

**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



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Planning Director  
Jeremy Rosenberger

Senior Planner  
Michelle Tinger

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

**MINUTES OF THE PLANNING BOARD MEETING  
O'BRIEN MEETING ROOM, 3<sup>rd</sup> FLOOR AND VIA TELECONFERENCE  
OCTOBER 12, 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     |

**PLANNING DEPARTMENT STAFF:**

|                    |                            |
|--------------------|----------------------------|
| Jeremy Rosenberger | Planning Director          |
| Michelle Tinger    | Senior Planner             |
| Jayson Schultz     | Planning Department Intern |

**1. CALL TO ORDER**

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

**2. PUBLIC HEARING  
ARTICLE 6 -- FALL 2022 TOWN MEETING ZONING AMENDMENT**

**On a motion made by Mr. Podolski and seconded by Mr. McGrail, the Board voted unanimously to open the Public Hearing on Articles 6, 7, and 8. Motion carried.**

Mr. Rosenberger noted that discussions regarding this issue have been ongoing since the summer of 2022, and that significant progress had been made. He noted that Article 6 is a Zoning Amendment to streamline the regulation on restaurants. He noted that since 2021, special permits for restaurants have been approved unanimously by the Zoning Board of Appeals. Known as a Common Victualler License, this is a special permit in all of the Town's business districts.

The Amendment is intended to reduce the barriers of entry for restaurants by permitting, by right, restaurants in the Research and Development Office (RDO), highway businesses, planned commercial development projects, and the central business. It would also maintain current permit status in the local business, general business, and the industrial districts. Thirdly, Mr. Rosenberger noted that this Amendment would strike footnotes numbers 15 and 16 from the

Article, which require additional oversight in regulation by the Zoning Board when it comes to sizes of restaurants and entertainment.

**Chairman Bethoney** opened the floor to the Board.

**Ms. Porter** noted receiving calls from citizens over confusion regarding the term “Victualler,” and noted that this is indication that “times have changed.” She suggested that the language used when providing this information to the public should be in more commonly understood language.

Hearing no additional questions from the Members, **Chairman Bethoney** opened the floor to public comment. There was none.

**On a motion made by Mr. Podolski and seconded by Ms. Porter, and hearing no discussion, it was resolved to recommend to Town Counsel that Article 6 be so voted, as amended. Motion carried unanimously.**

### **3. PUBLIC HEARING**

#### **ARTICLE 7 -- FALL 2022 TOWN MEETING ZONING AMENDMENT**

Mr. Rosenberger noted that the Amendment to Article 7 is intended to facilitate the growth of the life sciences industry investment in Dedham. The Amendment includes changes to the name and definition of life sciences related businesses and land use in the Town in order to more closely align with competing, surrounding municipalities. He noted that the Town has studied surrounding municipalities to ascertain best practices. Mr. Rosenberger noted the following additional proposed changes in this Amendment.

- Added a new Life Sciences Manufacturing use definition and amend use table to be updated with the new definitions.
- Amended the use table and footnote 19 to accommodate life science use as part of a planned commercial development, reducing the length of the table and making it clearer.
- Expanded the use of planned commercial development scope to allow life science use in select areas of the Single Residence A Zoning District (SRA) that provide at least 10 acres of land and that about Route 128/95.

Mr. Rosenberger stated that the Town Counsel wanted the Members to know about the provision singling out properties abutting Route 128/95 that have uniformity requirements of 40 acres according to requirements of Massachusetts General Laws 40A Section 4, while the Amendment notes 10 acres.

Mr. Rosenberger noted that changing the cell to a “no” in the columns of SRA and SRB in the table in footnote 19 of Article 7 for Life Sciences Manufacturing is clearer, as any such land use would fall under commercial development.

The presentation having concluded, the Chair opened the floor to the Members for questions and discussion.

**Mr. McGrail** noted that the types of laboratory facilities to which this Amendment applies typically require additional facilities and land use to support their operations, such as residential, restaurant, and commercial facilities. He suggested the language of the Amendment be updated. The Board agreed to this suggestion.

Mr. Zhaka inquired about which version of footnote 19 being discussed had been circulated. There appeared to be some confusion in this regard, as these discussions had referenced the wording of the Board memo, which had been updated.

**Mr. McGrail** noted that his suggestion above was based on the version of footnote 19 in the meeting agenda.

**Mr. O'Brien** asked if the amendment on the floor would be unique to Dedham, or whether it had been created in consultation with state authorities/representatives and/or with precedence in State law.

Mr. Rosenberger noted that the Town reviewed the by-laws of other jurisdictions, including Burlington, Newton, and Lexington; the Amendment is modeled primarily after those in Newton. He further noted that it has been approximately 20 years since the relevant definitions were last updated, and the Amendment would make current the relevant wording of Dedham's by-laws.

**Chairman Bethoney** asked the Members and the community if there were any other comments or questions to be heard.

**Ms. Porter** asked for clarification on the version of the draft that would result from this hearing. A brief conversation ensued to revisit the changes discussed above to Table 1 of Footnote 19.

**On a motion made by Mr. Podolski and seconded by Mr. O'Brien, and hearing no discussion, it was resolved to recommend to Town Counsel that Article 7 be so voted, as amended. Motion carried unanimously.**

#### **4. PUBLIC HEARING** **ARTICLE 8 -- FALL 2022 TOWN MEETING ZONING AMENDMENT**

**Chairman Bethoney** recognized Mr. Rosenberger, who noted that this Amendment suggests amending the Dedham Zoning By-Laws by inserting after Section 280-9.5(F.) (1), Site Plan Review, Procedures, the following new subsection:

- (a) Scoping Session. Prior to the filing of a complete application pursuant to 280-9.5. (D.), an applicant may request a Scoping Session to request waivers from the site plan review application requirements pursuant to 280-9.5. (D.), peer review, and abutter notification. The Planning Board may waive the requirements at its discretion.

**Chairman Bethoney** noted that, after speaking with Vice-Chair **Mr. Podolski**, it was requested that an article be put together that would allow applicants to come before the Board during scoping sessions in order to discuss their potential site plan proposals, and to use this as an opportunity for the Board to decide if there would be any waiving of review or compliance requirements. This would ensure that if an applicant presented a very specific area of a large site, they would have the opportunity to say that they were only working in that specific area and narrow scope. The Board was asked to consider not requiring applicants to provide full site compliance as it relates to that specific submission.

**Chairman Bethoney** stated that this amendment would help to ensure smaller that scale projects would not need to complete work that is typically only required for larger projects, noting the example of traffic studies.

**Chairman Bethoney** asked if there were any questions or comments regarding Article 8. **Mr. O'Brien** noted that this amendment is feasible largely due to the knowledge of these issues by the serving Members and questioned if there would be concerns if the Board's composition did not have the benefit of current Members' time serving in this capacity. He asked if there would be concerns over the misuse of this feature.

**Ms. Porter** asked for clarification on the changes described above, and **Chairman Bethoney** explained that, for example, if an applicant wanted an exemption from a traffic study, that this would permit them to seek this exemption at the Scoping Session.

**Ms. Porter** suggested that the wording of the amendment may be confusing for some people. **Chairman Bethoney** noted that this was not adding an additional burden to applicants, and would ultimately save applicants money, time, and energy.

**Mr. O'Brien** reiterated that it would be unfortunate if any amendment made it easier for construction to take place that had not received adequate review.

**On a motion made by Mr. Podolski and seconded by Mr. O'Brien, and hearing no discussion, it was voted unanimously to recommend to Town Counsel that Article 8 be so voted, as amended. Motion carried unanimously.**

5. **PUBLIC MEETING**  
**DETERMINATION OF ADEQUATE ACCESS**  
**329 MOUNT VERNON STREET -- EVERGREEN PROPERTY SOLUTIONS LLC**

**GUESTS:**

Peter A. Zahka, Esq.                      Applicant's Representative

Attorney Zahka stated that his client has been required to come before the Board in order to determine whether Jefferson Street provided adequate service for his client's planned development of the property. He stated that his clients are pursuing what is possibly a protected lot that separates 329 Mount Vernon Street from Jefferson Street.

**Chairman Bethoney** noted that the by-law requires the Applicant to obtain the Planning Board's determination of the adequacy of a private way. Prior to being able to receive building permits, the client must come to the Planning Board in order to determine adequate access. He noted that the section of street in the areas of Mount Vernon and Jefferson Street appear to be adequately serving the existing homes in the area, and there is no indication that there would be inadequacies should a single-family home be on the property.

**Mr. McGrail** questioned what precisely in the by-law had triggered the Board's intervention at this juncture, and how often such situations occurred.

Attorney Zahka noted that such situations are rare and is only required now due how Jefferson Street was originally planned, and it has been labeled as a private way. He noted that this was the first time in 40 years of his practice that he has come before the Board because of this kind of issue.

**Chairman Bethoney** noted that amendments have been requested to address this issue in the by-laws.

**Mr. O'Brien** noted that he is familiar with Jefferson Street, and while the physical surface of this Street is not in pristine condition, it does serve the other homes in the area adequately. He asked Mr. Zahka if the owners of the surrounding properties have been made aware of his client's intention with respect to building the house on the property.

Mr. Zahka responded in the affirmative, noting that the plan is currently before the Conservation Commission.

Hearing no further questions, **Chairman Bethoney** sought a motion to find Jefferson Street as being adequate to support the development of the property as sought by the client of Mr. Zahka.

**On a motion made by Mr. McGrail, seconded by Mr. O'Brien, it was resolved to approve the request for determination of adequate access on 328 Mount Vernon Street. Motion carried unanimously.**

6. **PUBLIC HEARING #1**  
**359 WASHINGTON STREET – HUB DEVELOPMENT LLC**  
**SPECIAL PERMIT FOR MIXED-USE DEVELOPMENT/MAJOR SITE PLAN REVIEW**

**GUESTS:**

|                      |                                   |
|----------------------|-----------------------------------|
| Kevin F. Hampe, Esq. | Applicant's Representative        |
| Travis Blake         | Applicant                         |
| Jeff Bandini         | Peer Reviewer, McMahon Associates |

Chairman Bethoney called for the public hearing on 359 Washington Street. Mr. Rosenberger confirmed that legal notice, hearing notice, notice to abutters and adjoining cities was provided pursuant to MGL 40A, Section 9 for the proposed project.

**On a motion made by Mr. Podolski, seconded by Ms. Porter, it was resolved to waive the reading of the public notice. A roll call vote was conducted. Motion carried unanimously.**

**On a Motion by Mr. Podolski, seconded by Mr. McGrail, it was resolved to open the public hearing regarding the proposal at 359 Washington Street. A roll call vote was conducted. Motion carried unanimously.**

Request for Special Permit for a Mixed-Use Development, Special Permit for a use of 10 ft. of a Single Residence B District for residential parking, and associated waivers, and Major Site Plan Review to construct a four (4) story, 16 residential building, with 2,495 square feet of non-residential space and 17 off-street parking spaces. The subject property is located at 359 Washington Street, Dedham MA, Assessor Map/Lot 92/45, and is located within the Central Business District and Single Residence B Zoning districts.

Mr. Hampe addressed the Board, noting that he was representing the owner of the property as well as the developer. He stated that the existing building has housed a number of small businesses over the years and is currently in an advanced state of disrepair. His clients are seeking to demolish the existing building and construct a new mixed-use building on this site. The site contains 12,159 square feet in the Central Business District, with a small portion of the back of the lot being zoned as Single Residence B. As part of a special permit, his clients would be

requesting that this land be used as part of the proposed project. As per the by-laws, the Planning Board is the permit-granting party on this matter.

Mr. Hampe noted that the proposed development was a 4-story building, 45 feet in height, which would contain 23,911 square feet of mixed-use property, including 2,595 feet of non-residential on the first floor, and 16 residential units in the 3 floors above the non-residential space. Tenants for the commercial space were unknown at time of the hearing, but it was intended to be leased for office use. 16 parking spaces are proposed for the residential units, and 1 for the non-residential use of the building. The clients are seeking a waiver for the additional 13 parking spaces required for commercial use.

Mr. Hampe noted that they would also be seeking a first-floor height waiver. He noted that the Mixed-Use By-Law was amended the previous year to require a 14-foot first floor height for mixed-use buildings in this area. Mr. Hampe's clients are seeking approval to have a first-floor height of 12 feet. This height is requested because it reaches the maximum height limit of 45 feet and will not require a height variance.

Mr. Hampe noted that this is not a major non-residential project, but is subject to a major site plan review, and summarized that the special permits being sought would be:

- Mixed-Use development of the residential portion of the back of the lot as part of the project.
- Waiver on parking spaces for non-residential and for the height of the first floor.

Mr. Blake provided a review of the design of the project with visual display and a detailed description of the design. Mr. Hampe noted that his clients have received favorable comments from surrounding properties about the proposed project, for which letters of support have been submitted to the Board.

Having concluded their presentation, **Chairman Bethoney** opened the floor to questions.

**Mr. Podolski** and **Ms. Porter** offered their support for the project. **Ms. Porter** asked about how the 12-foot height of the first floor would look and noted that she is comfortable with the 12-foot height because the design was aesthetically pleasing. **Ms. Porter** also asked where the balconies would be, and this was demonstrated visually. She also confirmed that these units would be for sale, not for rent.

**Chairman Bethoney** asked if there is any shared parking planned for the site, or if only one spot would be dedicated for the commercial unit, and Mr. Hampe explained that there is currently only the single spot dedicated to the commercial unit; however, he noted that the number of spots that end up dedicated for that purpose would depend on how the condominium declaration is drafted. He confirmed that this is why they seek the waiver of 12 commercial spaces.

With respect to the bump-outs on the side of the building, **Chairman Bethoney** asked if there is adequate space for the fire department to access the back of the property in the event of a fire. Mr. Blake responded that he believed there was adequate access in this respect, and that the plans noted that the height of the lowest bump-out is 13.5 feet from the ground.

**Chairman Bethoney** suggested that the Fire Department be consulted and asked if the main entrance opened onto the public sidewalk. Mr. Blake noted that the front door is set back 5 feet from the sidewalk.

**Chairman Bethoney** noted that there was approximately 600 square feet of commercial space in the basement. This space would be considered commercial and would be considered a story, making the proposal a 5-storey building, which is not permitted as the current limit is four stories as per the by-laws.

**Chairman Bethoney** offered the following options for the applicants:

- Seek a zoning variance from the ZBA.
- Lower the design by 1 floor: or
- Remove the occupied square footage from the basement.

It was suggested the applicants seek guidance as to how the decision regarding the use of the below-grade first floor could be used in order to not be considered a story of the building.

Jeff Bandini of McMahon Associates offered the peer review; initial comments on the project included that there should be additional information regarding how the waiver of the parking will be offset. **Mr. McGrail** asked Mr. Bandini to become familiar with developments in the Dedham Square area.

**Chairman Bethoney** stated that while this is intended to be a condominium corporation, this is not guaranteed at this point, and apartment style dwellings may be the final form of dwelling offered, if needed.

**Chairman Bethoney** asked if any of the compact parking spaces were less than 9 feet in width, which the Applicant confirmed. The Applicant also noted that the widths of the parking spaces were still under review and would be expanded if a waiver would be required for the current design.

**Ms. Porter** asked if there were any plans to incorporate electrical vehicle charging stations into the parking spots being proposed. She also suggested including bicycle racks in the design. The Applicant noted that they would investigate the feasibility of pre-wiring each parking spot to receive electrical vehicle charging stations and noted that they do typically try to incorporate this feature into their developments, and that bicycle racks could be included.

**Chairman Bethoney** noted the waivers that have been requested in the past for mixed-use developments, and that these would be helpful for Mr. Bambini to review.

**On a motion made by Mr. McGrail, seconded by Mr. O'Brien, it was resolved to continue the public hearing regarding 359 Washington Street to November 9, 2022 at 7:00 p.m. Motion carried unanimously.**

## **7. WIGWAM POND ACCESS PLAN ADVISORY COMMITTEE**

**Chairman Bethoney** requested that the Board provide their at-large selections for the Wigwam Pond Access Plan Advisory Committee to Ms. Tinger, and that the successful candidates would be contacted on October 13, 2022. Ms. Tinger later announced the successful candidates: Rebecca Bachand, Gail Coughlin, Ruth Helfeld, Anthony Morganelli, Finbar Heaslip (student member), and Susie Plunkett (student member).

8. **OLD BUSINESS/NEW BUSINESS**

- a) **Meetings with Applicants:** Ms. Porter asked if the Chair could inform other Board members of informal meetings with applicants. He noted that Members would be informed of any such meetings in the future.
- b) **E-mail Addresses:** The Board noted that e-mail addresses on the Town's website should be corrected.
- c) **RFQ:** Ms. Porter noted an RFQ that has been issued for the Town Green project, and a grant of approximately \$400,000 was awarded by the Commonwealth.
- d) **Delapa Plaza:** Mr. O'Brien noted there a significant construction activity at Delapa Plaza.
- e) **Bridge Street Advisory Committee:** Mr. Rosenberger noted that more candidates would be coming up for 5-7 more committee positions.

9. **NEXT MEETING**

The next meeting of the Planning Board was scheduled for October 26, 2022, at 6:00 p.m.

10. **PUBLIC COMMENT**

Rita Mae Cushman noted that she appreciates the Board and all their hard work for the Town of Dedham.

11. **ADJOURNMENT**

**On a motion made by Mr. McGrail seconded by Ms. Porter, it was resolved to adjourn the meeting at 8:18 p.m. Motion carried unanimously.**