

**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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Planning Director  
Jeremy Rosenberger

Senior Planner  
Michelle Tinger

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

**MINUTES OF THE PLANNING BOARD MEETING  
O'BRIEN MEETING ROOM, THIRD FLOOR  
JANUARY 25, 2023, 6:00 P.M.**

**BOARD MEMBERS:**

John R. Bethoney	Chair (from 6:45 p.m.)
Michael A. Podolski, Esq.	Vice-Chair
James E. O'Brien IV	Member
Jessica L. Porter	Member
James McGrail	Member

**PLANNING DEPARTMENT STAFF:**

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

**1. CALL TO ORDER**

Mr. Podolski called the meeting to order at 6:00 p.m.

**2. PUBLIC MEETING  
SESSION 700-706 WASHINGTON STREET PETRUZZIELLO PROPERTIES, LLC  
MINOR SITE PLAN REVIEW**

Peter Zahka	Petruziello Properties, LLC Attorney
Giorgio Petruzziello	Principal, Petruziello Properties, LLC

**Chairman Bethoney** recused himself for the duration of this public meeting, as he has a business relationship with the applicant. **Mr. Podolski** noted he will be the acting chair for this applicant.

Attorney Zahka stated Petruzziello Properties, LLC recently purchased the above-mentioned property and will lease the space to a fitness and yoga studio. A building permit has been obtained by the Building Department for interior and exterior renovations; when renovations are complete, the Building Department will issue an Occupancy Permit.

The proposed modifications constitute insignificant modifications and do not warrant notice to abutters or peer review. Currently the building contains a paved parking lot with 26 parking spaces, none of which appear to be ADA compliant. The Applicant would like to repave and

restripe the existing parking areas to clearly define ADA accessible parking spaces and increase the total number of spaces to 32. In addition, new plantings will be installed in the existing landscaped areas. The Project involves less than 5,000 square feet of floor area, the same is subject to Minor Site Plan Review by the Planning Board pursuant to Section 280-9.5 of the Dedham Zoning Bylaw.

The Applicant is requesting the following waivers:

- Section 280-5.2.B(2)-Lot Interior-Allow the parking lot to have less than the required 15% landscaping within the interior of the parking lot
- Section 280-5.2.B(3)-Planting Requirements-Allow the parking lot to have less than the required 5 feet of perimeter landscaping
- Section 280-9.5-Site Plan Review-Eliminate the requirement for submission of a landscaping and/or lighting plan

**Mr. Podolski** inquired as to the number of spaces the property was required to have. Attorney Zahka confirmed the requirement of 26 spaces, adding that the proposed increase to 32 spaces is possible due to more efficient use of the space.

The Applicant communicated with the residential abutter who was in support of removing the damaged fencing on the property line. The Applicant agreed to assume responsibility for sidewalk and parking lot snow removal on the property.

Attorney Zahka will draft a Certificate of Action, with the conditions about the lighting plan and snow removal included.

**On a motion made by Mr. McGrail and seconded by Mr. O'Brien, and hearing no discussion, it was voted to approve the waiver for Section 280-5.2.B(2) to allow the parking lot to have less than the required 15% landscaping within the interior. Motion carried.**

**On a motion made by Mr. McGrail and seconded by Mr. O'Brien, and hearing no discussion, it was voted to approve the waiver for Section 280-5.2.B(3) to allow the parking lot to have less than the required 5 feet of perimeter landscaping. Motion carried.**

**On a motion made by Mr. McGrail and seconded by Mr. O'Brien, and hearing no discussion, it was voted to approve the waiver of Section 280-9.5 for the lighting plan. Motion carried.**

**On a motion duly made by Mr. McGrail and seconded by Mr. O'Brien, and hearing no discussion, it was voted to approve that pursuant to Section 280-9.5.9 this work is considered an 'insignificant modification' and does not require abutter notice or peer review. Motion carried.**

**On a motion made by Mr. McGrail and seconded by Mr. O'Brien, and hearing no discussion, it was voted to approve the Site Plan with conditions relative to the fencing, lighting on a timer, and snow removal. Motion carried.**

Chairman Bethoney returned to the Select Board room and resumed his role as Chair at 6:35 p.m.

**3. STORMWATER DISCUSSION**

Jason Mammone  
Jaurice Schwartz

Town Engineer, Town of Dedham  
Weston & Sampson

Mr. Mammone, Town Engineer for the Town of Dedham, and Jaurice Schwartz of Weston & Sampson provided a presentation on recommended rules and regulations to improve Dedham’s stormwater quality.

Ms. Schwartz reported that this presentation is related to the Town’s Municipal Separate Storm Sewer System (MS4) permit. An MS4 is an all-man-made stormwater collection and conveyance infrastructure owned by a municipality such as drainpipes, culverts, and catch basins.

There is a five-year permit cycle; our current permit became effective on July 1, 2018 and expires on June 30, 2023. To gain approval for this cycle, permittees must develop, implement, and enforce a SWMP to reduce the discharge of pollutants from the MS4, to protect water quality, and to satisfy the Clean Water Act. Minimum control measures include public education, outreach, participation and involvement, illicit discharge detection and elimination, construction site runoff control, post construction runoff control, and pollution prevention/good housekeeping. The presentation tonight will focus on post construction run off control.

In permit year four the Town developed a “...report assessing current street design and parking lot guidelines and other local requirements within the municipality that affect the creation of impervious cover.” The goal is to identify areas in the Town’s regulations where changes could be made to support Low Impact Development and reduce impervious cover in street and parking lot designs to improve runoff water quality. The Town also developed a Green Infrastructure Report to determine the feasibility of green roofs, infiltration practices, water harvesting, and open space preservation when appropriate conditions exist.

Weston & Sampson reviewed many of the Town’s regulations and policies including Zoning Bylaw, Stormwater Management Bylaw, Stormwater Management Rules and Regulations, Wetlands Protection Bylaw, among others. The list of 62 key questions was developed for reviewing the Town’s streets, driveways, parking lots, sideways, provisions for use of green infrastructure, rainwater harvesting, green roofs, and preservation of natural areas and limits of disturbance. Each question was rated ‘conventional’, ‘better’, or ‘best’ using a system developed by the Mass Audubon Society.

<b>Rating</b>	<b>Count</b>
Conventional	30
Better	29
Best	3

Based on the results of the review, updates were proposed to the Zoning Bylaws, Subdivision Rules & Regulation, the DPW Design & Construction Standards, the Stormwater Management Rules & Regulations, and the Drainage & Stormwater Management Design Standards. Implementation timeframes for the regulatory updates were proposed for each of these areas.

**Chairman Bethoney** thanked Mr. Mammone and Ms. Schwartz for the presentation. Mr. Mammone will send members the full Green Infrastructure Report and the Street Design & Parking Lot Report for their review. The Board will review the reports and recommendations, determine which changes will be made, and develop a plan for moving forward.

#### 4. TOWN MODERATOR

Dan Driscoll                      Town Moderator, Town of Dedham  
Cherylann Sheehan      Deputy Moderator, Town of Dedham

**Chairman Bethoney** welcomed Mr. Driscoll and Ms. Sheehan to the meeting. In a Town Meeting open forum last year, Town Meeting Members were asked for feedback on how Town Officials can make the Town Meeting process meaningful to residents, how to identify obstacles, and how to ensure that Town Meeting Members feel informed and confident when voting.

A list of suggestions came out of this forum. For example, at the Fall 2022 Town Meeting, the Planning Board articles were moved from the end to the center of the warrant book. This was based on feedback that Planning Board articles are complex; given their impact and importance, Town Meeting Members can give the articles closer attention earlier in the meeting. Prior to any changes being made, Mr. Driscoll spoke with Chairman Bethoney and the Select Board then voted to make the change.

Mr. Driscoll discussed other changes made in other areas based on Town Meeting Member feedback. These include the option to continue the meeting for a second night if needed and a meeting-specific website containing information and relevant documents.

Mr. Driscoll asked that the Planning Board consider the following items:

- **Zoning Articles:** When changing a zoning article, clearly define the proposal, identify why the change is being proposed, and the outcome of each vote.
- **Use Tables:** The use tables can be confusing to the average Town Meeting Member. It was suggested that a section be included with each table with definitions and abbreviations. It would also be helpful if plain language and everyday terminology were used.

**Ms. Porter** clarified that the Planning Board does not have control of the warrant book layout. She agreed with Mr. Driscoll that the formatting of the Fall Town Meeting warrant book that broke up use tables into multiple pages made the tables more challenging to understand.

**Mr. McGrail** commented on the challenges associated with the timing of the Spring Town Meeting article due dates and how that impacts what is being produced by the Board. Shortly after Fall Town Meeting there are two major holidays (Thanksgiving and Christmas), and the February deadline for Spring Town Meeting articles is shortly after that. He noted the difficulty of having materials ready for early February, particularly when the Town Meeting is not held until May.

Mr. Driscoll confirmed that the Select Board makes the deadline decisions. He added that the language for an article can be simply stated; at the beginning stage in the Town Meeting preparation process, a proposed solution is not needed in the article.

**Chairman Bethoney** commented that it may be beneficial to have Zoning Articles presented at one Town Meeting per year. This would give Planning Department staff and Board members additional time to work on the articles, allowing more to be produced at a higher quality.

5. **SCOPING SESSION**  
**840 PROVIDENCE HIGHWAY/75 MCNEIL WAY, GROSSMAN COMPANIES**

The proponent requested to postpone the scoping session to a later date.

6. **PEER REVIEW**

Steve Findlen                      Howard Stein Hudson  
Keri Pyke                              Howard Stein Hudson

Mr. Findlen from Howard Stein Hudson addressed the Board regarding the site plan peer review. He has been doing site plan peer reviews for Dedham for 18 years ranging from residential to large commercial projects. The benefit of peer reviews is that it brings to light issues with projects that may not have been considered when other experts are utilized.

Ms. Pyke addressed the Board and noted that community engagement has always been a priority of Howard Stein Hudson. They address any items that they notice to the community, even if it is outside of their scope. Ms. Pyke and the firm has court experience, bike lane design experience, and can bring expertise regarding this. The firm has had experience designing bike lanes and in ADA compliance.

It was noted that Howard Stein Hudson has also reached out to other municipalities. Howard Stein Hudson takes into consideration important topics for the community and how these impact the overall community. For example, EVR charging stations are a significant hot topic right now.

The Board discussed competitive costs with this proposal and how these impacts applicants involved in these processes. Howard Stein Hudson noted that they are not interested in increasing prices for applicants.

**Chairman Bethoney** noted that the more detailed the review is, the more upfront costs will be. Ms. Pyke noted that the service is provided at an hourly rate and the quote is made based on an educated guess.

The Board will address this subject again at a future meeting.

7. **PUBLIC COMMENT**

There were no public comments.

8. **SPRING 2023 TOWN MEETING**

The Board requested the Planning Department to research and propose articles for consideration at the Spring Town Meeting. Mr. Rosenberger provided the Board with a summary of these items.

- A. Mr. Rosenberger noted that at the last meeting it was decided to propose a zoning article connected to the state's MBTA Communities legislation. The Board discussed the map included in their meeting material packets to ensure that the overlay district is continuous. The Board also discussed the difference between the high- and low-density regions and the impact these areas have on the map. Mr. Rosenberger noted that Dedham is farther ahead with the MBTA Communities compliance process than many other municipalities in the state.

The Board discussed whether definitions listed in Section 280-14.4, such as “residential dwelling unit, multi-family housing, affordable unit”, should be aligned with those terms in other Town bylaws to ensure consistency. **Mr. McGrail** suggested that if the definitions cannot be changed in one of the two areas for consistency, that different terms be used to minimize confusion. For example, he suggested adding the ‘MFHOD’ acronym in front of those terms applicable to the Multi-Family Housing Overlay District. Mr. Rosenberger encouraged members to send him additional comments.

- B.** Mr. Rosenberger reported that the next article for consideration is Electrical Vehicle charging. The Board was provided an updated accessory use table that proposes the regulatory use of both residential and non-residential EV charging stations. Level 1 and 2 chargers are proposed to be allowed in residential districts; level 1, 2, and 3 chargers would be permitted by right in nonresidential districts. Mr. Rosenberger added that Town Counsel reviewed the table and suggested that Dedham’s definition of an electrical vehicle charging station be updated to be consistent with state law.

Attorney Zahka raised the question as to whether an EV charging station counted as a parking space or does it count as an additional spot. **Ms. Porter** commented that the EV charging station should count as a parking space to encourage the use of electric vehicles.

- C.** Mr. Rosenberger provided information regarding the mixed-use bylaw, section 4.2, height of buildings and structures defining “human occupancy”. Based on staff review, there isn’t much direction from other municipalities when defining human occupancy; other zoning codes reviewed by staff stated it is related to living quarters. **Mr. McGrail** offered to share a definition of human occupancy with Mr. Rosenberger that can then be shared with the Board. Members can review and discuss at the next Planning Board meeting.
- D.** The Board has purview to determine if a street has adequate access; and a question about the definition of the word ‘street’ was recently raised. Mr. Rosenberger reviewed definitions from surrounding towns and their definitions are like ours. The Board discussed and it was decided that the definition would stay as currently written; if Mr. Cimeno needs the Planning Board to make an accessibility decision, the Board will add it to the next meeting agenda.

**9. Public Comment**

Mr. Richard Irving of 235 Common Street inquired about an item on the meeting agenda about expediting the approval process for planned residential developments in the Single Residence A (SRA) zoning district. There are many residents in Mr. Irving’s neighborhood that share his concerns.

**Chairman Bethoney** clarified the proposed language changes is “allowing for an expedited process”. The Planning Board is not expediting the process, they are allowing the applicant to expedite the process by removing Town Meeting from the approval process. This process change will not be sent to Town Meeting for a vote in November at the earliest.

Mr. Irving stated that there are rumors of possible development at the Endicott properties. He’s been trying to understand what a development project this large means for his neighborhood and the entire town. People are struggling to understand the bylaws; communicating with Town Meeting Members and the Town officials is challenging if you are a general resident.

**Mr. McGrail** commented there are certain things allowed by right in the SRA zoning district that would not be required to come before the Planning Board for approval. Mr. Rosenberger clarified that the area in question is owned by Dorothea Endicott. It is made up of two properties totaling approximately 42 acres. No one has reached out to the Town looking for information on the property or introducing themselves as potential developers.

**Chairman Bethoney** clarified that he is not aware of regulatory requirements/controls for timing of action by the Planning Board for the issuance of a special permit. The balancing test when it comes to the Planning Board issuing a special permit is to determine whether the benefits outweigh the negative impacts. While there are requirements about convening a public hearing within a specified time frame, however that public hearing can remain open for a year or more, such as the case with Legacy Place and Hebrew Senior Life. This provides residents with an unlimited number of opportunities to express their concerns and be heard.

Mr. Irving inquired who is responsible for defining and/or changing the Aquifer Protection Overlay District (APOD) as defined by the Town. Mr. Rosenberger confirmed that Town Meeting is the body responsible for making changes to zoning districts. The Town Clerk may have additional information in the meeting minutes from the 1990's when the APOD change in question took place.

**Mr. McGrail** added that there are projects in Town that do not come to fruition such as the assisted living facility that was proposed near Dedham Medical Associates. After hearing public comments and careful review of all application materials, the project was voted down by the Planning Board and Zoning Board of Appeals. He stressed that public feedback is always considered in the decision-making process.

**Chairman Bethoney** confirmed there is a two-prong approach and approval process for any large project. The property's use would be approved by the Zoning Board of Appeals (ZBA). If approved, then the site plan review and traffic study associated with that use is reviewed by the Planning Board. Residents have an opportunity to express their concern to first the ZBA that the proposed use is inappropriate for that location. Residents then have an opportunity to express concern to the Planning Board that a special permit is inappropriate because the benefits do not outweigh negative impacts.

Mr. Irving commented it would be helpful if the Planning Department could communicate the process in layman's terms. **Chairman Bethoney** clarified that this is always done at the first Public Hearing.

Mr. Irving commented that it would also be helpful if the Planning Department could communicate with residents when a zoning topic is discussed that would have a direct impact on them. Residents can then proactively attend the meeting and understand what is going on.

Thirdly, Mr. Irving requested that when special permit applications are submitted to the Planning Department a notification be sent out through the town.

Ms. Tinger confirmed that email notifications are sent out for meetings and further explained the public notification procedures undertaken by the Planning Department.

Mr. Irving thanked the Board for their time.

**9. REVIEW AND APPROVAL OF MINUTES**

**Mr. Podolski** noted that the approval of Kelly’s Roast Beef on page 4 of the July 27, 2022 minutes was not a unanimous vote; he dissented. The meeting minutes will be amended with this correction.

**Ms. Porter** requested a correction on page 6 of the August 24, 2022 minutes. She requested that her comment under the District Improvement Financing (DIF) Program Update be corrected to read “...expressed frustration that the Town started the process and has not made it a priority.” The meeting minutes will be amended with this correction.

**On a motion made by Ms. Porter and seconded by Mr. O’Brien, and hearing no discussion, it was voted to approve the Planning Board minutes from July 27, 2022, as amended. Motion carried unanimously.**

**On a motion made by Mr. McGrail and seconded by Mr. O’Brien, and hearing no discussion, it was voted to approve the Planning Board minutes from August 10, 2022. Motion carried unanimously.**

**On a motion made by Mr. Podolski and seconded by Ms. Porter, and hearing no discussion, it was voted to approve the Planning Board minutes from August 24, 2022, as amended. Motion carried unanimously.**

**On a motion made by Ms. Porter and seconded by Mr. McGrail, and hearing no discussion, it was voted to approve the Planning Board minutes from September 14, 2022. Motion carried unanimously.**

**10. NEW BUSINESS OLD BUSINESS**

**Mr. Podolski** noted the new target date to complete construction on the Public Safety building is February 17<sup>th</sup>, with the move-in date of March 3<sup>rd</sup>, 2023. **Ms. Porter** asked that the Planning Department let the Board know as soon as something is officially filed regarding the Endicott properties and that whoever purchases the land have a discussion with Mr. Irving.

Ms. Tinger noted that there is a science, technology, engineering, arts, and mathematics (STEAM) fair as it relates to Wigwam Pond. She invited members to attend the fair.

Mr. Rosenberger commented that the first Bridge Street Corridor Plan Community Meeting is scheduled on Saturday, February 11<sup>th</sup> at 10 a.m.-12 p.m. at the Riverdale School. He encouraged Board members to attend.

Lastly, the next meeting of the Planning Board will be held next Tuesday, January 31<sup>st</sup>. The Board will continue their discussion of master plan, focusing on the Governance and Community Facilities chapters.

**11. ADJOURNMENT**

**On a motion duly made by McGrail and seconded by Mr. Podolski, it was voted to adjourn the meeting at 9:45 p.m. Motion carried unanimously.**