

**PLANNING BOARD**

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



Dedham Town Hall  
26 Bryant Street  
Dedham, MA 02026  
Phone 781-751-9242  
Fax 781-751-9225

Planning Director  
Richard J. McCarthy, Jr.  
[rmccarthy@dedham-ma.gov](mailto:rmccarthy@dedham-ma.gov)

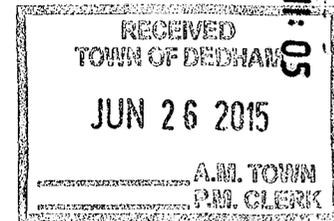
Administrative Assistant  
Susan Webster  
[swebster@dedham-ma.gov](mailto:swebster@dedham-ma.gov)

**TOWN OF DEDHAM  
COMMONWEALTH OF MASSACHUSETTS**

**PLANNING BOARD MEETING MINUTES  
Lower Conference Room, Town Office Building  
Thursday, January 22, 2015, 7:00 p.m.**

2015 JUN 26 AM 11:05

**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



**Review of Minutes:** The Board met at 6:45 p.m. to review minutes prior to the evening's meeting.

**August 28, 2014:**

- With regard to calling the meeting to order, change Mr. Podolski to Mr. Bethoney.
- Listen to recording again to where General Dynamics is moving.
- Mr. Podolski asked Mr. McCarthy whether the Planning Board has received a letter from the Board of Selectmen regarding the policy on not charging for payment. He said that the Board at least needs the minutes of the Board of Selectmen meeting. He also said the Board needs a report on how much it has cost the Town after one year.
- Mr. Aldous asked Mr. McCarthy to find out if other methods of filling cars, i.e., propane or methane, will be instituted in town.
- Mr. Podolski made a motion to approve the minutes as amended, seconded by Mr. Aldous. The vote was unanimous.

**October 9, 2014:**

- Mr. Podolski asked if we have Chief Spillane's letter in the file. We have an e-mail from him.
- Mr. Podolski made a motion to approve the minutes as presented, seconded by Mr. Aldous.

- Mr. O'Brien asked that the discussion in Old/New Business regarding Avery School traffic issues be split into two paragraphs, and that the word "further" be added to the last sentence.
- Mr. Podolski amended his motion to approve the minutes as amended, seconded by Mr. O'Brien. The vote was unanimous.

October 14, 2014: Mr. Steeves made a motion to approve the minutes as presented, seconded by Mr. Aldous. The vote was unanimous.

Review of minutes concluded at 6:59 p.m.

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Mr. Bethoney called the meeting to order at 7:00 p.m. 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. Mr. Bethoney led everyone in the Pledge of Allegiance.

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<b>Applicant:</b>	LSREF2 Clover Property 13, LLC
<b>Project Address:</b>	100 Meadow Road, Dedham/Boston, MA
<b>Property Owner:</b>	LSREF2 Clover Property 13, LLC
<b>Property Owner Address:</b>	2711 N. Haskell Avenue, Suite 1800, Dallas, TX 75204
<b>Case #:</b>	ANR-01-15-1932
<b>Zoning District:</b>	LMB
<b>Representative(s):</b>	Steven Horsfall, Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184

Mr. Horsfall explained that the lot consists of 72 acres of land, and is located at the end of Meadow Road, partially in Dedham and partially in Boston. The owners would like approval of an ANR to divide the lot into three lots: Lot 3 containing 31.95 square feet, Lot 4 containing 39.59 square feet, and Lot 5 (a roadway lot) containing .45 acres of land. Meadow Road has been extended with Lot 5 to gain frontage for the two new properties. Both properties have 150 feet of frontage and appropriate width. The property line will be shifted 40 feet west so that it will not be in the residential zone, and will be compatible with Boston's zoning. To meet the Town's criteria, the frontage is derived from the property being in Boston. He would like the ANR endorsed for the land that is only in Dedham. They have gone through the Land Court process and have been approved in Boston. This ANR could facilitate the M.S. Walker proposal in the future.

Mr. McCarthy explained that he, Building Commissioner Kenneth Cimeno, and David Kelly of Kelly Engineering Group, Inc., originally reviewed the plans in June 2014. With regard to this application, the roadway is within Lot 5. It is 30 feet wide and is used mainly for trailer trucks. Mr. Horsfall distributed maps showing this. There will be one existing building completely on Lot 4, an existing building on Lot 3, and a foundation that will be removed at the rear of the property. The Ride has space within the existing building on Lot 3. The entire parcel will remain the same size, and eventually there will be easements back and forth between the two properties for utilities, etc. Mr. McCarthy reported that because of extension of Meadow Road, the roadway is adequate.

Mr. Podolski made a motion to endorse the ANR as presented, seconded by Mr. Aldous. The vote was unanimous at 5-0. This meeting ended at 7:13 p.m.

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<b>Applicant:</b>	<b>Sprint Spectrum. LP</b>
<b>Project Address:</b>	<b>30 Eastbrook Road, Dedham, MA</b>
<b>Property Owner:</b>	<b>30 Eastbrook Realty, LLC</b>
<b>Property Owner Address:</b>	<b>30 Eastbrook Road, Dedham, MA</b>
<b>Case #:</b>	<b>SITE-12-14-1927</b>
<b>Zoning District:</b>	<b>Highway Business</b>
<b>Representative(s):</b>	<b>Ignacio Formoso, Tower Resource Management, Inc., 16 Chestnut Street, Suite 220, Foxborough, MA 02035</b>
<b>Town Consultant</b>	<b>Steven C. Findlen, McMahon Associates, Inc., 300 Myles Standish Boulevard, Suite 201, Taunton, MA 02780</b>

Mr. Formoso said that Sprint Spectrum would like to add three antennae and three radio heads on their existing site on the rooftop of 30 Eastbrook Road. They would also like to add a cabinet. This is part of an upgrade in service. Mr. Findlen reviewed the application for the Town and noted that there is nothing on the plans regarding signage. Mr. Formoso said that there are three signs on the property located 1) outside the screen area with the 800 phone number for any problems, 2) a warning sign inside, and 3) another sign addressing the phone number and who to call for problems. The equipment is behind a screen on the rooftop, and is not visible to anyone. Mr. McCarthy will verify the signage.

Mr. Steeves asked that the existing screening be painted to match the building. Although this is not a requirement, the objective is to paint to match or blend in with the surroundings. Mr. Formoso said that it will not be seen anywhere, even from the rooftop, because it is behind the screened in area. Mr. Findlen said this appears to be the case on the plans. Mr. Bethoney said that any new equipment in the future must be painted to match the building; this includes screening. Currently, Spring Spectrum is the only carrier at the site. Mr. Podolski said to let it go this time.

Mr. Aldous asked about the grounding wire, and said it should be AWT 2. Mr. Formoso said that his engineers say that every site is at least 2 AWT, and vendors use 2 AWG. He said that nothing is changing with regard to grounding. Mr. Aldous asked him to check the size of the wires coming from the bottom and let Mr. McCarthy know what size they are. Mr. Formoso said that the building is owned by 30 Eastbrook Realty, LLC, and they ground to their system. Mr. Aldous said that other applicants have agreed to this, again saying that the wires coming down should be AWT 2; if they are 2 AWT, they should be changed. Mr. O'Brien asked that the fence be upgraded on the next application. Mr. McCarthy will make sure that future carriers know this.

Mr. Podolski made a motion to approve the application as presented upon confirmation that the appropriate signage and ground wire are in place. Mr. Aldous seconded the motion. The vote was unanimous at 5-0. This meeting ended at 7:27 p.m.

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**Applicant:** New Cingular Wireless, PCA, d/b/a AT & T  
**Project Address:** 8 Industrial Way, Dedham, MA  
**Property Owner:** Hurley/Readville Realty Company, LLC, c/o Arthur Hurley  
**Property Owner Address:** 2500 Washington Street, Boston, MA 02119  
**Case #:** SITE-12-14-1926  
**Zoning District:** LMA  
**Representative(s):** Timothy W. Greene, TerraSearch Real Estate Group, 157  
Riverside Drive, Norwell, MA 02061  
**Town Consultant** Steven C. Findlen, McMahon Associates, Inc., 300 Myles  
Standish Boulevard, Suite 201, Taunton, MA 02780

Mr. Greene explained that AT & T wants to take down six antennae and replace these with six new ones, painted to match, as part of their upgrade in service. Also installed would be new fiber and coax conduits and related wireless communications equipment. Photographs were included with the application. The signage is not shown on the plan. Mr. Findlen, who was hired by the Planning Board at the expense of the Applicant, reviewed the site and the only issue was with the sign. He received a copy of it today, and said there are no further issues.

Mr. Aldous asked what grounding wire they plan to use. Mr. Greene said the AT & T specification is for 2 AWT wire; he does not know if it is AWT 2. Mr. Aldous said the plans show a 2 AWT, but there is a good chance that it is AWT 2. He asked Mr. Greene to have the engineers check and then let Mr. McCarthy know the size. He would like it changed to AWT 2. Mr. Bethoney cautioned Mr. Greene that the wire they intend to use is fine for now, but any future applications should be AWT 2.

Mr. Podolski made a motion to approve the site plan as presented subject to putting a sign at the site. Mr. Aldous seconded the motion. The vote was unanimous at 5-0. This meeting ended at 7:35 p.m.

**Applicant:** M.S. Walker, Inc.  
**Project Address:** 112 Meadow Road, Dedham/Boston, MA  
**Property Owner:** LSREF2 Clover Property 13, LLC  
**Property Owner Address:** 2711 N. Haskell Avenue, Suite 1800, Dallas, TX 75204  
**Case #:** SITE-01-14-1933 - SCOPING SESSION  
**Zoning District:** LMB  
**Representative(s):**

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- Scott Allen, General Manager, M.S. Walker, Inc., 20 Third Avenue, Somerville, MA 02143
- Vinod Kalikiri, P.E., PTOE, VHB, 101 Walnut Street, P.O. Box 9151, Watertown, MA 02472
- Justin Dufresne, P.E., Project Manager, VHB, 101 Walnut Street, P.O. Box 9151, Watertown, MA 02472
- Stephen C. Senna, Vice President and Project Manager, National Development, 2310 Washington Street, Newton Lower Falls, MA 02462

**Town Consultant** Steven C. Findlen, McMahon Associates, Inc., 300 Myles  
Standish Boulevard, Suite 201, Taunton, MA 02780

Mr. Zahka spoke on behalf of M.S. Walker, who came in for a scoping session regarding the proposed redevelopment of the old Stop & Shop warehouse. He showed a map of the location and pointed out where M.S. Walker will be. The property will be purchased within fourteen days now that the ANR is approved. He supplied a Power Point presentation to the Board indicating the location and history of the property, as well as a company overview. An existing foundation will be removed, and M.S. Walker proposes development of an approximately 138,000 square foot manufacturing R & D plant, where they will process, bottle, and warehouse the alcoholic beverages on site. He showed an aerial view of the site, a footprint of what is currently on site.

Mr. Dufresne said the building would be wholly in Dedham, but that access to the site is from the Boston portion of the property. The Applicant is proposing 140 parking spaces; the requirement according to the Zoning Bylaw is 90 spaces. It is possible that they may land-bank some spaces and have 80-90 spaces, which is what M.S. Walker needs for their facility. They will be adding quite a bit of landscaping around the site, including new trees, to bring it up to the Zoning Bylaw. Loading to the building will be interior to the site. Loading to the building will be interior to the site. Building 200 has loading docks and M.S. Walker's docks will line up across from them. They will be bringing in a new rail spur for unloading. This will connect with the existing spur. All the liquid unloaded from some of the tankers will be pumped to some silos inside or outside the building. The stormwater management system will be upgraded to meet the current regulations. There are leeching catch basins that infiltrate directly into the soil now, as well as some standard catch basins that put back into the wetlands. They will provide some catch basins with LID design with infiltration areas for water quality treatment. It should improve the look of the site for the neighborhood, and will be more functional for M.S. Walker. The timeline for formal application is still a couple of months away.

Mr. Zahka said that the building will meet the Zoning Bylaw for the LMB district and for floor area ratio. The only waiver they will seek is for parking, and the Applicant hopes to get approval for land banking, which can be converted to spaces if necessary.

Mr. Kalikiri said that, around Thanksgiving, some of the project team members met with Mr. McCarthy and Mr. Findlen to discuss the scope of the traffic report. Subsequent to the meeting, an outline was presented in a letter dated December 2, 2014, with a lot of specifics that Mr. Findlen asked to see. One of the unique aspects of the proposal, as opposed to a generic project, is that there is already an operating facility in Somerville. Rather than working with national statistics for warehouses or manufacturing facilities, they could obtain a lot of operational information and traffic data from this facility. They have access to zip code data to see where employees live, and they looked at historical data from the old Stop & Shop warehouse. The site was very active and had a lot of trucking activity from early morning to late evening, seven days a week. They will compare future projections with what was being generated in the late 1990's and early 2000's. Bridge clearances coming from the Neponset Valley Parkway toward Dedham were examined to ensure that there is enough room for trucks going to the site. There is not enough room for trucks, and traffic will be directed toward Route 138 heading toward Route 128/93. There will be no heavy truck activity that will be oriented toward Dedham. Measures to reduce traffic flow were examined such as carpooling and public transportation.

Mr. Zahka said that the architectural aspects of the new building are currently in the very early stages; however, most will not be seen. A well-developed and impressive sound barrier was installed a few years ago because of train noise, and will be developed further. The required floor plans will be submitted to the Board. Earlier in the meeting, the Board approved an ANR,

which is the first cut subdivision plan that provides the land area that M.S. Walker will be purchasing. Mr. Senna met with Conservation Commission for an ANRAD wetlands delineation. The Applicant will be going before the Zoning Board of Appeals for approval to subdivide the property with basically 0 feet of frontage. There would be a cross easement with themselves for access. If the Zoning Board of Appeals allows the petition, the site will meet all Zoning Bylaw requirements with the exception of a frontage landscape buffer and a side perimeter buffer between the two lots. Unless the Board requests the Applicant to do so, they will not ask for a variance for the number of parking spaces. Assuming the ZBA approves the variances, the Applicant will return for the second cut subdivision ANR. If this is approved, the project will be submitted for review as a Major Nonresidential Project (MNRP), with the Planning Board as the Special Permit Granting Authority. They are not aware of any other Special Permits that will be required, but if there are, they would be included in the MNRP application; the Planning Board cannot handle variances, however. A full Notice of Intent will be filed with the Conservation Commission. He said that they believe that the site, other than the parking spaces, will meet the Town of Dedham Zoning Bylaw requirements, including all but one landscaping requirement.

Mr. Podolski said that he would prefer to keep the parking. Mr. Bethoney asked how much land will be in Dedham that is not part of the new lot. Mr. Dufresne said that the new lot will be 13 acres, all in Dedham. In the remaining lot, a very small portion of the remaining 19 acres is in Dedham; this is used for access to some of the loading docks, and there is a small garage. Mr. Bethoney asked him to figure out the land area. His opinion is that this will trigger modification of an existing lot, requiring the Applicant to bring the remaining area into compliance like the new lot. Everything that is being done on the new lot needs to be done and considered on the remaining parcel in Dedham because they are modifying an existing lot. He said that the part in Dedham should be contiguous with the new lot. Mr. Dufresne said that if he look at taking his calculations regarding landscaping, surface ratio, interior landscaping, etc., and, using the property line to run calculations, the whole Dedham section was brought into compliance.

Mr. Zahka said the in the ZBA application, the waiver of all landscaping requirements pertain to the two lots. He respectfully disagreed with Mr. Bethoney. The other building is located totally in Boston. If in fact anything is done on the Dedham side, it will comply. They will address landscaping in that area on the MNRP application so it looks good. He believed that in the future, something may happen with the Boston building, and it could be that it will extend into Dedham. If that is the case, it will be addressed then. Mr. Bethoney said he would just like to see everything from the Dedham line brought into compliance as much as possible so that it is contiguous with the new project. This discussion will be continued after ZBA approval is obtained.

Mr. Findlen, who was hired by the Planning Board solely at the expense of the Applicant, said that he has had very productive meetings with the Applicant. As the project goes forward, it would be very helpful to discuss the issue of employees, where they come from and where they are going. By having real data, he will know if they are coming down Route 138 or through Dedham. Knowing the location of access is very important. Other factors will also be involved, and looking at access in general, particularly trucks, will be important. He said that traffic coming through Dedham is a concern. Mr. Aldous was interested in information on the traffic, particularly when people leave Meadow Road. When cars get to Hyde Park Avenue, some will go toward Dedham or Boston, or toward Milton. He asked where the Applicant would be getting utilities, specifically whether the water, electricity, and sewer come from Dedham or Boston. Mr. Senna said the electricity and gas are provided by NSTAR from both directions. The sewer

exists at only Boston. Water is currently on site, and is both Dedham and Boston water. Mr. O'Brien said the land has been idle until now. He asked the Applicant if he had spoken to the Boston building trades. Mr. Allen said he would do that.

Mr. Steeves asked about the current occupancy of the building in Boston. Mr. Senna said that 100 Meadow Road is 80-90% occupied. Part of this building is in Dedham, but they are not acquiring it. He said that 200 Meadow Road is entirely in Boston and is 20% occupied. The Applicant was required to purchase this property by the seller. They have not dealt with this yet. Mr. Steeves said he would like to know what and who will be going into that building, and how much traffic it will generate.

Mr. Bethoney said the Applicant has direction now. Mr. Zahka asked the Board and Mr. Findlen if they were comfortable with the traffic scope. Mr. Bethoney asked where the houses at the top of the site plans are located. These are McDonald Street, Lancaster Road, Leominster Road. He asked what vantage points these houses would have with the site. Mr. Senna said that the sound barrier is substantial in length and height. He said it does not appear that they will be able to see the site. Mr. Bethoney asked him to supply the Board with photographs in case neighbors express concern. Mr. Zahka said he has met with the Manor Neighborhood Association and will be meeting with them again before a formal application is presented. Mr. Aldous asked if VHB had looked into the railroad bridge on Hyde Park Avenue. The Applicant has not yet looked at this. Mr. Allen said that they have every intention that truck traffic will go right. Mr. Kalikiri will obtain reports from the MBTA and MassDOT on the bridge clearances. There are posted signs, but there are differences in trucks. Mr. O'Brien noted that the bridge going to Route 138 is named Paul's Bridge. This is on the National Register of Historic Places.

The Board agreed that it was comfortable with the project and the traffic scope. This *scoping session* concluded at 8:17 p.m.

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<b>Applicant:</b>	<b>Carlos Chavira and Nohely Chavira-Williams</b>
<b>Project Address:</b>	<b>549-551 High Street, Dedham, MA</b>
<b>Property Owner:</b>	L & M High Street Realty Trust, c/o Mark Gottesman, Trustee
<b>Property Owner Address:</b>	43 Stearns Street, Newton Centre, MA 02459
<b>Case #:</b>	<b>SITE-12-15-1922</b>
<b>Zoning District:</b>	Central Business
<b>Representative(s):</b>	Carlos Chavira, 95/97 Clark Street, Dedham, MA Nohely Chavira-Williams and Ryan Williams, 95/97 Clark Street, Dedham, MA Paul Lindholm, P.E., 80 Tarbox Street, Dedham, MA

Ms. Chavira-Williams and her brother would like to open a 14-seat Mexican restaurant at 549-551 High Street. Most of their business will be foot traffic and take out. Deliveries will be in the back. There is on-street parking and the municipal parking lot, but no parking spaces otherwise. Mr. McCarthy said that the requirement for parking is 17 spaces, and the property will require a waiver for four spaces. Mr. Lindholm prepared a Parking Plan of Land for them since there was none on file. Hours of operation would be 11 a.m. to 9 p.m.

Mr. Podolski made a motion to approve the site plan as presented with a waiver for four parking spaces. Mr. O'Brien seconded the motion. The vote was unanimous at 5-0. The meeting ended at 8:25 p.m.

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**Applicant:** Concinnitas Corporation/Gregory Carlevale  
**Project Address:** 255 West Street, Dedham, MA  
**Property Owner:** Arris Realty Trust, Gregory Carlevale, Trustee, 21 Boulevard Road, Dedham, MA  
**Property Owner Address:** 21 Boulevard Road, Dedham, MA  
**Case #:** SITE-12-14-1930  
**Zoning District:** Single Residence A  
**Representative(s):**

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- Greg Carlevale, 21 Boulevard Road, Dedham, MA
- Mollie Moran, AIA, 18 School Street, Dedham, MA
- Scott Henderson, Project Engineer, McKenzie Engineering, 150 Longwater Drive, Suite 101, Norwell, MA 02061

A concept plan for this MNRP was presented on January 2, 2015. Mr. Zahka said there have been some changes since then, and he will be requesting that the Board vote to recommend the concept plan to Town Meeting on May 18, 2015. If approved by Town Meeting, they would return for a Public Hearing with more detailed plans.

Mr. Henderson noted that the units have been relocated, and he has changed footprints to represent composite footprints. Three unit options are available, and he has created a footprint that encompasses all three. This shows the maximum possible development limit. None of the units will be constructed in the size; they will all be smaller so they will fit inside the limits shown on the plan. He has included two locations for possible accessory maintenance buildings/common storage areas, but only one will be built. He presented a basic landscape and tree preservation plan that shows trees that will be preserved, trees that will be removed, and trees that will be planted. He has adjusted the parking.

Mr. Henderson reviewed the benefits of a Planned Residential Development (PRD) vs. a conventional subdivision.

- The proposed tree lines for both the conventional subdivision layout and the PRD were shown. The key is that an additional one acre of land will not be cleared in the PRD. This adds to the amount of screening from the road and abutting properties.
- The PRD plan has dedicated open space totaling 1.25 acres. This would be developable on a conventional subdivision.

Mr. Bethoney asked Mr. McCarthy to explain the intent of a Planned Residential Development. Mr. McCarthy said it allows flexible design in exchange for a slight increase (1.5 X) in density. This allows the property to be more harmonious with the existing property, and would be an overall better design environmentally than a conventional subdivision. His professional opinion is that this concept plan has met the intent. Mr. Bethoney agreed. Mr. McCarthy said that the proposal that he wrote to the Board was to give a positive recommendation of the comprehensive concept plan subject to peer review. If this is achieved, the proposal would go on the warrant for the Annual Town Meeting so that McMahon Associates can review the

material submitted and make sure the requirements are met. The warrant closes on February 20, 2015, but there is ample time to pull the article from the warrant if necessary.

Mr. Zahka said it has always been his understanding that the Board wanted to have the concept plan reviewed. He sent a letter to Mr. McCarthy to make sure the plan, if approved by Town Meeting, is what has been shown. The next plan would be based on three conditions:

1. The project will be limited to seven dwelling units.
2. The Applicant and his architect would calculate the "worst case scenario" of gross floor area, and include finishing the basements.
3. The minimum dedicated open space will not be less than 48% of the total site.

Mr. Bethoney asked for comments from Steven Findlen of McMahon Associates, and Mr. Findlen said he had not yet reviewed the concept plan.

### AUDIENCE

**Mary Gilbert, 896 East Street, Precinct 7 Town Meeting Member**, asked what exactly has to come before Town Meeting for approval. Mr. Podolski said it would be the comprehensive concept plan, as required by the Zoning Bylaw. She did not understand why it would go to Town Meeting, and Mr. McCarthy said it is a specific requirement of that particular section of the bylaw. She said this did not make sense, and asked if this was because it did not conform to zoning. Ms. Moran said that this is like an overlay district. It is zoned for large lots in the SRA zoning district, and is a well-defined area of higher development density than other residential developments.

**Edward (Ned) Watts, 311 West Street**, said he has lived in his home for 42 years. He has been consistently against developments that do not conform to SRA requirements, naming businesses such as Dedham Medical Associates and Emeritus, and businesses that had been interested in moving, i.e., Artis Senior Living, an office building where St. John of Damascus is located, and a large motel-like structure in the middle of a single family district. He claimed that his area is under constant assault of the integrity of the Zoning Bylaw, and this is a bad precedent, calling the proposed PRD a "communization" of this area of Town. He noted that Supreme Development had purchased a house across the street to get access to the land in back of it. There is one house now, but there may eventually be ten to fifteen condominium units. He also mentioned 399 West Street, which has five acres and floods every spring, and said that nine condominium units could go into it. He again said this was a very bad precedent. He wondered if the Board ever denied something despite it complying with "all the boxes" because it did not feel it was a good idea for the site. Mr. Bethoney said he would think about the question.

**David Buckley, 303 West Street**, a resident of the Town for 35 years, agreed with Mr. Watts. He hoped that all due consideration would be given to keeping the zoning as it is. Mr. Bethoney asked him if he would rather see it developed as a conventional subdivision. He said that this had been going on for years (it is to be noted that he was going to sell his property to Artis Senior Living, but the Zoning Board of Appeals denied the petition), and there has been drilling, digging, hammering, and surveying going on for three-and-a-half to four years. He said that the Board can appreciate that enough is enough, and said that it sure is not what the intent of living along the river bank was for 35 years.

Mr. Bethoney said that, if the Planning Board proposed to Town Meeting that they consider the Planned Residential Development, it does not mean that it will be built. The residents can speak at Town Meeting as direct abutters in an effort to convince it that ultimately, the matter of right proposal (conventional subdivision) is the right thing to do. If Town Meeting agrees with them, there will be no approval. The Planning Board's job is to review the intent of the bylaw as a Planned Residential Development, what it is for, and why it would do it. The Board is of the opinion that it meets the intent of what a Planned Residential Development is. If this does not, he asked what else would be; it might as well be stricken from the bylaw. He said that this proposal meets the intent of what a Planned Residential Development is. If he did not recommend that this be considered by Town Meeting, he would not be following what the community has instructed the Board to do in the Zoning Bylaw. It has been outlined that, if a parcel of land similar to this is better served with an extensive development with less "destruction," the Board should consider it.

Mr. O'Brien said the Board cannot stop building unless it goes against the regulations in the Zoning Bylaw. If someone bought a piece of property, he has every right to develop it the way he wants as long as he follows the regulations. The only way to stop it would have been for the abutters to buy the property, and then no one could build on it other than the owners. This all comes down to a situation of choice. The Applicant is intent on building something on the site. He asked what would best help the community and the land: clear the land out and put up homes for a conventional subdivision, or opt for a better plan with denser homes but following the lay of the land. He said that one way or another, something will be built. The Board cannot stop anything being built there as long as it conforms to the regulations.

Mr. Watts said that Mr. Carlevale is an excellent developer. If he could build five houses there and do better than seven, he would do that. When one house was connected to sewer, it was necessary to drill through ledge. There is also ledge throughout the site. Mr. Bethoney said this will be Mr. Carlevale's problem. Mr. Watts said that Mr. Carlevale prefers this because he can make more money. Seven development units instead of five would set a precedent for "West Dedham." Mr. Bethoney said that the Zoning Bylaw does not address that the Board's decision should be based on economics. This is not part of the Board's decision formula, and he will not consider that.

**Elaine Mellen, 353 West Street**, agreed that Mr. Carlevale would do an excellent job. Her fear is that this will open doors for more developers to buy land in the area for this type of project. Mr. McCarthy explained the minimum requirements for a Planned Residential Development per the Zoning Bylaw. Mr. Zahka noted that the Zoning Bylaw does not have a minimum lot size, but one lot can be established with 40,000 square feet. The bylaw asks the Applicant to compare a conventional subdivision of five lots. There is a density increase of 1.5 rounded down to the 7 units. Other than the intention of the bylaw and what it states, the only specific dimensional requirement, other than the number of units, is that at least 20% of the parcel must be maintained in natural open space. In addition to Single Residence A., it would be allowed in Single Residence B.

If the concern is promotion of like developments by "a developer not so well qualified as Mr. Carlevale," as stated by Ms. Mellen, Mr. Bethoney asked if it would be possible to amend the Zoning Bylaw to require minimal lot sizes or total square footage, so that the contention that these would crop up all over the neighborhood would be prohibited. Mr. O'Brien said this would be a case-by-case basis. Mr. Bethoney said there are no minimum qualifiers such as those that other overlay districts have. Mr. Zahka said that Planned Commercial requires 5 acres. Mr.

Watts was asked how many parcels in his area exceed 5+ acres. Mr. Bethoney asked if fears of pervasive small developments overrunning the area would be allayed if the Zoning Bylaw is changed so that one could not have an overrun of small developments like this. He said that if the concern is overwhelming growth, he could propose an amendment to the bylaw changing it to gross parcels of not less than X square feet for a Planned Residential Development. He asked if in fact this is the actual concern for the future (not for Mr. Carlevale's project). If that is not the case and they just do not want Mr. Carlevale's project, it is another matter. Mr. Watts said the concern is the future. Mr. Bethoney said the Board cannot zone out every possibility. They must look at this in a reasonable manner. Mr. Podolski said that the neighbors do have an option to go to Town Meeting and strike the whole bylaw. Mr. Steeves asked Mr. Watts what he preferred: a Planned Residential Development or a conventional five lot subdivision. Mr. Watts said he preferred a conventional five lot subdivision with integrity of the bylaw.

Ms. Moran said that this is the first Planned Residential Development before the Board. She said it is tedious, expensive, and risky in that all the work is done up front and the Town Meeting may not approve it. She said that not many people will do this. She said this Planned Residential Development is right for the land, and the development will not be seen from the road. She said that Mr. Carlevale will be maximizing preservation of the site.

Mr. Zahka, a land use attorney, said that the bylaw was voted in during the 1990's with the intent for higher density than other residential developments and to allow for different types of dwelling units. The bylaw is very specific in its purposes. Mr. Carlevale has purchased the land, but others also inquired about Planned Residential Developments. Timing is usually a problem because most people do not buy land before they know that they have certain development rights. There are not many sellers who would be willing to tie their land up. The Planning Board recommends a Planned Residential Development on a case-by-case basis. In this case, the Applicants:

1. Fulfilled the intent of the bylaw in terms of going well beyond what had been asked for in terms of open space.
2. Showed different types of residential dwellings in the area.
3. A comparison was done between conventional subdivisions as to what it would do to the overall impact of the land, and the overall impact on the abutters, i.e., what would be required for a conventional subdivision vs. a Planned Residential Development in matters such as the land. This project works with the land.

Mr. Zahka said that the benefits clearly outweigh what would happen to the integrity of the land in a conventional subdivision. The Zoning Bylaw states that this is allowed. It is not an exception to the bylaw, a Special Permit, or a variance. He said the Board should recommend this to Town Meeting.

Mr. Bethoney asked Mr. Henderson to discuss cut and fill that would not happen in a Planned Residential Development. Mr. Henderson said that the key to a conventional subdivision is that there would be limitations on roadway grade, width of the right of way, curbing, sidewalks, etc. In order to accommodate that, a much wider access way and a 50 foot right of way would need to be constructed. To accommodate that and development of the lots around it, there would need to clear all around the perimeter. Extensive and significant cut and fill for a conventional subdivision would be required and there would be extensive tree removal. Earthwork would be necessary in areas to accommodate clearing. If a grade is changed by more than 6 inches to 1 foot, all the trees in that area would be cut down. For a Planned Residential Development, the driveway would be re-used and the existing grade would be

matched as one approaches the development area of the site. All the vegetation and existing topography along the front of the site, along West Street, and along the sides would be maintained. The amount of grading in the central area would be limited. The center portion of the site is fairly flat, and one can more or less match the existing grade within a foot or so, so cutting or filling would not be significantly. It is a lot more harmonious and requires less earthwork. It will be easier to build, and all the existing vegetation along the street would be maintained. Mr. Steeves commented that to make a conventional subdivision work, the road would be moved closer to abutters, the houses would be closer to abutters, and the front of West Street would be stripped. Ms. Moran said that grouping of the seven units is almost equivalent to a single family house, and the impact is less than five conventional houses.

Mr. Podolski said the bylaw allows this development, and he can only consider the benefits in comparing a Planned Residential Development vs. a conventional subdivision. He said he could recommend the concept plan. Mr. Aldous agreed, saying that this is an excellent way to build without taking too much land, and he could recommend this. Mr. O'Brien agreed.

Mr. Podolski made a motion to recommend the comprehensive concept plan to Town Meeting for the Planned Residential Development at 255 West Street, Dedham, MA, according to the latest plan revision dated January 16, 2015, with the following conditions:

1. The Planned Residential Development will have a maximum of 7 dwelling units
2. The maximum gross floor area is 29,792 square feet, including all finished areas in the buildings
3. Minimum dedicated open space shall be 48% of the total lot area.

Mr. Aldous seconded the motion. A limitation on acreage will not be considered for the present time. The vote was unanimous at 5-0. This discussion concluded at 9:13 p.m.

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## OLD/NEW BUSINESS

Discussion began at 9:13 p.m.

### Assisted Living Discussion

Mary Gilbert, 896 East Street, Precinct 7 Town Meeting Member, was involved in the Artis Senior Living appeal, and believes that the bylaw needs to be addressed. A minimum of 4 acres is required for an assisted living facility. She said that Mr. Watts has a list of properties that are over 4 acres, and she said he gave a blueprint to developers with this. She asked how the bylaw could be changed. She believes that the acreage needs to be increased so fewer lots would be eligible, but consideration must be made to unintended consequences of this. She said she is struggling with the Arts Overlay District, and the East Dedham Revitalization Committee is working to come up with a definition. She looked at a draft and said it did not make a whole lot of sense. She would like to educate herself on this.

Mr. Bethoney said that the Board's job is to consistently consider zoning changes. It does not support anything that does not make a lot of sense. All zoning articles go before Town Meeting, and the motion on zoning comes on the recommendation of the Planning Board (it used to be on the recommendation of the Finance Committee). If something comes before the Board as

a proposal that does not make sense, and on which the Board is to take a position, Town Meeting will never support it because the Planning Board has historically had a lot of influence over the voting. The Board works to educate Town Meeting so it knows on what it is voting and why it is beneficial.

Ms. Gilbert was asked which proposal for 255 West Street was most beneficial, and she said Mr. Carlevale's was. Mr. Bethoney said that the Planned Residential Development was presented very well, which will make a difference at Town Meeting. Once Town Meeting Members hear the facts, he believes they will support the article. Ms. Gilbert expressed concern about the future and other developers buying property to develop. Mr. O'Brien told her that each development will have to come before the Planning Board and Town Meeting. This is why the bar is set so high. Mr. Bethoney hoped that Mr. Carlevale's proposal will set a precedent.

### Upcoming Projects

Dunkin' Donuts, Sawmill Lane: Mr. Podolski asked when the information will be ready for review. Mr. McCarthy said it is closer.

850 Providence Highway: Mr. Podolski then asked about David Spiegel's property at 850 Providence Highway. Mr. McCarthy said they want to come in for a discussion. Mr. Bethoney said that if Mr. Spiegel proposes removing the access road, and the road assists or is part of any parking plan, the parking plan will automatically be subject to review because it is a modification of an existing lot. Mr. McCarthy said the Applicant had been forewarned of this. Mr. Steeves wondered how Mr. Spiegel would explain that the only way to get off the site is to put more traffic on to Providence Highway. The present traffic coming out of TGI Friday's is too much now. Mr. O'Brien commented that another Dunkin' Donuts truck was going the wrong way, and could not make the turn in to the property. Mr. Steeves asked how trucks would do it if the access road is gone. Mr. O'Brien said the trucks go right across the highway, blocking the lanes, so they can get into the site. It would be simpler to use a smaller truck. Mr. McCarthy has not seen this yet, but he said that Dunkin' Donuts is telling him a different story.

77-83 Washington Street: Mr. Steeves asked if Mr. McCarthy had seen any plan for this, which he has. The house on the corner is part of the site. He wondered if it would be torn down for parking. Mr. McCarthy said the Applicant wants to keep it, but it needs to be removed to make the site work.

Proposed Changes to Site Plan Bylaw: Mr. McCarthy handed out proposed changes to the site plan bylaw for the Board to review:

1. Address the issue regarding materials, which would be a requirement for an application.
2. If a site plan is for an insubstantial project, the Planning Board would have the ability to do a much smaller review.

Proposed Changes to the DRAB Bylaw: Mr. McCarthy handed out proposed changes:

1. If an applicant needs to go to the Planning Board for a change to the site but no involvement with any buildings, it would just go to the Planning Board, not DRAB.

2. If a project has a building involved, DRAB becomes another review, i.e., Engineering, Fire, etc. They will review the plans and report to the Planning Board. There will be no need to independently apply to DRAB to do this. One application will do it all.

Budget: The proposed budget, which was handed out, is less than last year. Mr. Podolski asked why there was nothing listed for charges for services in FY 2016. Mr. McCarthy said he does not have an estimate yet. He will be meeting with Town Manager James Kern next week.

Assisted Living Bylaw Committee: The Board had voted to create an Assisted Living Bylaw Committee, so letters need to be sent out to different committees to choose members for it. Mr. McCarthy spoke to the Master Plan Implementation Committee about this. A member of the Conservation Commission is not needed, so that leaves an opening for an at-large member. Mr. McCarthy will compose these letters.

Arts Overlay District: Mr. McCarthy is working with the group on some changes. They will be coming to the Planning Board on February 12, 2015. Mr. Podolski wanted the word "manufacturing" changed to "fabricating."

333 Washington Street: Mr. McCarthy asked the Board to review the materials list to see if it is sufficient. If it is, he will write the Certificate of Action so the Board can review it at the next meeting.

The Board signed the ANR plan for 100 Meadow Road that was approved earlier in the meeting.

The Board asked Mr. McCarthy to see if the mailbox in the municipal parking lot has been moved.

Mr. Podolski made a motion to adjourn, seconded by Mr. Steeves. The vote was unanimous at 5-0. The meeting ended at 9:20 p.m.

Respectfully submitted,



Robert D. Aldous, Clerk  
Town of Dedham Planning Board