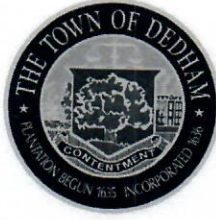


PLANNING BOARD

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

Planning Director

Richard J. McCarthy, Jr.
rmccarthy@dedham-ma.gov

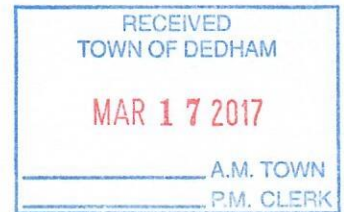


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**TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS**

**PLANNING BOARD MEETING MINUTES
November 12, 2015, 7:00 p.m., Lower Conference Room**



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

Call to order 7:01 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 W. Shaw McDermott, MPIC Chairman re:
Re-configuration of Master Plan Implementation Committee**

Time: 7:04 to 7:20 p.m. Mr. McDermott reviewed the history of the MPIC. Several members have had to resign due to schedule conflicts, so the committee short-handed. He said that the committee needs new blood to update the Master Plan. Mr. McDermott, Ryan McDermott, and Jessica Porter all need reappointment, and then open positions need to be posted.

A proposed configuration of the committee would include one member each from the Conservation Commission, Sustainability Committee, and Finance Committee. The Historic Districts Commission would be deleted from the committee. Two members each would be from the Planning Board and Board of Selectmen. There would also be two at-large members appointed by the Planning Board and the Board of Selectmen. Michelle Persson Riley is willing to join, and would be an excellent candidate for the Planning Board to appoint. This would bring the committee to nine members, of which five are needed to take action. Mr. McDermott suggested re-appointing Mr. O'Brien to the committee. Mr. Podolski suggested the Planning Board to appoint a member of the Zoning Board of Appeals. Ms. Porter is an Associate Member of the ZBA, and is in place.

The Planning Board has the authority to change the committee. The solution sounds viable, but the Board would like to think about this, so it was continued to the 12/10/15 meeting as the first item of business. The MPIC is tentatively meeting on 12/21/15 to discuss projects, and will give

an update to the Board for consideration. A letter will be sent to the Board of Selectmen incorporating Mr. McDermott's recommendations, and asking them to respond before that meeting on 12/10/15.

Applicant: Mocha Java
Project Address: 577 High Street, Dedham, MA
Case #: SITE-10-15-2036
Zoning District: CB
Representative(s): Sharanda Collette, Manager of Mocha Java
Time: 7:20 to 7:27 p.m.

Mocha Java is moving to Blue Bunny. The Board wants new businesses to establish a base plan for parking in minor site plan review, and explained what was needed to the business owner, Steve Carlson. A plan for the building had been recorded at the Registry of Deeds showing that the building occupies the nearly entire lot (87%), so it is impossible to require parking on site. This plan could also be considered a plan of land. There are offices on the second floor, and storage in the basement. This requires 34 spaces for the entire building, but there is no space for outside parking. On-street parking and parking in the municipal lot is available. The only waiver that applicant is requesting is a waiver of parking spaces. Based on Mr. McCarthy's report dated 11/5/15 on his observations and recommendations, Mr. Bethoney moved to waive the parking requirements as required by the ZBL for change of use. Mr. Steeves seconded the motion. The vote was unanimous at 5-0.

Applicant: Marbridge, LLC, c/o Marwick, LLC
Project Address: 270-280 Bridge Street, Dedham, MA
Case #: SITE-11-15-2040
Zoning District: General Residence and LMA
Representative(s):

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- John Sisk, Asset Manager, Marbridge, LLC c/o Marwick, LLC, 80 Hayden Avenue, Lexington, MA 02421

Time:

- 7:27 to 7:40 p.m.

A parking plan for Little Sprouts, 280 Bridge Street, was approved in May 2015. It was determined that there are 190 spaces as shown on their plan. After that, the applicant purchased the property. After obtaining various engineering plans, it was determined that the 190 spaces are correct and do exist. There are two areas on the plan that are not yet striped; in fact, they will probably never be striped. It is not clear how Little Sprouts came to the breakdown of uses in the building. Mr. Zahka presented a parking table, the first one entitled "Current Corrected." He broke it down to 270 and 280 Bridge Street. Some of the office space at 270 Bridge Street was overstated in that they may have used gross area. The building is essentially office space, and the only thing that changed was square footage. The major change in use is at 280 Bridge Street. The first floor office was understated. They had mislabeled the different other uses. The building contains a 4,300 square foot first floor warehouse and a contractors' garage. The second floor, containing a day care, is correct at 8,689 square feet.

The correct required amount of parking is 195 spaces. There will be a change of use at 280 Bridge Street; 270 Bridge Street remains the same. At 280 Bridge Street, 4,300 square feet of the previous first floor warehouse, is now daycare (Little Sprouts has grown). They have maintained the 195 required spaces. He explained the formula for calculating parking for a daycare. Other than correcting the previous table, they will need a waiver for 5 parking spaces. There will be no change on the ground. He hopes that the Board will see this as an insubstantial modification.

Mr. Podolski commented that the landscaping changes look good and makes a difference when driving by the property. No one else on the board had comments. Mr. McCarthy said that this is a two-part process. The first action would be to determine whether a peer review is required for a five-space waiver. Mr. Bethoney moved that no peer review is necessary, seconded by Mr. Aldous, and voted unanimously 5-0. The second action would be on the waiver, and this will be done at the next meeting on 12/10/15. Abutters will be notified.

Applicant: RK Associates, Inc.
Project Address: 450 Providence Highway/62 Eastern Avenue, Dedham, MA
Case #: SITE-01-14-1776
Zoning District: HB
Representative(s): Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
Time: 7:40 to 7:52 p.m.

On 6/16/14, after peer review by McMahon Associates, the Planning Board endorsed the parking plan, review of which had been triggered by new lighting that was installed without approval. Mistakes were made that have been corrected on the parking requirement chart, and the applicant requested modification of the site plan. RK Associates is leaving the space on the second floor, and it is now up for lease. This area was designed retail space on the plan, but they now want to rent it as office space, although they have had interest from retailers. Mr. Zahka presented a chart showing the changes in the counts. Mr. Cimeno had requested an additional handicapped parking space closer to the Staples ADA ramp. This was done without the loss of another parking space. There are seven additional handicapped spaces on site. Waivers are the same as those granted on the plan from 2014. Mr. Aldous was concerned about the location of the handicapped spaces, noting that under State law, they must be located as close as possible to the front door. Two spaces are located near the soccer field, not the door. Mr. Zahka explained that these were put in by the Town for the soccer field.

Mr. Aldous moved to waive a peer review, seconded by Mr. O'Brien, and voted unanimously 5-0. Mr. Zahka said he did not know who the new tenant would be, but if it is not retail or office, the applicant would need to return to the Board. Mr. Bethoney moved to waive the requirement for abutter notification, seconded by Mr. Aldous, and voted unanimously 5-0. The applicant will return on 12/10/15.

The site plan review for **Recycling Solutions, LLC, 5 Incinerator Road**, was continued to the 12/10/15 meeting, as was the site plan review for **Dedham 800, LLC, 750 Providence Highway**. These continuations were at the applicants' request.

Applicant/Owner: Petruzzello Properties
Project Address: 148 Schoolmaster Lane, Dedham, MA

Case #: SITE-11-15-2042

Zoning District: SRA

Representative(s):

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- Giorgio Petruzziello, Trustee, 148 Schoolmaster Realty Trust
- James Halpin, principal, 148 Schoolmaster Realty Trust, owner of land adjacent to 148 Schoolmaster Realty Trust, principal stockholder of J & J Real Estate, Inc.
- Michael Carter, GCG Associates, Wilmington, MA

Time: 7:54 to 8:47 p.m.

Prior to the beginning of the meeting, Mr. Bethoney made the statement that he is recusing himself from this meeting. He explained that the agency at which he works has a professional relationship with Petruzziello Properties. He left the hearing room at 7:54 p.m. and did not participate in any part of this meeting or consideration of the proposal. He noted that this has been his practice since 2006.

The Applicants are present for discussion and direction from the Board regarding adequate access. Mr. Zahka said that an ANR application will be filed in the future for property at 148 Schoolmaster Lane and adjoining property. A plan (not the Form A plan) has been submitted showing 8 new lots, one lot for an existing house, and 7 potential new homes. Fire Chief Spillane, in a letter dated February 25, 2014, said that road width of 20 feet is required to ensure safe and unobstructed passage of vehicles. Allowing improvement short of 20 feet would prove to be a disservice to existing and future residents of the street, and would compromise emergency vehicles and response to the area. The Applicants propose widening of the road to 20 feet from Country Club Road to the cul-de-sac at the far end of Schoolmaster Lane; this is about 800-900 feet. New stormwater management will be installed along the entire road. The culvert at the Country Club Road end would be changed from plastic to today's standards. The Board as a whole agreed with the Fire Chief's sentiments for 20 feet of asphalt.

Mr. Carter said that a 20-foot road is proposed for this area. They have begun the process with the Conservation Commission for updating the stormwater system. Sewer and water lines have already been brought up, but it will not be brought down to Country Club Road. He is not sure how many trees are viable or in good condition, but estimated that approximately 23 trees would need to be removed. The road would remain private. There is a potential for 27 homes to be built on a 3,000 foot road.

Mr. Podolski opened up the meeting for comments. He said the Board has received two e-mails from residents in support of the widened road.

David Hern, Esq., 470 Washington Street, # 29, Norwood, MA 02062, speaking on behalf of David Allen of 100 Schoolmaster Lane, was at the Conservation Commission meeting last week and said the prior order of conditions has expired, so the Applicant does not have permission from them. The matter will be taken up at the next meeting. He questioned the right of the developer to widen the roadway, and thought it appropriate for him to establish the rights for the record before the Planning Board is asked to vote on an ANR or a subdivision plan. The property coming in from Country Club Road is under a different chain of title. The certificate title makes no reference to any rights on Schoolmaster Lane; this must be stated in the title. He would like Mr. Zahka

to submit an opinion that the Applicants have a right to do this. Mr. Podolski said that the legal rights will be left to the court.

Mr. Zahka disagreed with Mr. Hearn, saying that to his knowledge, Schoolmaster Lane and Burgess Lane were once referred to as West Street. He believes that Mr. Petruzzello has frontage on the street, and can do the full width of the street for the full length. Mr. Hearn said that the regulations on roadways limit the maximum length of dead-end streets to 1,000 feet; in this case it is about 2,900 feet of road, which is in violation of Planning Board regulations. Mr. McCarthy confirmed this. Mr. Hearn said that the road will affect the flow of water onto particular properties and will change the character of the neighborhood. He understands the safety issue, but the road has been this way for a long time. He said that Mr. Petruzzello needs to have the right to improve the road. Mr. Podolski said that water flow is under the jurisdiction of the Conservation Commission, although it could play into the Board's plans if there is shedding off a roadway onto adjacent property. Mr. Petruzzello said that there will be curbing from the Mims' home that leads the water to the culvert. There will be no other curbing otherwise. A portion of the water will be directed into catch basins, and a portion will be sheet flow off the side and directed underground.

Mr. Steeves asked if there would be sidewalks on the road. Mr. Petruzzello said he is not proposing this currently. Mr. O'Brien said the Fire Chief proposed the road based on the homes that exist. Mr. O'Brien asked how many people are in favor of the road vs. those who are not. Mr. Podolski said he is not aware of any numbers, but no approval of the plan would occur without notifying the entire neighborhood. He also said that it could not be installed if the neighbors are not in favor.

Mr. Podolski asked if there was another proposed subdivision that would go off this roadway. Mr. Petruzzello said there was not at this time. Mr. Halpin said that safety is his biggest concern, and the road is just not safe. He said he will not make a fortune from doing this. Mr. McCarthy said there are parts that area not developed, and a subdivision could certainly be done.

Chris Sullivan, 59 Schoolmaster Lane: If the road is unsafe now, is it due to the number of houses on it now. Mr. Podolski said it is because of the condition of the road. Mr. Zahka said it had nothing to do with the number of houses; it is because the Fire Chief needs 20 feet for the firefighting apparatus and the manner in which they fight fires. Mr. Sullivan asked if he was concerned about vehicles causing obstruction. Mr. Podolski said the Chief made this as part of his calculation. Mr. Sullivan wondered if there were fewer homes whether this would be an issue. Mr. Podolski said no one was proposing to build any houses. Mr. McCarthy said that discussion with the Fire Chief determined that the narrowness of the road, the grade where it goes up, the stone walls, etc., created unsafe conditions. It is exacerbated in the wintertime and creates additional safety issues. The Chief is also concerned about medical issues, not just fires, as an ambulance goes with every fire. Mr. Halpin said that, given the current road condition, he would not move his daughter or his grandchildren there.

Kenneth Wildes, 120 Schoolmaster Lane: The residents had previously re-paved a portion of the road, but with trucks coming up the street, the pavement is getting abused. He asked how safe the road would be with 60 cars on a 20-foot road, plus fire apparatus. Congestion will still be an issue. He said that rules must be examined from every angle, and must be for everyone. He had several other questions regarding how it will be regulated, who can/cannot use the road, and whether he would get sewer and water. He said he has a right to tie into it. Mr. O'Brien said he

sees Mr. Wildes' point. This has been bounced around for years, and there has been no consistency. He agreed that people should have a chance to tie in. Mr. Steeves said that some people restricted the road from going through, so how could they complain about not being able to tie in. The Board said that if they did not want the road, they could not have the services. Mr. Podolski said that the only other difference is between two fire chiefs who had different requirements. The newest Fire Chief sees a slightly less width road as a problem for his firefighting apparatus.

Mr. Hern asked what the time frame would be. He wondered who would maintain the road if traffic increases. Mr. Podolski said that if Mr. Petruzziello cannot work it out with the residents, he cannot do it. Mr. Hern asked about any grade change. Mr. Petruzziello said there would be none.

Mr. Petruzziello said that prior to starting anything at all, there would be preconstruction meetings with the neighbors to try to work out the houses of operation. Most of the roadway is done already, and just the lower part needs to be done. He said he will clear an empty lot for the staging equipment. The culvert will be pre-cast and dropped in with a crane. He agreed that it is disruptive, but it will be done in three to four weeks, and the road will then take two to three days to pave. He said the homeowners association will maintain the road. He said that he could do a 20-foot road with two shoulders, and that this is cheaper than doing the drainage under the road. Mr. Podolski advised them to come to a consensus at the neighborhood meeting. Mr. Sullivan asked what would happen if a stone wall was damaged. Mr. Petruzziello said he would repair it. He also said that no one's grass would be touched, but if there was a problem, he would fix it.


Mr. Steeves said that not everyone will be happy. If only two out of 20 people are holding things up, the Applicant should move forward.

Old/New Business

Mr. Aldous signed the Certificates of Action for the two Verizon Wireless decisions. Mr. McCarthy noted that he attended a meeting regarding handicapped parking at the Middle School to address the issue.

Mr. Bethoney made a motion to adjourn, seconded by Mr. Steeves. The vote was unanimous. The meeting ended at 8:47 p.m.

Respectfully submitted,


Robert D. Aldous, Clerk