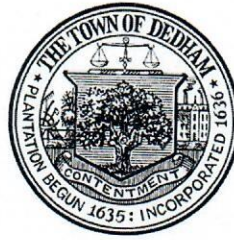


Planning Board

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

Planning Director

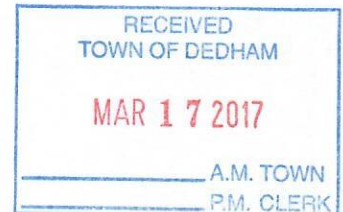
Richard J. McCarthy Jr.
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**TOWN OF DEDHAM
PLANNING BOARD
MEETING MINUTES
October 8, 2015, 7 p.m., Lower Conference Room**



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

Call to order 7:05 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.

Discussion with Fred Civian, Conservation Commission re: 750 Providence Highway

Time: 7:06 to 7:23 p.m. Mr. Civian discussed the site and the Conservation Commission orders. In answering the question of whether wetlands need to be replicated on the site or if they could be replicated anywhere else, he said the State Wetlands Act (SWA) gives a Conservation Commission flexibility in making decisions. Dedham's Conservation Commission has a policy to try to have wetlands replicated at the property. It is also an environmental policy because, if there are wetlands on the property, there is another area of wetlands on the property elsewhere. The Conservation Commission tries to look at the wetlands as being a whole system as much as possible. There are some significant restrictions in the SWA about how much of wetlands can be filled and the requirements for replication of the wetlands (2:1 requirement). If the area is over 5,000 square feet, the State Department of Environmental Protection (DEP) becomes involved under certain circumstances; the Conservation Commission cannot approve it on its own authority. To his recollection, the DEP did not have to be involved on this site.

The applicant has proposed filling in a portion of the wetlands by taking out the access roadway and replicating at 2:1. Mr. Civian, who considers this a road, uses it himself. The SWA has no written authority for traffic considerations, so the applicant's proposal to remove the road is fine. The existing wetland is actually an old stormwater basin that has not been cared for properly over the years and has slowly changed from a stormwater basin to protected wetlands; it is not known who created this, although it may be the people who originally developed the property. It is physically higher in elevation and separated from the natural wetlands on the property that come from Wigwam Pond. The Conservation Commission looked at it as someone proposing to fill in an isolated wetland that was human created, and in exchange taking actions

to enhance the natural wetlands on the site. There was nothing in the SWA that allowed the Conservation Commission to say it could not be done.

There is a substantial amount of water traveling just under the surface. The groundwater on the site is high, and probably moved under the highway to the stormwater basin/wetlands. There may also be a connection to an underground stream or channel. It may serve some part of the hydrologic complex next to the highway. Mr. Civian said there is water coming underground and water flowing the other way when Wigwam Pond is quite full. The way the water flows has changed with building in the 1970's. A deliberate effort was made to make some of the pond water into the stormwater basin that is now protected wetlands. Mr. O'Brien asked if there are records of this. There may be information regarding the parking lot, which is within 100 feet of the wetlands; however, it may not have been within that distance when it was originally built. The building would have needed footings, which may have changed the underground water flow. Mr. Steeves, who participated in the construction, said that thousands of truckloads of peat were removed before finding something on which to build. He asked where the water would go when the wetlands are filled in. Mr. Civian said it would go into the wetlands complex to the right of the stormwater basin. There are a number of drainage pipes that appear to come from the highway across the property, but no one has done a complete analysis of pipe locations and where they go.

Mr. Podolski asked if the applicant is still bound that he cannot be within 100 feet of wetlands. Mr. Civian said that when something becomes a wetlands that is recognized by the State, it is protected. If the wetlands disappear because of changes in hydrology, it loses its protection, which is what would happen in this case. The SWA says that there is a jurisdictional area within 100 feet of wetlands. The closer one gets to the wetlands, the more restrictions there are. Over the last ten years, there has never been a time when the commission has not allowed construction inside its jurisdictional area, but the applicant has to do something to mitigate the presence of the building.

Applicant:	Hurley/Readville Realty Co., LLC
Project Address:	8 Industrial Way, Dedham, MA
Case #:	SITE-09-15-2016
Zoning District:	LMA
Representative(s):	Don Madden, T-Mobile Agent, Network Building and Consulting, 61 Main Street, Rowley, MA 01969
Time:	7:24 to 7:30 p.m.

T-Mobile proposes adding a third antenna on each section of the existing array on the smokestack. There are three sectors. Currently there are at the extreme ends of each sector. They will be modified to look like a stereo speaker. It will be painted to match the smokestack. The one-on-one will be taken down. The engineering report had no issues, and the grounding is fine. Mr. Bethoney moved to approve, seconded by Mr. Aldous, voted unanimously 5-0.

Applicant:
Project Address:
Case #:
Zoning District:
Representative(s):

Dedham Realty Ventures
865-875 Providence Highway, Dedham, MA
SITE-04-15-1957

Highway Business

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- James Devellis, P.E., DeVellis Zrein Inc., P.O. Box 307, Foxborough, MA 02035
- Kenneth Cram, P.E., Traffic Engineer, Bayside Engineering, Inc., 600 Unicorn Park, #17, Woburn, MA 01801
- Jim Lee, AIA, Prellwitz Chilinski Associates, 221 Hampshire Street, Cambridge, Massachusetts 02139

Town Consultant:
Time:

Steven Findlen, McMahon Associates
7:31 to 8:10 p.m.

The owner, Michael Argiris, was not present due to emergency surgery. Additional arrows and directional markings have added at the front entrance, and the four spaces at the entrance will now be long-term employee only parking; this will be in the Certificate of Action. The dumpster will be in the lower right corner, still within the 100 foot buffer from the wetlands, with an eight foot fence around it. It will be landscaped, and will not be visible from the neighborhood. They met with the Conservation Commission twice, and they are awaiting the Order of Conditions. There is a town sewer, and the sewer line is connected to the manhole. There is no parking there, so the DPW can access it. DRAB suggested moving the trees closer to the front property line and changing them to Norway spruce instead of white pines, although white pine is appropriate for wetlands. DRAB also asked that the sidewalk be moved for more of a buffer, and asked that a green strip be put in between the curb and the sidewalk. Mr. Bethoney asked who would maintain it, and what kind of salt would be used on the highway. Mr. Zahka said they will be talking with the state highway to ask to adopt the strip. The applicant will change two of the trees and move them closer to the front property; they have no preference on the species and will do whatever the Conservation Commission wants. Mr. Bethoney will be monitoring for consistency with DRAB recommendations. The sidewalk will be asphalt. If they are approved for the State access permit, the Certificate of Action will say the sidewalks will be concrete. They will not reconstruct or move the sidewalk because it is not the applicant's property. The applicant will fix any damage to it.

The buildings have undergone some client-driven changes. A tenant will be taking more space than anticipated. Materials have not changed. A tower element has been added to both buildings. DRAB suggested more height at the potential Schwab location. Mr. Lee said the construction documents have not been started yet, but DRAB will comment when they see the final detailed drawings. He asked that the Certificate of Action be subject to their review of the construction documents to be sure they match. They will meet on 11/7/15. Mr. Bethoney said the renderings must reflect what the site looks like when completed.

Mr. Zahka said there are a lot of sewer design issues that are not appropriate for a Certificate of Action. Engineering holds the keys to the sewer line, and their instructions must be followed. There is a sewer easement running from Orchard Street across the rear parking lot, and the Town cleans the manhole regularly. There will be a fence with a gate. There is an agreement that if the Town damages any retaining wall, fence, or private stormwater structure during routine maintenance, it will not be held responsible. The applicant will fix any damage. The Town is to use reasonable efforts to avoid damage, and will try to coordinate cleaning with the applicant so he can be present. The Town will replace any pavement that is removed. If someone parks near

the sewer and the Town cannot access it, advance notice will be required. The sewer line will be serviced regularly. The Town is has an effort for upgrading, so the applicant may upgrade or be made to upgrade.

Mr. Zahka asked the Board to vote on this, and the applicant will then work with Engineering to make sure they are comfortable with the language. Mr. Findlen said Engineering's comments were addressed. The applicant must provide a stamped lighting plan to the Board for review and approval. The Fire Chief is satisfied with the turning template for the ladder truck, but the truck must back out to leave. The canopy on the drive-thru side is of adequate height. Mr. Findlen said it was fine for the Town to be involved with the grass strip, but they will need to go to MassDOT to get the curb cut access permit. It appears that this is all state right of way. The Town will coordinate this. The contractor will videotape the line and work with the DPW to see where the existing connections are. DPW will be able to look at the tape as well to check for problems.

Mr. Zahka submitted a Certificate of Action with all the standard conditions. New conditions include using the four parking spaces in front for employees only with appropriate signage, adoption of the landscaping along Providence Highway as part of the landscape buffer, and coordination with the Town re: the sewer. In addition, any recommendation from DRAB in conflict with the approval will require the applicant to return to the Board for approval; any recommendation from DRAB that is not in conflict with the Board's approval is automatically incorporated into the record plans. Final construction drawings presented to DRAB for review and recommendation will be incorporated into the decision by reference. Mr. Bethoney added the condition that the construction documents and the final build out shall reflect the representations, in all aspects, made on the renderings present at the time of approval (this will be added to future decisions).

Mr. O'Brien asked if everything has been worked out with the Sisters of St. Paul. The applicant approached them initially and will do so again. This is nothing to do with his site, however. The long term question is what happens to the segment of Wilson Avenue, and this is a neighborhood question. He will work with them in addressing keeping the cut through from going through their site, but providing them with a small parking area.

After ascertaining that the audience had no questions, Mr. Bethoney moved to approve the site plan as presented, subject to finalizing the Certificate of Action that incorporates all the revisions and suggestions. Mr. Aldous seconded the motion. The vote was unanimous at 5-0.

Applicant:

Project Address:

Case #:

Zoning District:

Representative(s):

Dedham 800, LLC

750 Providence Highway, Dedham, MA

SITE-09-14-1882

Highway Business

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- David Spiegel, owner
- Matt Smith, P.E., Norwood Engineering Co., Inc., 1410 Route One, Norwood, MA 02062
- Kenneth Cram, P.E., Traffic Engineer, Bayside Engineering, Inc., 600 Unicorn Park, #17, Woburn, MA 01801
- Elliott Ravech, David Spiegel's representative

Town Consultant:

Time:

Steven Findlen, Project Manager, McMahan Associates
8:12 to 9:06 p.m.

Mr. Zahka noted the discussion the Board had with Fred Civian evening. Mr. Smith explained wetlands replication using a map that showed the land under the water body, the wetlands, and the upland area. The wetlands next to Wigwam Pond were separated by the roadway with another wetlands on the other side. The only connection was with a sewer pipe. Their plans removed the driveway and combined the two wetlands, making a connection with the Wigwam Pond wetlands. By combining all the wetland resources at one end, they were able to move the developable portion of the project a bit further south. They would fill in 4,900 square feet, but create about 13,000 square feet for a net increase of about 9,000 square feet. About 650 square feet of land under water was added, and the flood plain volume was increased by 26,000 cu ft. This is greater than 2:1 replication. One area is a flat wetland, and when the water gets higher, it will fan out over this and find its way into the wetland on Wigwam Pond rather than through the pipe. According to the WPA and the State stormwater management standards, swampy land is better.

Mr. Podolski asked how they could be allowed to build within 100 feet of wetlands and whether this was due to their fill. The Conservation Commission is allowing construction of the building because of their replication. The 100 feet buffer is a jurisdictional buffer, but not a no-build buffer. The increase in wetlands and functionality will improve, as will the ability to treat the water, and wildlife habitat will increase. Mr. Civian had said that technically, the access road is not within the jurisdiction of the Conservation Commission. Mr. Spiegel said the access road was constructed in the early 1980's, prior to his owning the property, for a planned mall where TGI Friday's is located. A force main was installed to get sewerage from the building to the highway. The sewer lines will remain. The road was put in and the wetlands were man-made. Culverts were installed to meet DEP regulations. Originally, the Conservation Commission denied the project, but the State overrode them. When he developed the property in the late 1980's, there was no access into the site or to the Best Buy site. He went to MassDOT for the access road, who approved it.

Mr. Aldous asked if it would be better to move the new building onto solid land. Mr. Smith said this could be done, but it would be too expensive. Mr. Spiegel said that when they were considering the concept of the project, their neighbor preferred to keep the building as far away from Best Buy as possible because visibility may be impacted. Mr. Smith said they are not only replicating, but also doubling the size of the wetlands. The current wetlands, which do not function well, will be improved. They have found all the existing pipes, and some will be re-routed. Some of the catch basins will be changed into drain manholes. These are noted on the plans. Mr. Mammone will be consulted for his opinion.

Mr. Smith gave an overview of the project, which will include two rain gardens, two pocket wetlands, and a green roof with solar panels on the building. The Board does not like rain gardens, citing that Walgreen's collects trash. Mr. Smith explained how his rain gardens are different from Walgreen's. He said that if they are not planted property or maintained, this can be a problem, but Mr. Spiegel will maintain these well. If the Board allows this, it will become the applicant's responsibility to clean the whole area, including all the way down the private easement road to Eastern Avenue. Mr. O'Brien said the idea is fine on paper, but he reminded the applicant that he is asking to change the traffic by removing the road.

The applicant met with DRAB on 10/7/15. The plans have not been updated since that meeting. They did not like the tower on the building, so this will be removed. The colors and materials are

in flux until tenants (they anticipate three) are secured for the Route 1 side. DRAB was comfortable with the materials, but did not want any band because they wanted the individual areas to reflect the tenants and their colors. Once tenants are secured, they will return to DRAB. Mr. Bethoney said the renderings look like a car dealership, noting the new construction across the street, which has individual areas. Mr. Spiegel said that they can accomplish this with the basic building.

Mr. Zahka said this will be a waiverless plan with the exception of the loading bay. He noted that the Zoning Bylaw does not require loading bays or berths at this site. One or two parking spaces will be converted to a loading area. Deliveries will likely come in smaller vehicles. An additional study area has been added to the Eastern Avenue/Providence Highway intersection. Mr. Findlen has been asked to investigate the roadway issue. A plan was presented showing what the Bed, Bath, and Beyond site will look like if the access road closes. Mr. Podolski asked if any part of the plan would impact the TGI Friday's site, which would trigger site plan review. Mr. Spiegel said they are encompassing the whole site. They will have sufficient parking and landscaping, and will not require waivers. He also said he has no problem with a left turn only out of the site. Mr. Cram said this would not impact the intersection, and signs will be installed. A traffic analysis was done for every direction, and the numbers work. Safety issues and other issues will still need to be evaluated. Mr. Findlen has verified compliance for the entire site, including the restaurant and the proposed building.

Mr. Bethoney asked if a solution has been found that would work for both owners regarding the intersection. Mr. Spiegel said his traffic engineer has been unsuccessful in trying to get in touch with Pearl Realty to improve the circulation. A design was given to Mr. Spiegel, who said he is comfortable with it and is happy to present it. Marla Robinson, manager at Pearl Realty, had told him to contact their attorney, and once the issues are settled, they will get a traffic engineer. They will not present the legal issues to the Board. Mr. Bethoney wondered what would happen if Mr. Spiegel was ready for approval of his plan but the issues have not been settled; at some point, the Board will need to act. She said the process for agreement started over a year ago. It takes time, but it can be cleared up fairly quickly. Mr. Bethoney urged both parties to come to an agreement so the intersection can be settled. Mr. Spiegel said they have done everything they can, but the issue is restriction on the type of tenants and whether they would generate more traffic than they would like. Mr. Podolski said that, if Mr. Spiegel is willing to mark the sign as "No Left Turn," he could possibly go forward without resolution of that issue. He cannot put the sign up until it is studied, however. Mr. Findlen noted that this would have impact on the adjacent sites. Mr. Spiegel asked him to review and improve Pearl Realty's design at his expense, and Mr. Findlen will do that. The meeting was tentatively continued to 10/22/15 or, if they are not ready, 11/12/15.

Old/New Business

Time: 9:07 to 9: p.m. The Board discussed the Transfer Station. The Town leases this property. The station would like to erect a sorting canopy. The Board determined that no site plan review is necessary. Mr. McCarthy will put this on the 10/22/15 agenda.

Mr. Bethoney moved to adjourn, seconded by Mr. Steeves, voted unanimously. The meeting ended at 9:10 p.m.

Respectfully submitted,

Robert P. Aldous
Robert D. Aldous, Clerk