forward to the redevelopment of the parcel of land. She commended Mr. Zahka for his work in the community and stated that the property should be improved for the good of the Town.

**On a motion made by Mr. Podolski, seconded by Mr. O'Brien, it was resolved to approve the Certificate of Action, as amended. Motion carried.**

**7. OLD BUSINESS/NEW BUSINESS**

Ms. Porter noted her surprise that there are streets that not included in the GIS. She requested a list of these streets, and the Chair suggested that the Town Engineer may be able to create this list.

**8. NEXT MEETING**

The next meeting of the Planning Board was scheduled for August 10, 2022, at 6:00 p.m.

**9. ADJOURNMENT**

**On a motion made by Mr. Podolski, seconded by Mr. McGrail, it was resolved to adjourn the meeting at 9:29 p.m. Motion carried.**