

**PLANNING BOARD**

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



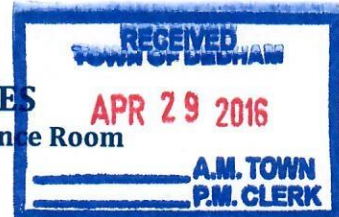
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**TOWN OF DEDHAM  
COMMONWEALTH OF MASSACHUSETTS**

**PLANNING BOARD MEETING MINUTES**  
Thursday, January 8, 2015, 7:00 p.m., Lower Conference Room



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

Mr. Bethoney called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited. The plans, documents, studies, etc. referred to are incorporated as part of the public record and are on file in the Planning and Zoning office.

**Prior to the beginning of the meeting, Mr. Bethoney recused himself from this meeting and the following meeting. The agency at which he works has a professional relationship with the first applicant, Mr. Doherty, as well as Mr. Gullotti and Ms. DeVirgilio, applicants for the second meeting. He left the hearing room at 7:03 p.m. and did not participate in any part of these meetings or consideration of the proposals. Mr. Podolski recused himself due to a professional relationship with Mr. Doherty. He left the room at 7:03 p.m. Mr. Steeves assumed the role of Chair.**

**Applicant:** George F. Doherty and Son, Inc.  
**Project Addresses:** 5 Allen Lane, 11 Allen Lane, and 24 Dominic Court  
**Case #:** ANR-12-14-1931  
**Zoning District:** General Residence

Start 7:04 p.m. The Applicant wants to combine an existing two-family dwelling at 24 Dominic Court with Lot 1. All requirements for an ANR have been met. He would also like to create a non-buildable lot, known as Lot 2, to be joined and potentially sold with the pre-existing single family house at 5 Allen Lane. No new buildable lots are being created. Building Commissioner Ken Cimeno said that if those two lots were merged, it creates a nonconforming lot, which would be grandfathered in. Once the lots are combined, it is subject to the new lot requirements and is not grandfathered. Mr. Steeves said that they would be taking one existing nonconforming lot and creating a larger one. Mr. Aldous moved to endorse the plan as presented, seconded by Mr. O'Brien, voted unanimously 3-0. The Mylar and plans were signed. End 7:21 p.m.

**As noted before the previous meeting, Mr. Bethoney recused himself from this meeting. Mr. Podolski returned to the meeting room at 7:25 p.m.**

**Applicant:** Dennis F. Gullotti and Jill F. DeVirgilio  
**Project Address:** 807-809 East Street, Dedham, MA  
**Case #:** ANR-12-14-1929  
**Zoning District:** Single Residence B  
**Representative(s):** Peter A. Zahka II, Esq., 12 School Street, Dedham, MA  
Dennis F. Gullotti and Jill F. DeVirgilio

Start 7:25 p.m. The property is being divided into two lots with sufficient land area, frontage, and access for single family homes. The existing lot will have 14,855 square feet of land with an existing two family dwelling, and will have a Rustcraft Road address with the driveway on Rustcraft Road. The new lot will have 12,503 square feet of land, and will have an East Street address with a driveway on East Street. The ZBA approved the Special Permit and the variances requested, so there are no zoning violations on the lot with the existing building. There will be no access to the back of the existing house from East Street. Mr. Steeves asked that the reference to an apartment be stricken and the plan signed since it does not have a bathroom and cannot be considered an official apartment according to the Zoning Bylaw. Mr. McCarthy said the property complied with the regulations and meets the criteria for ANR. Mr. Aldous moved to approve as presented, striking the words "with apartment," seconded by Mr. Steeves, voted unanimous at 4-0. The Mylar and plans were signed. End 7:34 p.m.

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**EAST DEDHAM REVITALIZATION COMMITTEE (EDRC)**  
**DISCUSSION OF POTENTIAL ZONING AMENDMENTS**

Mr. Bethoney joined the Board at 7:37 p.m. Dan Hart, Vice Chair of the East Dedham Revitalization Committee (EDRC) was present. The Metropolitan Area Planning Council (MAPC) put together a charrette for the Arts Overlay District (AOD) in East Dedham. The discussion was about creating zoning to foster arts-related uses. Northeastern students presented a study last spring looking at the recommendations of the charrette and other towns. An overlay district was approved at the May 2014 Town Meeting, creating the purpose and boundaries of the district. The AOD would rule if there is a conflict with the underlying zone. The EDRC was established at that time; Mr. O'Brien is the Planning Board representative. At the fall 2015 Town Meeting, the Mother Brook Arts and Community Center (MBACC) petitioned for a liquor license. There should be a definition of the Arts and Community Center (ACC) as a use. It is presently zoned as Single Residence B. It needed to clarify all the different uses in the AOD and to permit them. The tasks were:

1. Create a definition for the ACC, which is only allowed in Single Residence B.
2. Create an arts center. There is a distinct difference between the MBACC and arts centers. A separate definition is needed if there is no community component to it.
3. Create a definition of an artist from a use perspective.
4. Create a clear definition for creative home art occupations. One could have employees and one can sell goods. Size is on a small scale with only two people on the premises.
5. Create a definition for art-related manufacturing. Specialty artistic manufacturing has no size limitation, allowing it to be in a manufacturing zone (LMA). If it is on a small scale, one could go into the General Business zoning district, but it is not allowed in Single Residence or General Residence except by Special Permit.
6. Home occupation is allowed across the board.

7. Nonresidential building in combination with an artist, up to three dwelling units, creating a potential incentive if it is an artist in combination with dwelling units.

The EDRC seeks support of the Board and sponsorship since it cannot sponsor zoning under the bylaw. The warrant is tentatively scheduled to close on February 20, 2015. Mr. O'Brien said it is important to have a subdivision of uses, noting that Mr. McCarthy followed the Somerville model. It helps to define the certain areas for the types of homes/buildings that can be used. He supports the proposed zoning changes.

Mr. Aldous asked for clarification of wording between an art center and an ACC in the table of allowable uses. He said it sounds like a restaurant has to have a community gathering space. An arts center would be strictly for instruction or schooling. An ACC would be a community gathering space that may have nothing to do with arts. Mr. Podolski explained that they are trying to make an ACC legal in the GR zoning district, i.e., the Avery School, which is specifically allowed to exist in GR because of its location. The definition of an ACC should be clarified so that it is quite clear that the old Avery School happens to be in that district. Mr. Bethoney said that when Mr. Zahka proposes a zoning change for specific uses, he tailors the zoning description so narrowly that it only applies to that one parcel. An arts center does not allow community gatherings, but they are allowed at an arts center such as the old Avery School, i.e., Boy Scouts and Cub Scouts meetings, public meetings, polling station, and Police training. There is no restaurant/café component in an arts center. Retail sales are allowed.

Mr. Hart said that although the committee created the boundaries and an arts overlay, there was really nothing of substance behind it. The Town has asked for a definition, hopefully by the upcoming Town Meeting. The committee moved forward on the overlay district and what could be included, specific definitions, and keeping the community involved, making sure it considered the density of the neighborhood. All uses had to conform to the Zoning Bylaw. Mr. McCarthy will speak with Town Counsel to make sure she is comfortable with not specifically saying that because it is an overlay district; if need be, he will add it to ensure that the requirements are all in compliance. Mr. Hart said there was discussion but no voting on the actual proposal. Mr. Bethoney did not feel that the Planning Board could take a position on a proposal without formal commitment by East Dedham Revitalization Committee. They will review the procedural issues, and return to the Board. He said that this hearing could be used as a potential "push back" to determine how to rectify the issues before Town Meeting.

The model for this was a committee in Somerville. The Planning Board and Mr. Cimeno would establish one to clearly define and scrutinize applications so that people do not just occupy a building and open up shop without review. The table was explained. Mr. McCarthy said that when it came to, for instance, home occupation, he did not want to overburden someone with the Special Permit process. If the Board felt more comfortable with requiring a Special Permit, that could be done. Mr. Bethoney said he did not have a problem with someone doing, for example, pottery out of his house as a matter of right, as long as the regulations are met. Anything more than that should not be a matter of right, including the arts and community center, even though there is one already. They would not have to go through the Special Permit process, but anything new would need to go through the site plan process. He was in favor of a Special Permit under the arts and community center only because one already exists, but anything new would need to be reviewed.

The plan will be for the EDRC to vote at its meeting next week. Mr. Bethoney asked the Board to review the materials closely and contact Mr. McCarthy with questions so he can discuss

them with Mr. Cimeno and Town Counsel. In the meantime, the Board will contemplate whether to sponsor the article. End 8:10 p.m.

<b>Applicant:</b>	<b>Gregory Carlevale, Arris Realty Trust</b>
<b>Project Address:</b>	<b>255 West Street, Dedham, MA</b>
<b>Property Owner:</b>	Charlesbend, LLC
<b>Property Owner Address:</b>	21 Boulevard Road, Dedham, MA
<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>• Gregory Carlevale, 21 Boulevard Road, Dedham, MA</li><li>• Scott Henderson, P.E., McKenzie Engineering Group, 150 Longwater Drive, # 101, Norwell, MA 02061</li><li>• John Haven, RLA ASLA, Keith LeBlanc Landscape Architecture, Inc., 535 Albany Street #5A, Boston, MA 02118-2500</li><li>• Mollie Moran, AIA, 64 Dwight Street, Dedham, MA</li></ul>
<b>Town Consultant:</b>	Steven Findlen, Project Manager, McMahon Associates

Start 8:13 p.m. Mr. Carlevale presented a comprehensive concept plan for a Planned Residential Development (PRD) according to §7.1 of the Zoning Bylaw. This must be reviewed and recommended by the Planning Board prior to going to Town Meeting. The site contains a little over 260,000 square feet of land and has 480 feet of frontage on West Street. It is currently occupied by a single family dwelling. The Applicant proposes to redevelop the project as a PRD. All requirements for a PRD were discussed in detail. Topography of the site varies, with a fairly steep knoll in front projecting above street level, sloping downhill fairly steeply to a flat plateau where the house is located. A moderately clear lawn behind the house becomes fairly steep and wooded as it nears the Charles River. The site is mostly wooded. There are environmental resource areas at the rear of the site adjacent to the Charles River. There are wetlands adjacent to the river, a flood zone in the riverfront area, and an endangered species habitat for a protected dragonfly.

Mr. Henderson proposed disturbing no more than the allowed 10% riverfront area. With the density bonus allowed with a PRD, there would be seven units spread across four individual buildings. The existing driveway would be re-used and expanded 4-5 feet to a width of 22 feet. The access drive turns into a one-way, 16-foot wide loop running through the center of the site with individual driveways coming off the loop and shared guest parking. Limited work would be done within the buffers to the river. The requirement for a PRD is that 20% of the site must be maintained in perpetuity as dedicated open space; this project will have 51%, or a little over three acres. Of that, about 44% of the total upland of the site will be dedicated open space, approximately 1.25 acres more upland open space than would be provided with a conventional subdivision.

A rough grading plan shows proposed stormwater management features and rough grading that would accommodate the 70% design in grading. The amount of earthwork to the area in the middle of the site will be limited. The steep slopes in the front knoll will be maintained in the front for screening purposes and to minimize the amount of earthwork. About one acre less would be cleared than for a conventional subdivision, and there would be reduced

visibility from the street because of the dense wooded buffer on West Street. The grade slopes up from the roadway and back down to the site. The road would be private in perpetuity and never be adopted by the Town. The condo association would be responsible for all utilities, drainage, and sewer. There will be less cut and fill compared to the conventional plan, mostly to accommodate the single unit located on the hill. Mr. Henderson submitted a letter that explains how the PRD will comply to or deviate from the design standards of subdivision regulations (Section 7.0); this is on file in the office. After the concept plan is approved at Town Meeting and the Applicant returns with the detailed site development plan, the bylaw states that any changes from the concept plan must be shown with the exception of buildings that are one and two family. Any changes are to be shown.

MassDOT was satisfied with the location of curb cuts and the re-use of the existing curb cut, and saw no reason that they could not approve an access permit. Conservation Commission did not have any major problems, but will provide their comments to the Board. Building Commissioner Kenneth Cimeno reviewed a series of the plans, both for conventional subdivision and PRD. The main input of the DPW and Engineering is that, if it is maintained as privately owned, there is no requirement for them to maintain it. Fire Department will discuss fire truck access, particularly in the loop. As long as the largest ladder truck can maneuver around the loop in either direction, they have no problem. Locations for fire hydrants were discussed, and will be provided as they require.

If the PRD is not approved or is determined to be infeasible, the Applicant would pursue a conventional subdivision. An alternative to the conventional plan shifts the curb cut from West Street to directly across from the interchange of Route 128 South. Mr. Henderson explained the locations of the units. The goal is to retain the mature trees to the extent practical, adapting as best they can reduce impact on the site.

Mollie Moran, AIA, discussed the key issues from a design perspective, including protection of natural resources, minimization of impact of vehicle access, shared driveways, and Charles River access. She explained the architectural design of the units, the target demographics, and construction and sustainability. John Haven, RLA ASLA, showed a rendering of the proposed landscaping. He proposed maintaining an open space between units, which acts as common access to the riverfront for all residents. There is more opportunity for green space in the front of the buildings, rather than additional pavement. He believes there is an opportunity to preserve some existing mature trees in the island, and potentially some in the added open space and between two of the units. Guest parking will be screened. He explained the types of planting that will be used.

The driveway would be wide enough for the residents to petition the Town to accept it as a regular road. The units would be under condominium ownership. The MWRA will be used for sewer main located adjacent to the Charles River where the existing single family home has a connection, and Dedham-Westwood Water District water. Mr. Carlevale explained the sizes of the buildings, which will each contain two-car garages.

Mr. O'Brien wanted to see what the distinct difference is in what could be built as of right and what the Applicant would like to do, and a conventional subdivision. Mr. Henderson reviewed this, including what can be built as of right, and what the advantages of this are. Mr. Bethoney noted that this is a public meeting that allows people to come and listen, but not necessarily comment. However, the Planning Board understands that there is interest in the project, and in this case, would listen to brief comments or questions from any member of the community.

Janet Baum, 124 South Street, Needham, was glad the plan was more natural, with trees being left and not as much grass. Lighting will be minimal. Lawrence Kolbe, 94 South Street, Needham, asked for clarification about whether the size could go down, but not up unless the petition was reviewed again. The plans of houses shown are the maximum, and the size can be smaller or within the footprint shown. The concept plan shows the gross square footage. As long as the ultimate plan is no greater, the Planning Board can approve that without the Applicant needing to go to Town Meeting for another concept plan.

A poll of the Dedham audience indicated that one resident in favor, one neutral, and two opposed with no explanation as to why. Steven Findlen, McMahon Associates, explained that the Town hired him for the review, but the Applicant is responsible for payment of the review. He will perform the peer review. There are no real guidelines for a Planned Residential Development, and he understands that the review is of the concept plan only. If the Board is comfortable, it will take a position at the next meeting. The plan presented at this meeting will be what is presented at Town Meeting. This will be continued to January 22, 2015. End 9:18 p.m.

**Review and Approval of Building Materials for 333 East Street: Mr. Bethoney recused himself from this discussion, explaining that the agency at which he works has a professional relationship with the builder, David Raftery. He left the hearing room at 9:19 p.m. and did not participate in any part of this review or approval.** Mr. McCarthy showed the detail sheet for the project. Mr. Podolski made a motion to approve the building materials, seconded by Mr. Aldous. The vote was unanimous.

**Discussion of Assisted Living Bylaw Subcommittee:** Mr. Bethoney returned at 9:20 p.m. This would be a subcommittee, not be a full standing committee, which would determine whether the existing bylaw needs to be changed. Money would be taken from the budget to retain someone to provide feedback. Mr. O'Brien said an expert in assisted living is necessary. Mr. Podolski said that the subcommittee should have someone from the community to serve at large, and suggested dropping the Master Plan Implementation Committee member. A PSA could be put in the newspaper to find someone who is well versed in assisted living.

**New Selectmen's Handbook:** Mr. Podolski suggested that a couple of handbooks should be purchased for the office. Mr. Bethoney suggested that six should be obtained.

Review of minutes was not done, but is scheduled for 6:45 p.m. on January 22, 2015. Mr. Steeves moved to adjourn, seconded by Mr. Podolski, voted unanimously. End 9:33 p.m.

Respectfully submitted,

  
Robert D. Aldous, Clerk