

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.

Planning Director
Jeremy Rosenberger

Senior Planner
Michelle Tinger



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

**MINUTES OF THE PLANNING BOARD MEETING
O'BRIEN MEETING ROOM, THIRD FLOOR
MARCH 22, 2023, 6:00 P.M.**

BOARD MEMBERS:

John R. Bethoney	Chair (Via Zoom)
Michael A. Podolski, Esq.	Vice-Chair
James E. O'Brien, IV	Clerk (from 6:10 p.m. and until 10:08 p.m.)
Jessica L. Porter	Member
James F. McGrail	Member

PLANNING DEPARTMENT STAFF:

Jeremy Rosenberger	Planning Director
Michelle Tinger	Senior Planner
Jayson Shultz	Economic Development Planner

GUESTS:

Kenneth Cimeno	Building Commissioner, Town of Dedham
Blake Lukis	Executive Director, Dedham-Westwood Water District
Jonathan Eichman	Town Counsel, KP Law

1. CALL TO ORDER

Chair called the meeting to order at 6:05 p.m.

**2. PUBLIC HEARINGS
SPRING 2023 TOWN MEETING-WARRANT ARTICLES 12-20**

On a motion made by Vice Chair Podolski, seconded by Member McGrail, it was voted to waive the reading of the public hearing notices. Motion carried.

On a motion made by Vice Chair Podolski, seconded by Member McGrail, it was voted to open the public hearing for articles 12-20. Motion carried.

Mr. Rosenberger provided a brief overview of the articles. For the record, Mr. Rosenberger announced all town officials and staff members in attendance including himself, Ms. Tinger, Mr. Schultz, Kenneth Cimeno, Blake Lukis and Attorney Jonathan Eichman.

ARTICLE 15

Mr. Richard Irving (attending via Zoom), 235 Common Street, reiterated his request to reinstitute the “Aquifer Buffer for the Bridge Street Well Field” to the boundaries defined in an Open Space Committee report in 1991. These boundaries were changed in 1997 by a vote at Town Meeting and have remained unchanged since then.

Attorney Eichman confirmed that based on all the documents reviewed by his office and the Attorney General’s, there were no procedural defects in the process 1997 Town Meeting vote and process. The Attorney General’s office also approved the change. He added that there are formatting and definition issues that need to be addressed before Article 15 can be considered an official zoning amendment.

Mr. Lukis noted the Town relies on the MWRA in the summer during peak water usage so as not to overburden the watersheds; however, there is enough water to serve customers through the year 2035. Mr. Lukis confirmed that residential growth, business growth, and the development of new wells were factored into this analysis.

The Board discussed the possibility of proposing an amendment at the November Town Meeting that would extend the Aquifer Protection Overlay District (APOD) to encompass all of Zone 1 and Zone 2. **Member McGrail** suggested that if a change is going to be made to the boundaries, that change should be made based on the current conditions, not the conditions from 1997.

Vice Chair Podolski inquired if Mr. Irving could make a substitute motion with updated language on his original motion on the floor at Town Meeting. Attorney Eichman confirmed that would be at the discretion of the Town Moderator, although he does not believe the Moderator would allow for a zoning bylaw amendment by motion.

Chair Bethoney requested clarification as to whether the APOD prevents development. Mr. Rosenberger stated the overlay district restricts development for projects with hazardous materials that are dangerous to the environment and/or projects that require a significant increase in impervious surfaces. The average retail, commercial, housing, or senior living project would not fall into either of these categories.

The floor was opened to the public.

Attorney Peter Zahka, 12 School Street, inquired if the Town Moderator allows this article to be amended on the floor at Town Meeting, whether it would revert the aquifer boundaries to the map that was referenced in the 1991 Open Space Committee report.

Attorney Eichman responded that the Article mentions the Bridge Street well specifically, however, he has not seen the language that might be introduced to amend the Article. Attorney Eichman added there are issues that must be addressed to make it a valid zoning bylaw amendment that would be approved by the Attorney General.

ARTICLE 12

Mr. Rosenberger reported that Article 12 is designed to regulate and define EV charging stations within Dedham. The current bylaw does not regulate these and due to increased demand for this infrastructure, adopting new regulations in the zoning bylaw will provide homeowners, business owners, and the Building Department with predictability and clarity regarding chargers. The Article will add EV chargers to the Accessory Uses Table, also known as Table 1. Level 1 and 2 chargers would be allowed by right as an accessory use in all residential zoning districts. Level 3 chargers would be allowed in residential zoning districts by special permit grants by the Zoning Board of Appeals. For nonresidential uses, Levels 1, 2 and 3 would be allowed by right in all zoning districts.

EV parking spaces would count towards the parking requirement for any given development. Lastly, the Article would add a definition of electric vehicle charging stations to the Dedham Zoning Bylaw. Attorney Eichman noted he has worked with Mr. Rosenberger closely on this Article and has been involved throughout the process.

The floor was opened to the public for questions.

Will Harrington, 32 Worthington Street, inquired about the Level 3 chargers. The Article as written specifies 480 volts, however he is curious if this language can be updated as industry standards change, and the technology develops. Mr. Rosenberger confirmed that the language will be updated as needed.

ARTICLE 13

Mr. Rosenberger reported that this Article is to address the definition of human occupancy in buildings. The current bylaw references any floor below grade that provides for human occupancy shall be considered a story. Clarity on what human occupancy means, such as mechanical rooms, or storage rooms, were called into question as part of a recent mixed-use development project.

Mr. Cimeno noted concern with the article regarding some of the activities described in the bylaw are in the zoning bylaw. He suggested a language change that allows the article to reference the zoning bylaw and ensure that the new bylaw does not override commercial zoning bylaws.

The Board discussed ensuring the language is clear for the average person and ensuring clarity. It was decided that Member McGrail and Mr. Cimeno would work together to create language that is sufficient for both.

The Chair opened the floor to the public. There were no comments.

ARTICLE 14

Mr. Rosenberger provided a summary regarding Article 14, which establishes a new zoning overlay district to comply with recent state legislation known as MBTA Communities. The overlay district would allow multi-family housing by right in an area adjacent to the MBTA Dedham Corporate Center MBTA station. The zoning article has been crafted with guidance by a consultant team and the Planning Board to be in compliance with the legislative requirements and avoid negative impacts to the Dedham community.

The floor was opened to the public.

Mr. Shaw McDermott provided his address and thanked the Planning Board, Mr. Rosenberger, and the town for their hard work on this.

Will Harrington, 32 Worthington Street, asked if this would influence the tax base. Mr. Rosenberger explained that it would depend on what was built, as this is a zoning change. There was discussion that this zoning may facilitate living in the area without a vehicle.

ARTICLE 16

Article 16 petitioner Richard Irving noted the Dedham community is not always aware of large projects that occur in the town. This article would ensure that conceptual plans for certain development projects are presented to Town Meeting.

The Board discussed if presenting a conceptual plan at town meetings would be a barrier for applicants. This would slow down the process for building and major projects. It was suggested that a better process would be to improve communication with citizens. Additionally, there is a significant process in place for building projects, as many of them are presented to the Planning Board.

Mr. Rosenberger provided the process for large building projects, which includes permits, notices, meetings, etc. There are also scoping sessions at the Planning Board, which are before the application is submitted.

ARTICLE 17

Article 17 petitioner Richard Irving noted that citizens would benefit if certain large projects notified neighbors within a one-mile radius. Attorney Eichman noted that there is no legal issue with this, but there would be administrative and logistical challenges to execute this. Mr. Rosenberger explained that this would be a burden on the Planning Department and a significant cost to applicants. Overall, the Board felt a one-mile radius was too large and there were more effective ways of communicating with neighbors. State requirements of notice areas are already significant.

The floor was opened to the public. Mr. Irving suggested that the radius be shifted to half a mile. He noted that it could be possible to get high school interns to help with the Planning Department workload. This led to discussion regarding community engagement. **Member McGrail** noted that there is significant engagement thus far and the process is sufficient.

ARTICLE 18

Mr. Irving noted concern regarding the zoning changes occurring in Dedham. Attorney Eichman noted that the requirements for communicating this information are set by the state.

The floor was opened to the public. There were no questions or comments.

ARTICLE 19

Article 19 petitioners were not in attendance. The petition requests a change in the definition of motel and hotel. Attorney Eichman noted no legal challenges regarding this request. Mr. Rosenberger noted that the change is regarding a loophole in the definition with regard to the length of stay for hotel rooms that don't have cooking facilities.

There was discussion regarding motels being temporary residences and how this is not their purpose. The Board discussed who would be responsible for the fee, which would be the hotel or motel.

Member Porter asked if this would prohibit hotels and motels from being used in emergency situations. Attorney Eichman noted that state law supersedes town bylaws. There was discussion on if this would negatively impact vulnerable populations, individuals who are building a home and need long-term temporary housing, and others.

ARTICLE 20

Article 20 petitioner William McDermott explained his petition for Article 20, which addresses the reduction in developable residential acres. Over 43 years, there has been a significant reduction in open spaces. There is also consideration of how these impacts water levels in the Charles River, contamination, impervious surfaces, etc. There are also concerns regarding traffic, as there has been a higher increase in population growth.

Mr. McDermott proposed a moratorium of one year on undeveloped residential land that exceeds five acres. This moratorium would be in effect as of May 15, 2023.

The Board discussed the cost of a traffic study to address the ongoing development of Dedham, as traffic is a safety concern that Dedham has been facing. There was recently an increase in taxes, and it is challenging to fund projects. Grants could be received but they are not dependable and do not always provide full funding. The Board discussed if the moratorium would cause unintended consequences.

Mr. Rosenberger noted that there are likely under a dozen land parcels that would fit the definition within the moratorium. It was concluded that this needs more information to see how this would impact the town. There was discussion on what would be classified as undeveloped land.

The floor was opened to the public. There were no questions.

On a motion made by Vice Chair Podolski, seconded by Member McGrail, it was voted to continue the public hearing on April 12, 2023. Motion carried unanimously.

3. PUBLIC MEETING APPROVAL NOT REQUIRED (ANR) 1133 HIGH STREET – MARTHA PRAUGHT

GUEST:

Martha Praught

Mr. Rosenberger provided an overview of the ANR. The proposal meets the requirements for endorsement based on his review.

On a motion made by Vice Chair Podolski, seconded by Member McGrail, it was voted to endorse the ANR plan as presented. Motion carried unanimously.

4. **PUBLIC MEETING**
MINOR SITE PLAN REVIEW (MODIFICATION)
120, 124, AND 293 COUNTRY ROAD – DEDHAM COUNTRY AND POLO CLUB

GUEST:

Peter Zahka Attorney

Attorney Zahka stated that the Planning Board approved a Certificate of Action in 2021 for various improvements to the existing club house and property amenities. These upgrades were for current Club members benefit. The Club requested an insubstantial modification to decrease scope of the 2021 approval by reducing the size of the clubhouse expansion and paddle ball courts. This will also decrease impervious surfaces. Additionally, pickleball courts will be added. The Club has placed the proposed pickleball court in an area that won't disrupt neighbors. This has been approved by the Dedham Conservation Commission.

On a motion made by Member McGrail, seconded by Member Porter, it was voted to waive the requirement for a landscape plan, polar diagram, traffic and access report, peer review, and frontage strip. Motion carried unanimously.

On a motion made by Member O'Brien, seconded by Member Porter, it was voted to approve the insubstantial modifications to the Dedham Country and Polo Club project. Motion carried unanimously.

On a motion made by Member McGrail, seconded by Member O'Brien, it was voted to waive the requirement to contact abutters. Motion carried unanimously.

On a motion made by Member McGrail, seconded by Member O'Brien, it was voted to approve the site plan. Motion carried unanimously.

5. **PUBLIC MEETING**
SCOPING SESSION
780 WASHINGTON STREET – INSITE REAL ESTATE, LLC

GUEST:

Peter Zahka Attorney

Mr. Zahka noted a new lot will be divided out of the property known as 835 Providence Highway, with frontage on Washington Street. There is a significant amount of asphalt on the property, and a significant grade change, which would require retaining walls.

The intent is to build a 16,000-square-foot single-story day-care facility with a 6,000-square-foot playground. The applicant has submitted an application to the Zoning Board of Appeals. Child drop off and pick up will be staggered to reduce congestion. With the exception of parking, the facility will follow all of Dedham's bylaws. The developer noted that Insite Real Estate will be the future property owner after the building is developed and constructed, and there is a tenant that is interested.

The Board discussed the impact of abutters and ensuring that they are aware of the project. There will be 35 parking spots, which is 16 less than the bylaw requires. The applicant will provide a

traffic report, although it is not required. There will be capacity for 195 children and 35 staff. The Board discussed the roofline. Chairman Bethoney suggested an architectural peer review to address all the challenges of the project.

6. **OLD/NEW BUSINESS**

The Public Safety Building has been granted a 150-day temporary occupation certificate.

7. **ADJOURNMENT**

On a motion duly made, it was resolved to adjourn the meeting. Motion carried unanimously.