

**Planning Board**

John R. Bethoney, Chair  
Michael A. Podolski, Esq., Vice Chair  
Robert D. Aldous, Clerk  
Ralph I. Steeves  
James E. O'Brien IV

**Planning Director**

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**TOWN OF DEDHAM  
PLANNING BOARD  
MEETING MINUTES**

**July 8, 2015, 7 p.m., Lower Conference Room**



**Present:** John R. Bethoney, Chair  
Michael A. Podolski, Esq., Vice Chair  
Robert D. Aldous, Clerk  
Ralph I. Steeves  
James E. O'Brien IV  
Richard J. McCarthy, Jr., Planning Director

Call to order 7:12 p.m. The Pledge of Allegiance was recited. Plans, documents, studies, etc., referred to are incorporated as part of the public records and are on file in the Planning and Zoning office.

**PUBLIC MEETING**

**Applicant:** Dunkin Donuts  
**Project Address:** 36 Sawmill Lane, Dedham, MA  
**Case #:** SITE-02-14-1791  
**Zoning District:** General Business  
**Representative(s):**

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- Kenneth Cram, P.E., Director of Traffic Engineering, Bayside Engineering, 600 Unicorn Park Drive, Woburn, MA 01801
- Matthew Smith, Norwood Engineering, 1410 Route One, #202, Norwood, MA
- Carlos Andrade, owner, Legacy Donuts, Inc.
- Chris Dacosta, owner, Legacy Donuts, Inc.

**Town Consultant:** Steven Findlen, McMahon Associates

**Prior to the beginning of the meeting, Mr. Podolski said that Mr. Bethoney is recusing himself from this meeting due to a potential conflict of interest. He was not in the building, and did not participate in any part of this meeting or consideration of the proposal. Mr. Podolski assumed the Chair.**

This is not a review of the ZBA decision in which the drive-thru was approved, but if the Board finds it so dangerous that it cannot go in, it will consider refusing permitting. The entire project team made site visits and conference calls, and many findings have been incorporated into the revised plans. Another handicapped space has been added. Arrows and pavement markings for one-way in and a Do Not Enter sign have been added at Milton Street. A speed bump is already



on the plan. The drive-thru has a 38' wide opening. There will be striping to show a dedicated right turn lane. It was suggested that this be reviewed in six months and additional traffic calming measures put in place. Food deliveries will be done at 2 a.m., and paper goods delivered once a week from 2-5 p.m. when there is no traffic.

Mr. Cram's traffic studies are on file, including counts of pedestrians walking on the Sawmill Lane sidewalk, Bussey Street, Milton Street, and High Street. Queuing studies did not find any extensive lines or pedestrians. There will be a Do Not Block box on the pavement and a Stop sign at the driveway before the sidewalk. The zebra grass and shrubs will be cut back to improve sight lines. A glass window was added to improve sight lines. The driveway will be marked Right Turn Only from 7 a.m. to 9 a.m., reducing vehicular conflicts. There are sight distance issues turning left from Myrtle Street because of parked cars. The volume using Myrtle Street is low. He advised re-doing the counts six months after opening to see if it is used as a cut-through. He advised making two lanes at the Walnut Street approach to Milton Street. The volume of traffic does not meet MassDOT guidelines for signals. The Board will continue to monitor the area, possibly protecting the residents of Myrtle Street with a No Right Turn from 7 a.m. to 9 a.m. Mr. Findlen, hired by the Planning Board at the expense of the Applicant to perform peer review, said that the changes proposed to the original plan made it safer. He said that volume improves any time capacity is added and a right turn lane is put in.

Mr. Podolski explained that drive-thrus are legal, and this is not a site of many pedestrian accidents. He said this is the beginning of a new East Dedham. Carey Reid, 65 Emmett Avenue, interrupted Mr. Podolski several times, and was cautioned that the public was not to speak yet. Mr. Reid persisted, saying that the Chair had already reached his decision. He continued to harass Mr. Podolski until he was told to be quiet; Mr. Podolski asked him to leave when he persisted. Mr. Aldous asked what the count was for people coming out of Walnut Street and going straight across to the driveway. Mr. Steeves said this could not be done. Mr. Zahka said that someone entering the left entrance cannot get into the drive-thru.

Ellen Berkland, 104 Emmett Street, was unhappy that there would be a drive-thru next to Mother Brook, which is the oldest canal system in the United States. She was told there is a Master Plan for East Dedham, and this is an allowed business. She said the sidewalks are awful, and she did not want an exit onto Sawmill Lane. Carey Reid, 65 Emmett Avenue, said there would be 60-80 cars per hour on Sawmill Lane based on his own traffic counts on Providence Highway; Mr. Podolski said that this is a major highway, and Sawmill Lane is not. Peak traffic studies were explained. The Dunkin Donuts at the East Dedham Plaza will remain open until their lease expires in 5 years. Mr. Reid said the drive-thru traffic will have a larger impact, particularly on Emmett Avenue, which will become a cut-thru, Oakland Street, and Stormy Hill. He demanded that the Board not add any more cars. Mr. Podolski said that his assumption was not factual. There was extensive, sometimes heated, discussion and complaints from Mr. Reid.

Traffic reports and projections into the future were explained. In all cases, traffic in 2018 only increases a very small amount. Mr. Zahka reminded the Board that the second entrance on Sawmill Lane was closed by the ZBA at the request of the abutters, not at the applicant's request. Relocating the drive-through on the opposite side would leave no parking on the site, which is shared with an office building. Every option was examined extensively, and for various reasons, they did not work for the site. Mr. Findlen said an interior queue would make addressing the issue difficult; Mr. Cram agreed. Mr. O'Brien wanted to see the numbers. Mr. Aldous said there would be a loss of 20 parking spaces if it goes around the front. Mr. O'Brien said there would be six



months to see how it worked, and then it would be revisited. Counts could be expanded to Emmett Avenue, Oakland Street, and Stormy Hill. If there is a disproportionate number of people coming out of the drive-thru and taking a right onto Sawmill, and dispersing through Emmett, Oakland, or Stormy Hill, there will be numbers to back it up.

Virginia Brobst, 28 Myrtle Street, said one of the traffic studies was not optimal because there was a bridge on Walnut Street was blocked off because of work. She is concerned about Myrtle Street because it is narrow. She was asked if she would accept closing the street to Walnut Street traffic from 7 a.m. to 9 a.m. She said she would not. Elizabeth McNichols, 59 Walnut Street said there is a lot of traffic on Walnut Street, and she suggested putting up a sign from 7 a.m. to 9 a.m., abutter access only or no through traffic. Mr. Podolski said that if the counts get heavy on Myrtle Street as a result of the store opening, they are contemplating blocking anyone from going down Myrtle at certain times of day. Ms. McNichols also suggested putting up a No Parking sign in the two spaces by the church. This would have to be taken up with the Board of Selectmen.

Eric Fay, 85 Emmett Avenue, also wanted a sign at Emmett Avenue from 7 a.m. to 9 a.m. He did not think there was a need for a right turn, and people will use the street to turn around. Mr. Zahka corrected him and said the right turn from 7 a.m. to 9 a.m. is on Milton Street. The driveway onto Sawmill is right or left, and there will be a Do Not Block box on the pavement. Dan Hart, 75 Harvard Street, passed out a petition signed by residents in support of the project; this had also been given to the ZBA. He described the Master Plan for East Dedham. There is a crossing guard on the Housing Authority side, which is where children come down, and Veterans Road housing has a bus; few children walk down Sawmill Lane. Queuing is more of a concern at Avery School than at Dunkin Donuts.

Ilene Horwitz, 39 Walnut Street, asked if the Board would consider a three-month review rather than six-month review so things could be tweaked before there is an issue; this could mend fences. Mr. Podolski said the place is not known enough to have the volume it would have a six months. Three months would be too soon. The Board will discuss this with the applicant. Ms. Horwitz asked if there is a way for citizens to get in touch with the Board. Mr. Podolski said she could call or e-mail the Planning Director. He would also be happy to talk with people via e-mail or on the town website. Amy Roberts, 8 Stormy Hill, said there is an elderly complex across from her house, but there are no sidewalks on Stormy Hill. This will be added to the study, but the Board is not in charge of streets or sidewalks. She is very concerned about the increase in traffic and pedestrians.

The meeting was continued to 7/23/15. Residents within 1,000 feet will be notified. Mr. Zahka passed out a written waiver request of one parking space because of the addition of another handicapped parking space.

#### CONTINUATION OF PUBLIC HEARING

<b>Applicant:</b>	<b>Concinnitas Corporation/Gregory Carlevale</b>
<b>Project Address:</b>	<b>255 West Street, Dedham, MA</b>
<b>Case #:</b>	<b>SITE-12-14-1930</b>
<b>Zoning District:</b>	Single Residence A
<b>Representative(s):</b>	<ul style="list-style-type: none"><li>• Peter A. Zahka II, Esq., 12 School Street, Dedham, MA</li><li>• Greg Carlevale, 21 Boulevard Road, Dedham, MA</li><li>• Scott Henderson, Project Engineer, McKenzie Engineering, 150 Longwater Drive, Suite 101, Norwell, MA 02061</li></ul>
<b>Town Consultant:</b>	Steven Findlen, McMahan Associates



Mr. Bethoney joined the Board. MassDOT has tentatively approved the curb cut location, but needs Planning Board approval before a final determination can be made. The fire chief approved the adjusted pavement radii and enlargement of the driveway to 16 feet for ladder truck access and parking in front of each unit. Applicant is requesting not to use vertical granite curbing (required in subdivisions), as curbing does not support use of country drainage and sheet flow into bio-retention areas. There will be no sidewalks. There will be a short stretch on the left side that has a catch basin, and granite slope stone will be used instead of curbing. Trash removal, if unavailable by the Town, will be done privately and noted in the HOA documents; a more detailed plan will be provided. There will individual totes, but no dumpster on site. Conservation Commission approved an Operations and Maintenance Plan, including provisions for contacting site maintenance companies to manage snow storage and landscaping. A stamped landscaping plan will be obtained. The street name will be proposed and reviewed with GIS. There is now signage for the one-way loop. Applicant requested that a photometric plan not be required, and wanted to provide manufacturer's specifications instead. Lighting will be of a residential variety, i.e., house lighting, lighting along the inside loop, flood lights in back of the units. Plantings are proposed as a further buffer the side abutting a residential dwelling. There will be no street lights, but the driveway will be lighted since it is 250 feet from the entrance to the loop. A waiver has been asked to not provide a photometric plan, but Mr. Aldous wants to see one. Mr. Bethoney suggested loop lighting and three lights long the driveway, as well as one at West Street.

Mr. Zahka said Mr. Findlen's concerns will be addressed before the next meeting. He suggested that the Public Hearing be closed. He will write a Certificate of Action for Board vote. Mr. Podolski moved to close the Public Hearing, seconded by Mr. Steeves, voted unanimously.

<b>Applicant:</b>	<b>Animal Rescue League</b>
<b>Project Address:</b>	<b>220 Pine Street, Dedham, MA</b>
<b>Case #:</b>	<b>SITE-06-15-1982</b>
<b>Zoning District:</b>	SRA
<b>Representative(s):</b>	Bob Williams, Director of Facilities, ARL Kenneth Knowles, P.E., Eaglebrook Engineering & Survey, LLC, 492 Maple Street, Suite 304, Danvers, MA 01923

The applicant proposes a 1,900 square foot addition to relocate the kennels. A 2010 renovation was unsuccessful. They are before Conservation Commission for a stormwater permit; a previous permit was granted in May 2014. There will be no increase in animals or employees. They propose paving the 10-space gravel parking lot behind the barn. There will be no change in site lighting or utilities. The front sidewalk will be moved forward a few feet for the front entrance, and there will be bollards along the front. There are 2 existing light poles in the rear parking lot. No site lighting is proposed for the 10-space lot in front.

Mr. Knowles reviewed a memo dated July 7, 2015, sent by Jason Mammone, P.E., who asked the Planning Board to determine what it needs. There will be no full boundary survey because this is a small addition on a very large parcel. Setbacks are all in compliance. A final set of full-sized plans will be furnished, and these will include snow storage areas. A zoning table has been added to the plans. A waiver is requested for minimum aisle width. They propose one-way, one-way out with traffic going around and coming out. Adding Do Not Enter signs were discussed with Mr. McCarthy, but Mr. Knowles said a smaller, more aesthetically pleasing sign would be better than the typical large sign. He explained the landscaping and ledge in the area. The exit is 12 feet to save some mature trees. Parking spaces will be 9'x 18,' but the Zoning Bylaw requires 9' x 19'



with allowance for a two foot overhang. This will conform. They have over the amount of spaces required. Drainage will be handled by Conservation Commission, as will paving of the rear gravel parking lot. There will be a change of less than 1% over the whole property. Lighting remains the same. There is an existing 20' light pole, and there will be bollard lights at the walkway. The shelter closes between 4 - 5 p.m. unless there is an educational seminar. Parking spaces will be striped. The Zoning Bylaw requires 15% interior landscaping, but he said that there is no interior. He requested that the front and the new parking lot be considered as interior, and this would exceed 15%.

Mr. Podolski moved to approve the project as presented subject to the waivers proposed and amended, seconded by Mr. Steeves, voted unanimously 5-0. Mr. Podolski moved to approve waivers for parking spaces and aisle width of less than 24,' going from 15' at the throat to 20' in the back to 12' exiting; this will be noted on the plan, and waiver of the lot interior landscaping requirement as presented, seconded by Mr. O'Brien, voted unanimously 5-0. A Certificate of Action will be written and voted on at the next meeting.

**Applicant:** National Development  
**Project Address:** Lot 4, Meadow Road, Dedham, MA  
**Property Owner:** National Development  
**Property Owner Address:** 2310 Washington Street, Newton Lower Falls, MA 02462  
**Case #:** **SITE-01-15-1933**  
**Zoning District:** LMA  
**Representative(s):**

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- Chuck Landry, VP Asset Management, National Development, 2310 Washington Street, Newton Lower Falls, MA 02462
- Garrett Horsfall, Kelly Engineering, 0 Campanelli Drive, Braintree, MA 02184

The Applicant is the new property owner. A previously approved minor site plan showed a building where THE RIDE, which was working from a trailer, was moving. However, they now plan to remove that building and move THE RIDE inside another building. Parking spaces and a connection with a crosswalk will be added. Pavement markings will show one way in and one way out. The number of parking spaces will not change. They are asking the Board to substitute this plan as the plan of record. Mr. Podolski moved to approve as presented, seconded by Mr. Aldous, voted unanimously 5-0. There is a temporary trailer with a fueling facility, basically a gas station, on the site. There is a potential for THE RIDE to reactivate the canopy on site. No new structures are being added. If it is reactivated on the as-built plan, the six parking spaces will be moved to another location. Mr. Podolski moved to approve as presented, seconded by Mr. Steeves, voted unanimously 5-0.

**Applicant:** EG/GP3 480 Sprague Street, LLC, c/o Griffith Properties  
**Project Address:** 480 Sprague Street, Dedham, MA  
**Case #:** **SITE-05-14-1844**  
**Zoning District:** Limited Manufacturing A  
**Representative(s):**

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- John Mannix, Principal, Director of Acquisitions, Griffith Properties, 260 Franklin Street, Boston, MA 02110



Mr. Zahka submitted an agreed-upon Certificate of Action. The only question from the last meeting was to ensure that the Town was on board regarding the provisions about the phasing for relocation of the access driveway for Manor Fields. Mr. McCarthy has confirmed this with the Town Manager. Mr. Podolski had not had the opportunity to review it, but moved to approve subject to final review. Mr. Steeves seconded the motion, voted unanimously 5-0.

**Applicant:** Ursuline Academy  
**Project Address:** 85 Lowder Street, Dedham, MA  
**Case #:** SITE-06-15-1981  
**Zoning District:** Single Residence A  
**Representative(s):**

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- Rosann M. Whiting, President, Ursuline Academy
- Timothy Lawlor, Vice President, Ursuline Academy
- Robert Corning, Stantec, 226 Causeway Street, 6<sup>th</sup> Floor, Boston, MA 02114-2155
- Kevin Hines, Hines Project Management, LLC, 90 Highland Avenue, North Falmouth, MA 02556

**Town Consultant:** Steven Findlen, McMahon Associates

Additions, changes, and revisions to the site plan were reviewed. A “Maintenance and Service Vehicles Only” sign was added. Additional information was provided as to how handicapped curb cuts comply with ADA and MAB requirements. Updated photometric plans were submitted, including modifications to lighting. Minor modifications were made to the utilities plan. They have been working on parking issues.

Mr. Findlen, hired by the Planning Board at the expense of the Applicant, said the outstanding issue is lighting at the crossing on the northern driveway. A sidewalk will be installed to connect the convent to the existing sidewalk at the middle school wing. The photometric plan was updated to show wall packs and flood lights on the convent building. There are no lights in the center. The school feels strongly that this area is not used in the evening, and requests no change. Mr. Findlen said that the plan he received today shows zero lighting. He suggested that additional lighting be proposed at a minimum at the crossing. If it is already there, it must be shown on the plan. If it is not there, it should be put there and put on the plan. Mr. Zahka said they would put a pole light there and show it on the photometric plan.

Engineering said the datum does not conform to Town standards. The applicant offered to provide an as-built drawing; Engineering said they cannot rely on obtaining an as-built. It is standard language in all decisions that an as-built is required prior to obtaining an occupancy permit. Drainage design will be reviewed by Conservation Commission’s peer reviewer, Lisa Eggleston. Engineering has no oversight of the stormwater design, but will review this.

Based on enrollment and those over 16, the Zoning Bylaw requires 126 parking spaces; Ursuline will have 200. Ursuline has reciprocal arrangements with Dedham Country Day School and Xaverian Brothers for parking for major events, and Catholic Memorial has agreed to share parking. “No Parking” signage will be posted on Lowder Street for events. Building Commissioner Cimeno said that an additional 212 spaces are necessary, as he considers the new convocation center as public assembly use. The Applicant disagrees, and has requested a waiver for 200 spaces. Other waivers include landscaping requirements for 15% interior landscaping, and parking lot design standards because they are doing no work in the existing parking lot. Mr. Findlen has not yet seen the waiver requests. The Board discussed parking for events at length, making it clear that staff



must park elsewhere for large events, and the parking lots need to be left open. There will be a one-year review clause in the Certificate of Action, at which time it will be seen whether the project is working the way it was intended.

Mr. Podolski moved to accept the four waiver requests as presented in a memo from Mr. Zahka dated 7/8/15, seconded by Mr. Steeves, voted unanimously 5-0. Mr. McCarthy suggested that they address the items with Engineering, forward them to that department to confirm that they have been addressed, and send this to the Planning Board. Mr. Podolski moved to approve subject to the plan being amended as discussed and a mutually agreed upon Certificate of Action, seconded by Mr. Aldous, voted unanimously 5-0.

**Applicant:** RAJ Realty Trust  
**Project Address:** 187 Bridge Street, Dedham, MA  
**Case #:** SITE-03-15-1950  
**Zoning District:** LB  
**Representative(s):** Peter A. Zahka II, Esq., 12 School Street, Dedham, MA

Mr. Podolski moved to approve the COA as presented, seconded by Mr. Aldous, voted 5-0.

**Applicant:** Tesla Sales and Service  
**Project Address:** 840 Providence Highway, Dedham, MA  
**Case #:** SITE-02-15-1921  
**Zoning District:** Highway Business  
**Representative(s):**

- Brian Dunn, MBL Land Development, 480 Turnpike Street, South Easton, MA 02375
- Dillon Okner, Project Manager, Retail Development, Tesla
- Dan Adams, Contractor, Tesla

Transformers at the supercharging stations were relocated further down the line than previously approved because of Eversource's issues with clearance of the transformers at the supercharging stations. A supercharger was relocated. The lights along the northern side were readjusted, and photometrics adjusted accordingly. There is a small spillover of light onto commercial property. Mr. Podolski moved to approve the changes, seconded by Mr. Aldous, voted unanimously 5-0.

A temporary occupancy permit is ready, but Mr. Cimeno will be on vacation next week. The Applicant wants it by Friday to begin inside work, but this cannot be done without the permit. They also want to have an opening next Thursday. Mr. Okner will provide a list of what has not been done; the only thing not completed is the superchargers. Site work will be substantially complete, including 90% of the landscaping. Paving depends on weather. They will need to post a bond for the remaining work, and Mr. Cimeno needs a vote from the Board prior to approving the temporary occupancy permit. A site as-built will be provided prior to full occupancy. Mr. Podolski said that the Board has given temporaries in the past, but these have gone on for extended periods. He said this will be temporary for 30 days; if it is not done, the applicant needs to return to the Board to explain why. Eversource will need to provide a letter or a text to explain why there is a delay. Mr. Podolski moved to approve the temporary Certificate of Occupancy, seconded by Mr. Aldous, voted unanimously 5-0.

**Applicant:** R & R Realty Associates, LLC  
**Project Address:** 81 Legacy Boulevard, Dedham, MA

**Case #:** **SITE-06-15-1990**  
**Zoning District:** Highway Business  
**Representative(s):** Ron Priore, Jr., on behalf of owner, 32 Tamarack Road, Westwood, MA  
Thien Din, Lux Nails and Spa

The applicant can have a maximum of 25 patrons and 15 employees; he cannot have ten employees and 30 patrons. He must return to the Board if he wants to increase the chairs. He needs to inform the Board where the parking will be for additional people. Mr. Podolski moved to accept the plan as presented and the COA as presented, 2<sup>nd</sup> by Mr. Aldous, voted unanimously.

#### **OLD/NEW BUSINESS**

Mr. Zahka, on behalf of DIV CCM Rustcraft Road, LLC, c/o the Davis Companies, presented a check for \$100,000, which will be presented to the Board of Selectmen for acceptance at its next meeting. The Board will be added to their agenda. Condition 13 indicates that a gift in the sum of \$100,000 is to be given to the Town for sidewalks. The applicant for 58 McDonald Street was not present. The COA was reviewed and accepted. Mr. Podolski moved to approve it, seconded by Mr. O'Brien, voted unanimously 5-0.

Mr. Podolski moved to adjourn, seconded by Mr. Aldous, voted unanimously 5-0. End 10:18 p.m.

Respectfully submitted,



Robert D. Aldous, Clerk