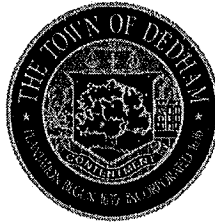


PLANNING BOARD

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



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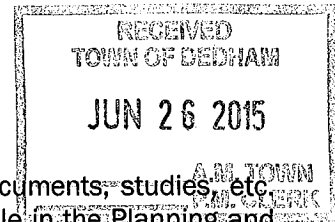
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**TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS**

PLANNING BOARD MEETING MINUTES
Lower Conference Room, Town Office Building
Thursday, February 27, 2014

2015 JUN 26 AM 11:06

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



Mr. Podolski called the meeting to order at 7:03 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.

DISCUSSION WITH BUILDING COMMISSIONER KENNETH CIMENO RE: ROW HOUSES

Discussion began at 7:03 p.m. Mr. Cimeno was asked to appear to discuss row houses, which is the subject of a proposed warrant article for the upcoming Annual Town Meeting. The Building Department has proposed a change in the Zoning Bylaw related to row housing. The Board asked him to explain this.

Mr. Cimeno said that up until the late 1960's, the Town allowed row houses, up to eight units, in the General Residence zoning district. The provision was removed in the late 1960's, but there was another provision in the Zoning Bylaw that allowed row houses only for elderly housing, up to eight units. This was from the 1970's to the 1990's. This provision was removed about ten years ago. Presently, under General Requirements for that type of housing, only single and two-family houses are allowed.

There was a situation in which some members of the Zoning Board of Appeals used the dimensional requirements for row houses as a basis for a Special Permit request to take an existing two-family dwelling and make it a three-family dwelling. They used the dimensional requirements as a basis to satisfy the bylaw. They agreed with it despite there being no provision in the Zoning Bylaw to allow a third unit. The house was not a nonconforming house in any way, but they allowed the extension based on that provision in the bylaw. Mr. Cimeno

said this should be removed to eliminate any question or basis for anything more than two-family dwellings in the General Residence zoning district for the time being. In the future, some sort of multifamily residential use may return in General Residence, but for the time being, this will prevent them and close the gap.

Mr. Podolski suggested that the Board support this proposal. They will need a paragraph of explanation for their report for Town Meeting. Mr. Cimeno, Mr. McCarthy, and he will sit down together to do this. No one on the Board had questions. This discussion ended at 7:05 p.m.

Mr. Podolski announced that there is a change in the agenda. Originally, the Town Hall Municipal Complex was scheduled for a scoping session this evening. However, this has been removed at the request of the Town Administrator's office. It will be on the agenda at the next regularly scheduled meeting on March 13, 2014.

Applicant:	Bell Atlantic Mobile of Massachusetts, d/b/a Verizon Wireless
Project Address:	8 Industrial Way, Dedham, MA
Property Owner:	Hurley/Readville Realty Co., LLC
Property Owner Address:	c/o Arthur Hurley, 2500 Washington Street, Boston, MA
Case #:	SITE-01-14-1780
Zoning District:	Limited Manufacturing A
Representative(s):	Daniel Klasnick, Esq., 210 Broadway, Suite 204, Lynnfield, MA 01940

Verizon Wireless would like to change the antenna to upgrade their performance. The last time the applicant came in for this location was in 2009. They propose moving six antennae located at 109 feet on the smokestack. There are twelve antennae right now, and six will be removed and six new antennae installed. Three remote radioheads will be mounted in between the arrays, and additional cabling will be installed. This smaller cabling will be hybrid fiber, and will be in addition to the existing cable. The equipment will be painted to match the existing antennae, and appropriate signage will be installed. They have met with the Design Review Advisory Board, who recommended the application.

Mr. Aldous discussed the grounding wire, which the applicant said was #2. He said that the Board always asks that this be an AWT 2, which is three sizes larger. He requested that this be changed. Mr. Klasnick said that in the past, they have conditioned the approval on the use of an AWT 2 wire, and asked the Board to do this on this application. Mr. McCarthy said that the electrical inspector checks this after installation. Mr. Steeves asked why this had to be continually brought up. Every time a wireless company comes before the Board, the same question is asked. He said they should do it the way they know they have to do it in the Town of Dedham. Mr. Klasnick said he had hoped to give the Board exactly what it wanted. He will make sure it is correct the next time he comes in. Mr. Bethoney made a motion to approve the application as presented with the condition that the grounding wire be properly sized to AWT 2. Mr. Steeves seconded the motion. The vote was unanimous at 5-0.

Applicant:	Bell Atlantic Mobile of Massachusetts, d/b/a Verizon Wireless
Project Address:	200 West Street, Dedham, MA
Property Owner:	Norfolk County House of Correction
Property Owner Address:	200 West Street, Dedham, MA
Case #:	SITE-01-14-1781
Zoning District:	SRA
Representative(s):	Daniel Klasnick, Esq., 210 Broadway, Suite 204, Lynnfield, MA 01940

Mr. Klasnick said that this application is substantially similar to 8 Industrial Way. There are twelve antennae installed 43 feet on the existing monopole. They would like to remove six antennae and replace them with six new antennae. Three remote radioheads will be flush mounted below the existing antennae. The equipment will be painted to match the existing antennae, and appropriate signage will be installed. They have met with the Design Review Advisory Board, who recommended the application. Mr. Bethoney made a motion to approve the application as presented with the condition that the grounding wire be properly sized to AWT 2. Mr. Aldous seconded the motion. The vote was unanimous at 5-0.

Applicant:	Cedar Development, Inc.
Project Address:	187 Bridge Street, Dedham, MA
Property Owner:	Beacon Street Realty Trust, Tony Nassif, Trustee
Property Owner Address:	187 Bridge Street, Dedham, MA
Case #:	SITE-02-14-1789 - <i>SCOPING SESSION</i>
Zoning District:	Local Business
Representative(s):	Peter A. Zahka II, Esq. Steven David

Mr. Zahka explained that this is a *scoping session* for the former Coughlin's Flower Shop. The present building is not sound, so the applicant proposes to demolish the building and build a new 5,000 square feet building with commercial on the first floor and two residential units on the second and third floors. The building will meet all zoning requirements. Relocation of the building from the existing structure allows it to be more compliant. They are proposing ten parking spaces, although they only need 9.5 spaces. They may need a waiver for the landscape buffer in the rear of the property. They will provide a 2-3 foot buffer for better traffic flow, one way in from Bridge Street and one way out through Beacon Street. They have been before the Design Review Advisory Board, and have incorporated their suggestions. Mr. David noted that snow storage will be problematic, and will need to be removed from the site. Mr. Zahka said they will go before the Conservation Commission to address this. The landscaping Aldous said the stairs on the renderings look like they are outside the building. Mr. David said they are not. Mr. McCarthy said that because they are proposing ten parking spaces, the project will need to go out for peer review. Mr. Podolski asked if they have factored this into their cost analysis, and Mr. David said they had not.

Mr. Bethoney asked if they believed the proposed building design would be in keeping with the surrounding properties; he did not think so. Mr. David cited Visions Medical Center as a very different building. He said they tried to change the norm and do something creative, to make it pleasing to the eye, and to set a trend. He said that Bridge Street is changing, and

sited Audi Auto as a more contemporary design. He said that DRAB seemed to like the design. Mr. O'Brien said that he normally does not like this type of design, but Bridge Street is changing. He said it mirrors the opposite side of town. He did ask if the cedar on the building would be durable in the bad weather, and Mr. David acknowledged that it would require maintenance. Mr. Steeves echoed Mr. O'Brien's thoughts, and asked if there will be a fence in back. Mr. David said there was a fence, and he would be working with the neighbor to replace it. Mr. Steeves reminded Mr. David that the plans he presents must be what is built, and he understood.

Mr. Zahka asked if the Board would entertain having nine parking spaces, thus waiving the peer review. Mr. Podolski said that ten spaces are better, and Mr. Zahka said they will provide ten, but will show that only nine are required. Mr. Steeves said he would like to see ten spaces, thus requiring a peer review. Mr. Podolski did say that a mini-review could be carried out, but Mr. McCarthy said there was a conflict in the bylaw. Mr. Bethoney said they should err on the side of caution, but agreed with a mini-review with a limited scope. Mr. Steeves said he wanted a peer review, and Mr. Podolski said they would prefer ten spaces.

This *scoping session* ended at 7:40 p.m.

Applicant: Project Address: Property Owner: Case #: Zoning District: Representative(s):	Artis Senior Living, LLC 255 and 303 West Street, Dedham, MA 255 West Street: 255 West Street Realty Trust 303 West Street: David R. and Katharine S. Buckley SITE-06-13-1688 – SCOPING SESSION Single Residence A <ul style="list-style-type: none"> • Peter A. Zahka II, Esq., 12 School Street, Dedham, MA • Jay Hicks, Principal, Artis Senior Living, LLC, 1651 Old Meadow Road, Suite 100, McLean, VA 22102 • Scott Henderson, McKenzie Engineering, 150 Longwater Drive, Suite 101, Norwell, MA 02061
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Mr. Zahka said the Applicant is before the Board for its second *scoping session*. The last time they were here, there was a single lot (255 West Street) and the *scoping session* was for building on this lot. Since that time, the Applicant has put an agreement on 303 West Street, so the project will span the two properties. At the last visit, they discussed a one-story vs. two-story building. The Applicant advocated for a one-story building. Using the land area that they have gained, the one-story fits much better on the site. They had a second *scoping session* with the Conservation Commission, and Mr. Zahka felt that they were more impressed with a one-story building. On February 21, 2014, they filed an application with the Zoning Board of Appeals for a Special Permit and will be meeting with them on March 19, 2014. After that, they will go forward with site plan review.

The sites are a combined 7.7 acres with frontage on West Street. They are abutted by the Charles River in the rear. They are abutted by Dedham Medical Associates' undeveloped site to the east and a single family home to the west. The sites are densely wooded with grades sloping downhill to the Charles River, ranging from 2% to 50% across the site. There is a flat area in the middle where most of the development will occur. There are several resource ar-

eas at the rear of the site. They will be working with the Conservation Commission and filing a notice of intent.

The Applicant proposes a 72-unit dedicated assisted living memory care facility. The building will have about a 34,000 square foot footprint, and will have therapeutic gardens around it. There is proposed parking on the front and access on the side for the Fire Dept. The layout requires significant earthwork, particularly at the front and the rear where the building will be located. There would be a significant cut up front, fill in the back, and some large retaining walls. There is not much room for landscape buffers or circulation and parking. As a result, the use of a two-story footprint was considered on the 255 West Street site. This is about 30% smaller, but, based on the layouts, it still requires a significant amount of earthwork. It has the same constraints in terms of grading, the retaining walls, the lack of buffering to abutting properties, and difficulty managing stormwater on site, as well as accommodating all utilities that will be necessary. The owners of 303 West Street agreed to sell their parcel, and it is under agreement for development. The building footprint then change to 36,000 square feet with 72 units. There would be significantly more area on the east and west sides to provide buffers in between the neighbors, particularly the abutter to the west. Existing vegetation and supplemental landscaping will be included. Because they can use the single story footprint more harmoniously with the landscape, it is screened better from abutters. The building will be approximately 21 feet high; a two-story building would be approximately 34 feet in height. They will be able to eliminate retaining walls at the rear of the site, balance earthwork for construction more readily, and provide better circulation and parking. The requisite 41 parking spaces would be provided per the Zoning Bylaw. There would be a 50 foot dense landscape buffer as required, a combination of existing large specimen trees and additional landscaping. There will be screening along the front of the site. A traffic study will be done by Vanasse and Associates, and will include the intersection at Lyons Street down to the east to the interchange of Route 128. The proposed curb cut is directly across from an existing church. A landscape architect has been engaged to develop a plan that will address the concerns of the Zoning Bylaw and abutters.

Mr. Zahka said that the project as submitted will meet all Zoning Bylaw requirements for set-back, yard requirement, landscaping, and parking. They will be going to the Zoning Bylaw for a Special Permit for the use. A Special Permit will also be requested for a retaining wall that will be over 40 feet; the only people who would see it are on the site. No variances are being requested. He said that, from a zoning perspective, the property will in most cases exceed the requirements. The Zoning Bylaw requires 41 parking spaces, which they will provide. Conservation Commission wants fewer spaces so that there would be less impervious pavement.

Mr. Hicks said there may be people coming in to assist patients privately, although he does not anticipate a large number of people. The facility will be 100% Alzheimer's patients who do not drive; thus there would be less trip generation. Mr. Podolski said his concern is sufficient on-site staff and visitor parking. If the project is approved, there could be a condition that no more than X caregivers could be on site at any time. He said the concept is wonderful and that there is an urgent need for this type of facility.

Mr. Aldous noted that there is no access to the right side and thus no access for fire trucks. He said the fence is so close to the building that this could not be an access. Mr. Henderson said they have discussed this with the Fire Chief, who said that they only need to access the front and one side. They are still determining the best way to work on grading so they could

possibly introduce a gate in the corner for fire trucks to drive around back. There is 40 feet of room on the right. Mr. Hicks noted that they have built the same building in other places, and it has worked fine. He said that he will work with the Planning Board and the Fire Department, and the entire building will have sprinklers. Mr. Aldous' concern was vehicles having to go by porches; Mr. Henderson said they have 35 feet. Mr. Podolski wanted this put on the plan and layout, and have the Fire Chief review it again. Mr. Bethoney said he is quite satisfied with the preliminary proposal, and said Mr. Henderson did a nice job presenting.

Applicant:	Manor Fields
Project Address:	450 Sprague Street, Dedham, MA – <i>Scoping Session</i>
Property Owner:	Town of Dedham
Property Owner Address:	55 River Street, Dedham, MA
Zoning District:	LMB and GR
Representative(s):	<ul style="list-style-type: none"> • E. Patrick Maguire, LEED AP, Principal, Activitas, 16 School Street, Dedham, MA • Deborah Michener, Principal Landscape Architect, Activitas, 16 School Street, Dedham, MA • Brendon Ledley, Activitas, 16 School Street, Dedham, MA • James Maher, Town of Dedham Park and Recreation Commissioner

Mr. Maguire said that his company, Activitas, has been working for almost a year on the project. They have been to the Conservation Commission for a number of meetings, a number of general public meetings, and a very good neighborhood meeting earlier in the week. They have received comments, and have made adjustments. They present now for a *scoping session*.

Ms. Michener reviewed the existing site and orientation. She was quite difficult to understand as her voice did not project very well. There are two lots and the property is in two zoning districts, General Residence and Limited Manufacturing B. She explained the building setbacks of both parcels. There are vegetated wetlands. They have been to the Conservation Commission a few times, and have had their AMRAD approved; this is delineation of the wetlands. There is a 100 foot wetland buffer. There are easements for utility and drainage. There is an access easement with 480 Sprague Street, negotiated in the early 2000's that allows them to slide over their vehicular and pedestrian accesses. This has been granted and recorded. The existing sewer and drainage connects to the neighborhood. Mr. Podolski asked if these easements are filled with pipe, and Mr. Maguire said the sewer is; the water easement is a paper easement. They will be working with Jason Mammone, P.E., Town of Dedham Director of Engineering, to see if there is a better routing for the easement. There are two drain lines. There are two outlets on the site that contribute to the intermittent streams and drainage on site. Mr. Maguire said that most of the neighborhood above, including the school, drains through to them. There are significant rain events that affect this. The outlet is very small outlet from the downside. There are currently no plans to enlarge this, although the Gateway to the Manor improvement project will happen at the bottom of the hill. They will try to do some things to mitigate these issues, as they cannot be solved since it is too big an issue. They will try to hold as much water on site as they can.

Ms. Michener said there is a lot of grade change, which affects the site plan considerably. She presented a diagram that showed the percentages on the site. The design will mitigate the scouring from storms and big storm events. She also showed sun angles and prevailing winds. The Town has used the site for materials storage, but will clean this out. Activitas will try to re-use the old granite bridge abutments. There was a building on site, and they will remove the slab. They will also clear some vegetation on the roadway. With regard to traffic, she showed how Sprague Street will be defined to slow cars down. She showed the traffic speed study results, the stopping site distance, the intersection site distance, and AASHTO stopping site distance. Mr. Maguire said that a previous report wanted the entrance to be from Capen School, but this is too deep a slope.

Ms. Michener then showed the schematic plan options and the revised plan. The area will be like a park with the one-way roadway looping around. The access point will be from Sprague Street. The road will be 22 feet wide with a Cape Cod berm on both sides, decreasing to 16 feet. Most of the pavement will be bituminous and asphalt, but there will be pervious pavement at the loop. The loop will have gates to the park will be closed off. Parking counts will meet the Zoning Bylaw requirements; they propose 174 spaces and the required amount is 160. The traffic report supports the higher number.

There will be four pedestrian entrances. The plans showed the trails and boardwalks, as well as the pedestrian walkways. The dog park will be one acre, split into two areas with one for larger dogs. The main field will be multi-purpose for full-size soccer and full-size girls' lacrosse. The football field will be full size and boys' lacrosse size. It will also fit field hockey. The fields can be spun to make two smaller fields for youth soccer. The fields will be composed of synthetic turf with crushed stone subsurface. This gives a lot of water storage capability. They will proposed lighting on the fields of the most advanced technology. There will be no spillage. The lights will be remote controlled and 60% more energy efficient. There will be five tennis courts and two basketball courts. There will be two buildings; the larger will have concessions, a larger bathroom facility, and storage of maintenance equipment with a small utility room. The smaller restroom will be near the dog park. There will be a bocce court and playground. The dog part will be open year-round, but the fields will be closed in winter. Planting will be with native material, and there will be some meadow. There will be some irrigation. They plan to improve the soil, as the nutrients have been totally stripped away, and grow good park-like vegetation.

The plans will be submitted to the Conservation Commission next week, and they will return to the Planning Board after that. They plan to formally file in April 2014. Mr. Maguire was told that the project will need to be peer reviewed, and he is aware of this. The Board was very pleased with the plans.

Mr. Steeves noted that the minutes from the Manor Fields Committee, of which he is a member, have either not been done (a violation of State Open Meeting Law), or put on the Town website. He specifically told Mr. Maher that this must be done as soon as possible.

Applicant: Nicholas Cushman
Project Address: 60-70 Milton Street, Dedham, MA
Property Owner: Allen Praught
Property Owner Address: 80 Spring Street, West Roxbury, MA 02132
Case #: SITE-02-14-1797 -- *Scoping Session*
Zoning District: LMA
Representative(s): Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
Nicholas Cushman, 105 Garfield Road, Dedham, MA
Joseph Bognanno, Esq., representing Cadre Ideal, LLC, 295
Turnpike Street, Suite 2R, Canton, MA 02021

Mr. Zahka represented Mr. Cushman for this *scoping session*. Mr. Cushman would like to occupy the lower level of the building as a business office for his tree service. The top floor has been proposed to be used by an adult day care. There is a tremendous grade drop on the property, and the building is actually three stories. The upper floor is on Milton Street. There is a drive aisle to the left of the building to the back, which drops considerably. Mr. Cushman would occupy the lower level, and there is a second level as well. He is seeking a waiver to allow these two tenants to occupy the building without the need for a new parking plan. It is impossible to accommodate parking on the site because you need to cross someone else's property to get in and out of the parking spaces. The building previously had a retail store and a dance studio. Both attorneys are proceeding on the basis that their clients would be able to move into the building, and have spent considerable money. In talking to the Building Department, it was discovered that they need a new parking plan since it appears that there is no existing plan.

Mr. Zahka stated that his client will have employees, and the day care will have a maximum of five employees. The day care will have a van to take people home or to pick people up, but it will not remain at the site. There could potentially be two parking spaces perpendicular to the building and that is about it. Otherwise, the building does not accommodate any parking on the site itself. He said that historically, this is the way the building has operated. Mr. Zahka said there is no way to have a legal parking plan for the building. He said that his client and the day care are just looking for approval, and the Board could condition it.

Mr. Podolski asked Mr. Cushman how many trucks he had. Mr. Cushman said he would have no trucks there; they are parked at Westinghouse. This would simply be his office. Mr. Podolski said the Board could condition the approval to allow no equipment on the site. He asked how many people would be in the adult daycare at the height of the day. Mr. Bognanno, attorney for the day care, said it is somewhat difficult to determine. Mass. Health, the agency from who the day care is seeking a contract, requires 50 square feet per patient. Mass. Health requires Dedham to provide transportation services to the clientele. They are requesting a maximum operational capacity of 30. Hours of operation would be 8 a.m. to 4 p.m. for clients and 7:00 a.m. to 6 p.m. for the staff. No clients will be there after 4 p.m. None of the clientele will be driving to the sit. Mr. Podolski said this will be a condition as well. Employees of the day care will park on Milton Street. These employees are all social workers who are looking to start an adult day care center. Mr. Zahka said his client started an effort, and they have been working together somewhat. Both originally were going to hire engineers, and eventually combined their efforts.

Mr. Podolski asked who owned the land and the building. Mr. Cushman said the MDC owns the land, and Allan Praught is the owner of the building. Mr. Bethoney asked if the building

would remain vacant if they did not lease space. Mr. Bethoney said he would rather see the building occupied. Mr. O'Brien said the uses are conflicting, but as long as trucks are not present, it would be fine. Mr. Cushman said he has had his trucks on site to clean up poison ivy. Other people would be there at a different time, so there would be no conflict.

Mr. Bethoney said he would consider the proposal only for these applicants. If there was anyone else, the process would have to start over. An operational plan specific to the uses has to be presented so the Board would know what they are agreeing to. If it is different, they will be noncompliant. Mr. O'Brien said the uses are conflicting, and there may be safety issues. Mr. Zahka said he would write a decision with a condition that there would be no equipment on site. Mr. Podolski said the Board will entertain the proposal.

The Board took a five minute recess from 8:47 p.m. to 8:52 p.m. and resumed the meeting at 8:52 p.m.

Applicant:	Phoenix Properties Group, LLC, and Katherine S. Conkling
Project Address:	60 Emmett Avenue, Dedham, MA
Property Owner:	Katherine N. Conkling
Property Owner Address:	P.O. Box 728, Shoreham, NY 11786
Case #:	SITE-02-15-1800 -- <i>Scoping Session</i>
Zoning District:	Single Residence B
Representative(s):	Peter A. Zahka II, Esq., 12 School Street, Dedham, MA 02026

Mr. Zahka presented a plan for this scoping session. The property is a three-family residential structure. The Applicant is going to the Zoning Board of Appeals to make modifications to a pre-existing nonconforming use and structure, which will remain a three-family. The Applicant has been working with the neighbors. Once they are done with the ZBA, they will return to the Planning Board for a site plan review. Under the Zoning Bylaw, a parking lot for a three-family building requires a traffic report. He is before the Board to request that this be waived because the building is already a three-family.

Mr. O'Brien said that the building is only a three-family by accident, not by right. This property has been before the Zoning Board of Appeals to build a new three-family, and the Board has denied this. In addition, there is a lot of traffic going up and down the street. Mr. Zahka said that a traffic report is supposed to show an increase in traffic. The house is a three-family, and will remain a three-family. From a site plan perspective, it will be an improved three-family because it will have enough off-street parking. The building will now face Odyssey Lane. The back of the building will be raised; it will remain 3.1 feet from the lot line. The Applicant is rehabbing the inside of the house. Mr. O'Brien said that the new owner is getting the three-family through grandfathering, and asked how a new owner could be grandfathered. Mr. Zahka said that grandfathering has nothing to do with ownership. Mr. Podolski said it is a pre-existing nonconforming dwelling.

Mr. Podolski asked the Board if it wanted to waive the traffic study. Mr. O'Brien said no. Mr. Steeves said yes, and that whatever the Applicant does will be a plus. Mr. Aldous saw no need for a traffic study. Mr. Bethoney wanted to support Mr. O'Brien, but the existing dwelling

is already a three-family, and will always be, regardless of a traffic study. He therefore agreed with Messrs. Steeves and Aldous. This meeting ended at 9:00 p.m.

Applicant:	Al Endriunas, owner
Project Address:	148 Schoolmaster Lane, Dedham, MA
Property Owner:	Al Endriunas
Property Owner Address:	678 Depot Street, North Easton, MA 02356
Case #:	ANR-10-13-1746
Zoning District:	Single Residence A
Representative(s):	TJ Recupero, Esq. Al Endriunas Paul Brodmerkle, Engineer, Site Design Professionals, LLC, 1200 Providence Hwy. Ste 200A, Sharon, MA 02067

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 Giorgio Petruzzello, a resident of Schoolmaster Lane and a developer within the roadway. He left the hearing room at 9:02 p.m. and did not participate in any part of this meeting or consideration of the proposal.

The meeting began at 9:02 p.m. Mr. Endriunas is now the applicant and owner of the property. He is seeking ANR approval for four lots that he now owns on Schoolmaster Lane.

Mr. Podolski spoke with Acting Fire Chief William Spillane about the width of the road. This is similar to input the Board had from the Fire Department ten years ago when the ANR first came before the Board. The Chief has made multiple visits to the roadway, and has provided the Board with background on the size of the Fire Department's emergency equipment. He submitted a letter to the Board on January 30, 2014, with his opinion as to the width of Schoolmaster Lane based on its vehicles. The Applicant has met two-thirds of the criteria for an approval not required (frontage and area). The last issue is adequate access. The Board told the Applicant previously that the existing roadway is sufficiently accessible for the four houses proposed. The Fire Department's requirement is that the road be 20 feet of asphalt.

Mr. Podolski consulted with Planning Director Richard McCarthy after the last meeting, and asked how many potential house lots exist or could now be built on the roadway. Mr. McCarthy pointed out the areas on the map that are suitable for houses. There are at least 25 lots, and a potential for four more. This means the roadway, if maxed out, could have 29 single family residences. When the Petruzzello lots are completed, his agreement with the Board is that he is going to cul-de-sac Schoolmaster. He is actually required by his covenant to access his building and lots through Burgess Lane. The Board required him to close Schoolmaster down once he finishes his lots to ensure that Country Club Road to Route 123 did not become an open roadway for people to go from one roadway to another. Once that happens, there will be a potential of 29 houses. Mr. Podolski said the Board could not be unrealistic. There is not a house that will be on Schoolmaster that will not have at least two cars, probably more. This means about 58 cars coming and going on the street at any given time, plus emergency vehicles, sanitation vehicles at least once a week, delivery trucks, postal mail, and multiple vehicles going to almost 30 single family residences. Realistically, as much as

everyone would like to see Schoolmaster preserved as a meandering 11-15' way, it cannot remain that way.

On the flip side, the applicant has purchased four lots of land and, with the exception of adequate access, he is entitled to build on those lots. Mr. Podolski said that it is his understanding that the Applicant has agreed on a preliminary basis to enlarge the roadway to at least 16 feet of paved asphalt from Country Club to his lots. He is doing that at no cost to any resident on the street, even though each person, because it is a private way, could be required to pay for improvements in front of his/her house. Those residents are required by law to maintain and repair the street, but the Applicant will do it for them for nothing. This will include putting drainage per the Conservation Commission. When they finish with them, there will be a lot different drainage on the street. While everyone can appreciate, particularly the residents, that they would like to keep it a country lane, it is not going to be a country lane any longer. It is now a large residential street.

Mr. Steeves asked if everyone has seen the Fire Department's letter; they have. Mr. Recupero has had several discussions with the Fire Chief and he has looked for other options in the interest of public safety. The Chief is not altogether unsympathetic to the plight of all parties involved, but it is a balancing act. There is a component of the neighborhood that has been there quite some time and deserves respect in both the way the lots have been grown around with trees and landscape. There is also a public safety component for adequacy. They originally came in and were told 16 feet with two one-foot shoulders. Then they were asked to make the shoulders two feet, which they were happy to do. There is currently a 20 foot wide travel way, unpaved. At one of the first meetings, they made a point about paving. It is not an issue of cost; it is an issue of balancing respect for the interests of the old neighborhood vs. the growing population. The sticking point is the pinch point over the culvert, which requires more intensive construction with more intensive work with Conservation. Mr. Recupero said that it is difficult to imagine that when the road is widened to 16 feet, the road may just be adequate. For four lots, he would suggest that it certainly adequate. If there is a sliding scale he would like to meet it so all Boards will be happy.

Mr. Brodmerkle showed the layout of the roadway, which is broken into three sections. They started 138 feet down from Country Club Road. They built only about 60 feet, 20 feet wide, and then narrowed it to a 16 foot crossing of the wetlands area. Mr. Podolski asked how wide the bridge was that goes over the brook. Mr. Brodmerkle said it is 16 feet of pavement and has a 1 foot gravel shoulder on each side. It is roughly 115-120 feet. They anticipate difficulty getting Conservation Commission approval in that they went roughly 60 feet on each side of the culvert, as that is the area where the shoulder is most restrictive. It is where they anticipate the most difficulty in getting approval from the Conservation Commission. The rest of the roadway is 20 feet wide, which is essentially just a balancing act between the given layout and the preservation of trees. They have widened each side by one foot of stone. They anticipate that street run-off will infiltrate into the stone. They provided a three foot area two feet beneath the pavement, some beneath the pavement, and one foot outside the pavement to recharge the runoff. There is one foot on either side. There one pinch point at the crossing where it is 16 feet wide, plus two feet. At the last meeting, Mr. Brodmerkle showed an engineer's report that showed that the culvert could sufficiently hold heavy equipment crossing it. Mr. Podolski said this should be circulated to the neighborhood, but said this would be a condition. If the Applicant breaks it, he has to fix it. They have attempted to meander it around larger trees, for example, so they can remain. Mr. Brodmerkle said they will not be disturbing any walls, which are property lines.

Mr. Steeves said they have an area of road approximately 150 feet long that will be down to 16 feet. Mr. Brodmerkle said that when it transitions, it does not just jut inwards; there is about 120 feet that is 16 feet wide perpendicular to the roadway, and then it transitions up to 20 feet. Mr. Steeves asked why it cannot be 20 feet. Mr. Brodmerkle said that they are widening the road about four feet from what it is now. He expects a certain amount of pushback from the Conservation Commission for filling in the wetlands to do this much. Mr. Podolski asked how far the pinch point is from Country Club Road; Mr. Brodmerkle said it begins about 210 feet in. Mr. Podolski said it was highly unlikely that a car would try to jump across the culvert coming out of Schoolmaster Lane in the event an emergency vehicle was coming off Country Club Road. Instead, it would pull over and wait for the vehicle to go through.

Mr. Aldous said that the Board has a letter saying this scenario is safe. However, there is nothing from the Town's Engineering Department to confirm this. Mr. Brodmerkle said that Engineering will not give them a letter, and said that he believes they are not in the business of certifying. Mr. Aldous had a problem with that, saying that he could not vote until he received something from them saying yes or no on the culvert. Mr. Podolski said he had no reason to not believe Mr. Brodmerkle. The Board can hire its consultant, who would be paid by the Applicant, to review this and report back. This can be a condition of the ANR. Mr. Aldous said he would accept that. Mr. O'Brien asked how many trees will need to be removed. Mr. Brodmerkle said this is shown on the plan. He believes it will be about 34 trees, varying from six to twelve inches.

Mr. McCarthy showed the approximate limits of the improvements that have been made. These are up to where the improvements were made by Supreme Development. Mr. Podolski asked why the Applicant would not improve the road up to his lots. Mr. Endriunas said this has already been done and the base is in. Mr. Podolski said he does not have adequate access in front of his lots without putting it in. Mr. Endriunas said he is going up to where the new street is, where it is 16 feet wide with two foot shoulders. He believes he has 500 feet of frontage on his lots. Mr. Podolski asked how much 500 more feet would cost. Mr. Endriunas said he was not sure they can physically do that because phone poles are being put in, and these would encroach on that. Mr. Steeves said the Board is trying to make his four lots work by using a 20 foot roadway. If it is not 20 feet in front of his lots, there is no adequate access. Mr. Recupero said that the question to date has been adequate access TO the lots, which he said they have, and not adequate access IN FRONT of the lots. He said that, within reason, his client has always been willing to do what the Board wants, but he is not sure that is achievable.

Audience

Jordana Glasgow, 34 Schoolmaster Lane, said the issue should be in terms of property. Schoolmaster Lane is a private way, and homeowners' properties are being taken to increase the size of the lane. Mr. Podolski disagreed, saying this is to enhance public safety. Ms. Glasgow said that this is happening to allegedly enhance safety for neighbors who refuse it, as a result of private development. Mr. Podolski said that she was disagreeing with an expert, the Chief of the Fire Department. She said that many people feel passionate about this. She is being told to give up part of her driveway and part of her actual property. The neighborhood agreed to 16 feet, and now they are being asked to give up more. She said that this is taking by eminent domain. Mr. Podolski said it is not the Town taking it, as it is private property. She

said she considered it a taking because the Town is going to give that land to contribute to the street. She wanted to know what the Town's legal position is as to what authority there is for this. Mr. Podolski said he would consult with Town Counsel.

Lisa Mann, 8 Schoolmaster Lane, has wetlands in her backyard. She was in favor of a 16-foot roadway due to safety concerns and having two young children. She completely respected the Fire Chief's opinion, but there are other safety concerns that have to do with the wider road and the speed of vehicles. Mr. Podolski suggested that Mr. Endriunas be required to put in speed bumps, i.e., treadles. She said she would support that. If the pond, which is fed by the culvert, gets more water coming off the 20 feet of asphalt vs. the 12 feet of asphalt that the road is now, there could be a significant flooding problem in her backyard. Mr. Podolski said this is a valid point, but the Conservation Commission will require the Applicant to restrain the water so it cannot cause flooding downstream. It will need to either be recharged into the ground, or put into pipes and drained away. The Board does not allow roadways to cause flooding.

Kenneth Wildes, 120 Schoolmaster Road, was against a 20 foot road. The Town put in the culvert and there should be a record of whether it will hold weight. A 20 foot road would become a drag strip. A small road requires a driver to go slower. A lot of trees will also be taken down. He asked where the water will go when the land is developed. The sewer was originally supposed to go all the way to Country Club Road and the neighbors would be able to tie into it; they cannot tie in now. Mr. Podolski said there is no sewer on the street, and that everyone is on septic. Mr. Wildes said the Town needs to be strict about the rights of the neighbors. The Applicant wants to add four more houses to the nine houses that are being developed on a 16 foot road. Mr. Podolski conceded that he made a mistake and, if he had it to do over, the road would be 20 feet.

Mr. O'Brien suggested that each homeowner read the Fire Chief's letter, in which he said he needs 20 feet to feel safe and to approve the development, and fully understand the consequences of not having a 20 foot road. The neighborhood wants 16 feet, and they own the road. They would sign a waiver stating that the Town cannot be held liable for any issues that occur, i.e., fire engines could not pass or an accident occurs. One of the neighbors said that would not happen. Mr. O'Brien then asked what they wanted; the road is already 16 feet. The neighbors said it is nowhere near 16 feet and is closer to 10-12 feet. Mr. O'Brien said this condition is even worse than 16 feet.

Fred Parson, 65 Schoolmaster Lane, asked who is liable if the road is left the way it is. Mr. O'Brien said it is the homeowners since it is a private road. The Fire Department needs 20 feet to get its trucks down the road. The waiver would stipulate that the homeowners would not hold the Town or the Fire Department liable for any issues because the road was not 20 feet wide. The present conditions show the road is 12 feet

Robert Marcus, 85 Schoolmaster Lane, said they have liabilities right now, but signing a waiver means nothing. If the Fire Department could not get up the road, the neighbors would be held liable for personal property. The neighbors are not saying they do not want the road widened; they are saying that they want it widened to an adequate width, not too wide to promote speeding. He was on a board that evaluated camp structures and camp roadways. The mandate they were always given was that for safety of children, a road that was safe was as winding and as narrow as it could get. This is what they are seeking. According to reports, if a road is straighter and flatter, the faster people will drive no matter what the speed limit.

He said they want the road to be safe. With a 20 foot access point, pavement is an issue, particularly for the Manns because they will have more runoff. They are also concerned about losing everything in front and losing the privacy they have. Mr. O'Brien said he is trying to help, and is actually in favor of a narrower road. However, he is trying to reach a compromise. Mr. Marcus said they do not want the Fire Department to have difficulty getting down the road. He asked what material will be used for the shoulders. Mr. Endriunas said no one will drive on the shoulders unless they pull over. He said they will be aggregate material to support fire truck weight and to allow water to go through. Mr. Recupero asked his engineer about an 18 foot paved road and one foot shoulders on either side. This may allow six trees to remain. The road would still be 20 feet, but pavement will be 18 feet. Mr. Endriunas said it did not make any difference because it is the same labor. Mr. Marcus said that the road will dictate how much privacy they will lose. He is aware that they have to give something up, and they want a happy medium.

Peter A. Zahka II, 12 School Street, is the attorney for Supreme Development, who has the subdivision further down. He was accompanied by Giorgio Petruzzello, who is currently a homeowner on Schoolmaster Lane. He read the Fire Department's report, asked the Applicant's engineer to show where .14-90 is; he believes this is on the non-Country Club Road part where the Fire Department was recommending road widening. Mr. Brodmerkle did that.

Mr. Zahka said he was not here to discuss the road width, but said it was his impression that on a previous filing (Shute), the Conservation Commission had actually considered a 20 foot road over the culvert. However, this was ten years ago, and the Conservation Commission may have changed its mind. He was able to speak with Joe Flanagan, the DPW Director, and asked him if he knew the history with regard to the Town rebuilding the culvert. Mr. Flanagan said the Town was requested to rebuild the culvert due to an emergency situation. Mr. Zahka asked the question because his client assumed that he may be coming in from Country Club Road, and that his client would need to build the culvert to withstand heavy construction gear. Mr. Flanagan said the culvert was rebuilt to standard for the existing pipe. Construction vehicles were not taken into consideration. The number of house lots present at the time and the residential vehicles, as well as the type of servicing that those vehicles would have, i.e., the occasional UPS truck, the oil delivery truck, etc., were considered. Mr. Flanagan did not go on the record one way or the other of certifying that the culvert would withstand heavy construction vehicles. An assumption was made that, when the Town reconstructed it, it was constructed to a standard. When Mr. Zahka spoke with Mr. Flanagan today, he indicated that it was not necessarily designed to withstand heavy construction vehicles. Mr. Zahka said this is a safety concern for everyone downstream, as they would be trapped. As the Board is aware, when he first heard that the Town repaired the culvert on an emergency basis, he was shocked. The Town has currently been having a debate at the Selectmen's level about doing anything on a private way. Mr. Podolski said there is a bylaw that is ready to go on the Town Meeting Warrant this year.

There was also a coordination issue. Supreme Development has an ANR with conditions, one of which is that the road in front of their houses is 16 feet with two foot shoulders. The final binder coat will go on after construction is completed. He said an assumption is made that the road will be built prior to or at the same time as the other lots are developed. He asked that, when a decision is written, there be some kind of coordination for paving. In addition, under the Planning Board's and the Conservation Commission's decisions, his client put in a stormwater management system for the roadway needed to be installed for the roadway. There was a requirement for his client to form a homeowner's association. One of the asso-

ciation's responsibilities was to take over and maintain the stormwater system. Mr. Zahka would not like to see a condition that imposes additional requirements on his client. This is where coordination of the two decisions is necessary.

Mr. Marcus questioned the stability of the road, and would be happy to have an independent review of it. He said if there is a 20 foot opening coming through, it would then be consistent because Supreme's development is 20 feet. He said they are concerned about asphalt. The neighbors like the idea of two-foot berm on either side.

Mr. Podolski asked what material Supreme Development's shoulder is. Mr. Petruzzello said the two foot shoulders are part of the stormwater management plan, and cannot be constructed yet. It will be made of $\frac{3}{4}$ gravel. Mr. Podolski asked if it was his opinion that the shoulders would hold the weight if a fire truck rolled over them. Mr. Petruzzello said it would not hold the weight of the truck and the pipe would in fact be crushed. There is only $\frac{3}{4}$ inch gravel with a six-inch pipe going down about twelve inches. If someone walks on the gravel, he would sink. It would be packed to a certain point, but not too much because it sheds water instead of going through it.

Mr. Podolski said there is an agreement for a 20 foot road, but the question is how much asphalt. He has heard enough. The neighborhood has given enough input as the Board needs to be able to give the Applicant some kind of idea of what the Board will require him to build by way of a roadway. Mr. Steeves said the Board has tentatively agreed to have an engineer come in to look at the drainage problem where the road becomes smaller. He did not understand why the shoulders could not be engineered and built to carry water and weight with proper piping. He wants that investigated. He said that as long as the shoulders on each side can hold the weight of a fire truck, he is fine. Mr. Podolski agreed. He said he would go with a 16-foot as long as the two foot shoulders are sufficient to hold the weight of an emergency vehicle.

Mr. O'Brien agreed, but said the culvert will be a different matter. Mr. Podolski said this should be put aside for now because the Applicant would have to report back on that. Mr. O'Brien said that he remembered that the fixing the culvert was an emergency situation, and the construction was done as a stop-gap measure. He agreed that it is good to look at this. Mr. Aldous said a 16-foot road with two foot shoulders would be all right, but it must go in front of all of the Applicant's property. He is concerned that the shoulders may not be strong enough to hold heavy vehicles. Mr. Petruzzello explained how the stormwater system is constructed. A six inch hollow pipe goes up and down the road. If a fire truck drives on this all the way down, it is crushed the entire length. It will continue to happen after it is fixed if a truck comes down. Mr. Steeves said it can be built so it will not crush. Mr. Podolski said the homeowners' association is required to maintain and fix the system. The residents were not too happy with this. Mr. Podolski summarized that the residents want a 16 foot roadway with two foot shoulders on either side. A mini examination of the culvert will be done at the Applicant's expense. Ms. Mann asked if there is another step or place where a third party assesses the stormwater plan to make sure it is sufficient. Mr. Podolski explained that the Conservation Commission will notify the neighbors of their meetings.

Mr. Podolski asked Mr. Recupero to begin putting together a Certificate of Action with conditions to circulate to the Board. When the Board is satisfied, it will notify the neighbors. Anthony DiMascio, 123 Schoolmaster Lane, asked if the neighbors are going against the Fire Department. Mr. Podolski said in effect it was. Ms. Steeves said that if there was no asphalt,

a road with gravel could be built with pipes underneath, and the pipes would not break. A good engineer can do this. The price of this is a different issue. If Mr. Endriunas wants to develop his four lots, he will have to come up with a way to make sure a fire truck can get on the road and not crush the pipes. Mr. Podolski said the Board will get more information from the Fire Department. Whatever happens to the pipes, the neighbors will still live on a private lane and will be required to join the homeowners' association. Mr. Endriunas will be required to be part of the homeowners' association part of fixing anything that gets broken.

Mr. Steeves said that the Board had a problem in town with a road not being finished. The homeowners had to re-work the entire roadway with their own money. The developer had disappeared, and the bonding company had disappeared. He said that the Board will make sure this road is finished before the Applicant or any develop can disappear. Mr. Recuperero is aware of this.

The Applicant has submitted a signed request for a 30-day extension. This meeting ended at 10:20 p.m.

Old/New Business

Animal Rescue League of Boston, 238 Pine Street: Mr. McCarthy had a point of clarification on this application. The ARL will be putting on a 200 square foot addition to the main building, but only adding 14 spaces. The Zoning Bylaw requires applications with over 9 parking spaces to be reviewed. However, Mr. McCarthy said they have plenty of space, and the addition is for the shelter, not the house. Mr. Aldous thought the addition was a wonderful idea, and agreed that there is plenty of space. Mr. Podolski asked the Board if they were okay with a decision not to review, and they were. Mr. McCarthy will do the review and report back.

Zoning: Mr. McCarthy presented the final version for zoning as discussed with the Board. Mr. Podolski will review them.

Wireless Applications: Mr. Steeves said he would like to deny approval to any of the wireless companies that comes in and does not have the right size grounding wire. Mr. Aldous said he spoke with Kenneth Cimeno, Building Commissioner, this evening, and asked him to speak with the Electrical Inspector to come up with a way to do this. He said he would look into this.

Mr. Bethoney made a motion to adjourn, seconded by Mr. Steeves. The vote was unanimous at 4-0 (Mr. O'Brien had left the meeting to go to work). The meeting ended at 10:31 p.m.

Respectfully submitted,

Robert D. Aldous
Clerk, Town of Dedham Planning Board

/snw

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