

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.
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Planning Director
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**TOWN OF DEDHAM
450 WASHINGTON STREET
DEDHAM, MA**

**MINUTES OF THE PLANNING BOARD MEETING
AUGUST 10, 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
James E. O'Brien IV	Member
Andrew Pepoli	Associate Member

PLANNING DEPARTMENT STAFF:

Jeremy Rosenberger	Planning Director
Jennifer Doherty	Office Manager
Michelle Tinger	Senior Planner
Jayson Schultz	Intern

1. CALL TO ORDER

Chairman Bethoney called the meeting to order at 6:10 p.m.

2. RESTAURANTS -- ZONING AMENDMENTS

Mr. Rosenberger presented proposed restaurant zoning amendments for the Fall 2022 Town Meeting. He provided a summary of restaurant zoning in Dedham and suggested the language be simplified and clarified. Restaurants in Dedham currently require a Special Permit from the Zoning Board of Appeals (ZBA). Because all such Special Permit applications have been approved by the ZBA since 2012, he suggested the additional permit is an unnecessary step that could be eliminated. He noted that some nearby municipalities do not require a special permit. He noted that removing the permit requirement would not eliminate the need for site plan review by the Planning Board, and that drive-thrus require a Special Permit. The Chair opened the floor to questions from the Board.

The Board requested clarity around the term "mechanical entertainment" as part of restaurants and the square footage thresholds that permit and restrict live entertainment for restaurants.

Mr. Rosenberger clarified that restaurants over 2,000 square feet would be able to apply for a special permit for live or mechanical entertainment, whereas smaller restaurants were approved by right, although the definition of “mechanical entertainment” was not included anywhere in the existing bylaws.

Ms. Porter suggested that the language of the proposed bylaw be clarified and consistent throughout the document.

Chairman Bethoney noted that he was in favor of the changes; however, he agreed with Ms. Porter that the language must be clarified so that the intention of the amendments can be clearly understood.

Mr. O’Brien stated his support for the amendments but noted that the restaurants are being approved by the Zoning Board of Appeals due to the expertise that sits on that Board, and that this could change in the future.

The Board agreed to reconsider the amendments once the above changes are made.

Mr. Rosenberger then presented the proposed zoning amendments regarding outdoor dining. The proposal defined outdoor dining, explained where it is and is not allowed by right, and when restaurants require approval from the Planning Board. He then presented Needham’s existing bylaws regarding outdoor dining, which state that additional parking requirements are not triggered if the outdoor parking is seasonal and does not increase the restaurant’s seating capacity by more than 30%. The Chair opened the floor to members of the Board.

Mr. O’Brien questioned whether restaurants should be able to encroach on the public way seasonally or only during emergencies.

Mr. McGrail questioned the definitions of the terms “seasonal” and “temporary,” and suggested that the word “temporary” be eliminated.

Mr. Pepoli interpreted the word “temporary” as meaning not permanently affixed to the public way, and thereby easily moved and removed.

Mr. McGrail suggested that there be more discussion including the restaurant community, real estate community, and the general public when creating permanent bylaws regarding outdoor dining. He reiterated that allowances made during the COVID-19 pandemic were intended to be temporary measures during an emergency and that long-term bylaws should not be hastily constructed.

Ms. Porter expressed her support for outdoor dining. She opined that the Select Board and Town Manager’s Office have significantly more authority over outdoor dining requirements than the Planning Board does. She noted that in Cambridge, restaurants requesting outdoor dining must apply for an annual license and various conditions must be met for that license to be issued.

Chairman Bethoney also expressed his support for outdoor dining in a controlled and regulated environment. He disagreed with the idea that the Planning Board has limited purview for outdoor dining and expressed support for a yearly or biannual license like

Cambridge. He then questioned the Needham bylaw that states that under 30% seating capacity does not require approval from the Planning Board. He questioned whether business owners would interpret that to mean that other safety measures or liquor licenses would need to be updated to reflect the updated capacity.

Chairman Bethoney inquired whether a site plan review or parking review would be required if a restaurant increased its outdoor dining by 25% and asked if new restaurants could open with a site plan that does not include outdoor dining, simply to install outdoor dining of less than 30% of the indoor seating capacity after opening.

Mr. Rosenberger answered that the review would only be triggered if the seating is located on the public way; however, a newly developed restaurant would already be subject to a site plan review and a Certificate of Action.

Chairman Bethoney asked staff to revise the proposed restaurant zoning amendments for presentation at a future Planning Board meeting.

3. LIFE SCIENCES – ZONING AMENDMENTS

Mr. Rosenberger presented potential updates to existing regulations governing the life science industry for the Fall 2022 Town Meeting. The Board had previously suggested creating an overlay district. Mr. Rosenberger noted that he had previously distributed a memo outlining some of the measures that nearby communities made to encourage life sciences. One suggestion was to permit taller buildings and higher density and noted that the current height limit in Dedham is 45 feet. He suggested using Planned Commercial Development Special Permit process through the Planning Board allowances in order to permit higher buildings instead of obtaining a variance from the Zoning Board of Appeals. He also suggested explicitly naming the types of industries that would constitute allowed uses. He concluded that they were not ready to create an overlay district at this time.

The Chair opened the floor to members of the Board.

Mr. McGrail made suggestions regarding the location of the district.

Mr. O'Brien inquired about how much land was available.

Ms. Porter suggested that the Planning Board collaborate with the Board of Health or another Board prior to the Town Meeting.

The Chair noted that he supports informal meetings and conversations with other Board members prior to public hearings.

Chairman Bethoney asked staff to revise the proposal and include a rudimentary map for presentation at a future Planning Board meeting.

4. ELECTRIC VEHICLE (EV) CHARGING STATIONS – ZONING AMENDMENTS

Planning Department Intern Jayson Schultz introduced himself to the Planning Board. He noted that the growing popularity of electric vehicles (EV) necessitates the regulation of EV charging stations. He presented the existing conditions in Dedham and outlined the three different types of EV chargers currently available to consumers: level 1 being a regular plug and generally too slow; level 2 being the most common in private residences; and level 3 being the fastest and generally only used commercially. There are three (3) public level 2 chargers available in Dedham, and one (1) level 3 currently available. Private

residences and businesses also have their own chargers; however, those numbers were not available. There are currently no zoning regulations regarding EV chargers in Dedham.

Mr. Schultz outlined best practices and proposed zoning from neighboring communities, which stipulate those chargers on residential property be restricted to personal use, and that the chargers on private businesses can be used commercially with a special permit. Level 1 and 2 chargers were both permitted on residential properties, and level 3 chargers were only permitted in commercial or industrial districts. In his research, he found that municipalities also permit level 3 charging stations wherever gas stations are located. In addition, there could also be a requirement to have new parking lots begin building capacity for future EV charger installation. The Chair opened the floor to the Board.

Mr. McGrail and Mr. O'Brien agreed that the presentation was very detailed and well done and stated that they needed more time to deliberate on the information.

Ms. Porter expressed concern for current gas station owners and expressed her support for allowing EV chargers at gas stations.

Mr. Podolski expressed concern regarding the energy required to power EVs in the future.

Ms. Porter shared her personal experience of driving an EV and using public charging stations. She noted that some charging stations owned by businesses provide one hour of free charging, thereby encouraging the driver to visit that business. She also noted that chargers in residential developments are attractive to young people.

The Board noted that the cost of charging an EV is significantly lower than fueling a conventional vehicle.

The Board agreed to continue reviewing the information presented and to table further discussion to a future meeting.

5. **ACCESSORY DWELLING UNITS (ADUs) – ZONING AMENDMENTS**

The Chair stated that he needed to leave the meeting early unexpectedly and requested that the Board table discussion of ADUs zoning amendments to a future meeting.

On a motion by Mr. Podolski, seconded by Mr. McGrail, it was resolved to table discussion of accessory dwelling units zoning amendments to a future meeting. Motion carried unanimously.

6. **PUBLIC COMMENT**

There were no requests for public comment.

7. **OLD BUSINESS/NEW BUSINESS**

MBTA Communities: Mr. Rosenberger noted that the Planning Department recently received new information regarding MBTA communities. Dedham had been recategorized as a Commuter Rail Community, and was no longer considered a Bus Community; however, he required more time to thoroughly review the documents.

8. **NEXT MEETING**

The next meeting of the Planning Board was scheduled for August 24, 2022, at 6:30 p.m.

9. **ADJOURNMENT**

On a motion made by Mr. Podolski, seconded by Mr. McGrail, it was resolved to adjourn the meeting at 8:28 p.m. Motion carried.