

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



Dedham Town Hall
450 Washington Street
Dedham, MA 02026
Phone 781-751-9240

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
AUGUST 24, 2022, 6:30 P.M.**

BOARD MEMBERS:

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|---------------------------|---------------------------|
| John R. Bethoney | Chair |
| Michael A. Podolski, Esq. | Vice Chair |
| James E. O'Brien, IV | Member (until 10:04 p.m.) |
| Jessica L. Porter | Member |
| James F. McGrail, Esq. | Member |
| Andrew Pepoli | Associate Member |

PLANNING DEPARTMENT STAFF:

| | |
|------------------|----------------|
| 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. ACCESSORY DWELLING UNIT (ADUs) -- ZONING AMENDMENTS

Ms. Tinger presented potential updates to existing zoning regulations governing ADUs for presentation at the Town Meeting scheduled for Fall 2022. She outlined Dedham's existing ADU bylaws, and noted that Dedham has approved 17 ADUs since 2011. She outlined several potential benefits to ADUs, which include allowing for multi-generational households, ageing in place, and a potential source of income for homeowners. The result of a poll conducted in May of 2020 showed that 81% of Dedham residents surveyed approved of making changes to Dedham's ADU bylaws. She then presented a summary of changes to ADU bylaws made by surrounding municipalities. Some allow ADUs by right if certain conditions are met, and others by special permit. She outlined four potential amendment proposals, ranging from no changes to the current bylaws to allowing all ADUs by right.

Chairman Bethoney thanked Ms. Tinger for the presentation and opened the floor to the Board.

Mr. McGrail suggested that when comparing Dedham to other municipalities, to always include the municipalities that directly border Dedham.

Ms. Tinger explained that the municipalities were chosen to display the diversity of ADU bylaws that exist, but that the Planning Department will ensure that the neighboring communities are also included in future presentations.

Mr. Podolski and **Mr. O'Brien** requested clarification regarding the number of the ADU applications submitted since 2011, noting that they believed a small number of applications had been rejected.

Ms. Tinger clarified that of the 18 applications that were submitted, 17 were approved. She later corrected that figure, stating that approximately 21 applications were received, and 17 were approved.

Mr. Podolski opined that the current bylaw was not overly restrictive, since the vast majority of the applications have been approved.

Ms. Porter stressed the utility of ADUs for seniors. She also stated that she appreciates information regarding both surrounding communities and other municipalities.

Mr. Pepoli expressed his support for simplifying the ADU process, as he recently went through the process himself. He noted that the process was confusing and expensive.

Chairman Bethoney expressed his support for creating a clearer ADU process. He summarized the feedback he received, which was that the process was too complicated, expensive, and often unclear; however, he noted that he did not hear any reports of reasonable applications being denied.

The Chair opened the floor to public comment.

Susan Butler, 60 Cox Street, stated her opposition to ADUs in dense neighborhoods such as her own due to increased traffic and her perception that ADUs would negatively affect the character of the town.

Peter A. Zahka stated that he is an attorney who has represented several clients who have applied for ADUs. He stated that ADUs are already permitted in Dedham through special permit, and that most often ADUs are intended to keep a family together during difficult or special circumstances. He also explained that the ADU permits expire when a home is sold. The current bylaw also states that ADUs are only permitted if the property consists of at least 10% more land than is required, and as a result denser neighborhoods are currently excluded.

**3. CONTINUATION OF PUBLIC HEARING
124 QUABISH ROAD -- 1 MANAGEMENT LAND TRUST LLC**

| | |
|----------------|----------------------------|
| Peter Zahka | Applicant's Representative |
| Joe Federico | Applicant |
| Steven Findlen | McMahon and Associates |

Mr. Zhaka has submitted a request for Special Permits for a Major Non-Residential Project, Planned Commercial Development, Mixed Use Development, work within a Flood Plain Overlay District, retaining walls in excess of 4 feet, and for various uses (free-standing

ATM, General Service Establishment, and Restaurant), and any associated waivers to construct a four (4) story, 293 dwelling unit Mixed-Use Development with 454 off-street parking spaces. The subject property is located at 124 Quabish Road, Dedham MA, Assessors Map/Lot 149/6, and is located within the Research, Development, and Office (RDO) Zoning District and Flood Plain Overlay District (FPOD). Dedham Zoning By-Law Sections 280-3.1, 4.1, 4.2, 5.1, 5.2, 6.3, 6.5, 7.4, 7.9, 8.1, 9.2, 9.3, 9.4, 10, Table 1, Table 2 and Table 3.

Mr. Zahka recently submitted a draft Certificate of Action and understood that the Board may require more time to review the document. He stated his intention to request a continuance to date certain to review the Certificate of Action.

He stated the Applicant has committed to making a payment to improve Legacy Boulevard. The improvements required to improve Legacy Boulevard is a global effort, and he reiterated the Applicant's hope that a facilitator be engaged to coordinate these improvements, and suggested that the facilitator assign each stakeholder a recommended percentage or dollar amount to contribute to the fund.

Mr. McGrail noted that Mr. Federico may be motivated to participate in the project on an accelerated timeframe in part because he has a pending project before the Planning Board; however, other stakeholders, particularly those who do not have a pending project, may not be as motivated.

Chairman Bethoney noted that several businesses on Legacy Boulevard were in the process of submitting for a site plan review or special permits, such as Costco, WS Development, Nordblom, among others. He reiterated his intention not to approve any special permits for applicants who have not cooperated and contributed to Legacy Boulevard improvements. He suggested some potential solutions to the roadway problems could include straightening the road, increasing capacity, and implementing additional safety measures.

Mr. Findlen stated that a percentage of responsibility could be added to a Certificate of Action; however, there are 12-15 stakeholders involved as well as other factors to consider, but he believed it could be done.

Mr. Pepoli suggested adding an inflationary clause in the event that stakeholders delay completing the recommended improvements.

On a motion made by Ms. Porter, seconded by Mr. O'Brien, it was resolved to continue the public hearing regarding 124 Quabish Road on September 14, 2022, at 7:00 p.m. Motion carried unanimously.

4. **PLANNED RESIDENTIAL REDEVELOPMENT (PRD) – ZONING AMENDMENTS**

Ms. Tinger presented a review and discussion of potential updates to existing PRD zoning bylaw. The Board reviewed the draft bylaw prior to the meeting. The Chair opened the floor to the Board.

Mr. McGrail noted that the draft bylaw was very extensive and thanked the Planning Department for their efforts and inquired why the Planning Department thought these changes were necessary.

Ms. Tinger responded that the Planning Department found the current bylaws to be inadequate.

Mr. O'Brien stated that a draft bylaw may encounter a Town Charter issue.

The Board discussed whether the draft bylaw was too complicated for a Town Meeting and did not reach a consensus; however, they noted they must decide which draft bylaws to present at the town meeting. **Mr. McGrail** suggested the bylaw may not be ready to present at the town meeting because the proposed changes were so extensive and required additional review.

5. **FALL 2022 TOWN MEETING POTENTIAL ZONING AMENDMENTS**

Ms. Tinger presented a summary of topics identified by the Planning Board for potential zoning amendments for the Fall 2022 Town Meeting.

a. **Restaurant Bylaw**

Ms. Tinger presented a proposed restaurant bylaw, which had been reviewed by the Planning Board, Town Counsel, and the Zoning Board of Appeals, endorsing the amendments. The Board agreed to present the restaurant bylaw amendments, as presented, at the town meeting.

b. **Outdoor Dining Bylaw**

Ms. Tinger presented a summary of the changes made to the outdoor dining amendments. The bylaw would permit outdoor dining by right within certain zoning districts. The Board noted that outdoor dining was permitted during the COVID-19 pandemic as an emergency provision. **Mr. McGrail** questioned whether the Planning Board should be involved in outdoor dining at all. It was noted that for the time being, outdoor dining was permitted by right. Ms. Tinger stated that the bylaw was ready to move forward. **Mr. Zahka** clarified that a restaurant currently required a special permit but outdoor dining is permitted by right on private property, but not on public ways.

Chairman Bethoney noted that the Board supported outdoor dining on public ways during the pandemic to ensure that restaurants could stay in business during the pandemic. Ms. Tinger stated that the bylaw creates a limit of 30% of seating capacity whereas the current bylaw does not specify a limit that would not trigger a parking review. **Ms. Porter** requested a meeting with the Select Board to further discuss outdoor dining. The Board discussed whether the 30% limit was needed. The Board agreed to meet with the Select Board in order to discuss whether to submit the outdoor dining bylaw to the town meeting. Ms. Doherty noted that the next Select Board meeting was scheduled for September 7, 2022.

Chairman Bethoney requested Ms. Doherty inform the Select Board that the Planning Board requested to be added to the meeting agenda on September 7, 2022.

c. **Life Sciences Zoning Amendment Bylaw**

Ms. Tinger presented the draft Life Sciences zoning amendment bylaw, which included a zoning map. **Ms. Porter** inquired whether developers would be responsible for creating

The Chair opened the floor to the Board.

Mr. McGrail inquired if the stakeholder meetings would delay the proposed development on 124 Quabish Street. After some discussion, the Board agreed that the project should move forward without delaying the proposed development on 124 Quabish Street.

Mr. Findlen stated that McMahon and Associates was not planning to submit their facilitation proposal to the stakeholders but intended to present it to the Planning Board. The Board agreed that proposal be submitted to all parties. He then provided a summary of the proposal. The first phase would be to meet with the stakeholders, perform analysis, establish existing traffic conditions, conduct a detailed, propose solutions, and allocate percentages of responsibility to each stakeholder.

Chairman Bethoney inquired if there were grant opportunities for private roadways like Legacy Boulevard.

8. DISTRICT IMPROVEMENT FINANCING (DIF) PROGRAM UPDATE

Ms. Tinger summarized the process of the DIF and provided an update on its second phase.

Ms. Porter noted that the DIF represents funds that could be used towards improving Legacy Boulevard or other projects and expressed frustration that the Town started the process and has not made it a priority.

The Board discussed how to make the DIF a priority and noted that it was not under the purview of the Planning Board but was instead the responsibility of the Economic Development Director. The Chair asked that the Planning Department research strategies for the Planning Board to make this a priority.

7. OLD BUSINESS/NEW BUSINESS

a. **Payments from Mr. Federico:**

The Board nominated **Mr. McGrail** to negotiate with Mr. Joe Federico and Mr. Zahka mitigating payments to improve Legacy Boulevard and Wigwam Pond.

b. **Delapa Plaza:**

The Board noted that there was a letter to the editor in a recent issue of *The Dedham Times* regarding Delapa Plaza. **Mr. Podolski** read the letter, which expressed concern regarding the plaza's poor condition, lack of aesthetic improvements, poor lighting, and dangerous parking lot conditions. The Board discussed whether the Planning Board should formally address the letters. **Mr. Podolski** requested reconsidering the Delapa Plaza vote. The Applicant has promised \$35,000 of his own money as a bond to adhere to the conditions of the Certificate of Action.

Mr. Zahka provided some clarification regarding the delay in beginning construction. The Applicant was under the false impression that he did not have the correct permits to begin the parking project. The Applicant was willing to pay \$35,000 to be held in escrow until the Board is satisfied that he intends to adhere to the Certificate of Action.

Mr. Zahka noted that he will send another copy of the Certificate of Action that noted Mr. O'Brien's absence.

On a motion made by Mr. McGrail, seconded by Mr. Podolski, it was resolved to rescind any previous action related to Dela Plaza East. Motion carried unanimously.

On a motion made by Mr. Podolski, seconded by Mr. McGrail, it was resolved to approve the Certificate of Action for Dela Plaza East as presented. Motion carried.

On a motion made by Mr. Podolski, seconded by Mr. McGrail, it was resolved to approve the waivers on page 5 of the Certificate of Action for Dela Plaza East. Motion carried.

c. Oscars Restaurant:

Mr. Zahka noted that his client, Oscars Restaurant, intends to expand. He requested and received the necessary special permits from the Building Department that noted that no off-street parking is required. The Board agreed that no parking was required.

8. NEXT MEETING

The next meeting of the Planning Board was scheduled for September 14, 2022, at 6:00 p.m.

9. ADJOURNMENT

On a motion made by Mr. McGrail, seconded by Mr. Podolski, it was resolved to adjourn the meeting at 10:28 p.m. A roll call vote was conducted. Motion carried unanimously.