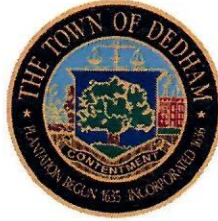


PLANNING BOARD

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



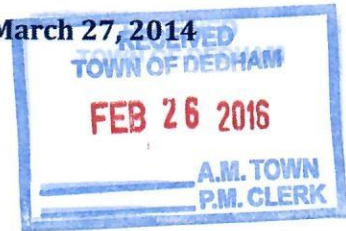
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**TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS**

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



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

Mr. Podolski called the meeting to order after breaking from the Public Hearing. Mr. Steeves was not present for this meeting. Brother's Roast Beef and Pizza was removed from the agenda because they are not ready. They will return on April 10, 2014.

Applicant: Greater Boston Musculoskeletal Center RE Co., LLC
Project Address: 40 Allied Drive, Dedham, MA
Property Owner: Greater Boston Musculoskeletal Center Real Estate Co., LLC
Property Owner Address: 55 Christys Drive, Brockton, MA 02301
Case #: MNRP-08-11-1406
Zoning District: RDO/177/3
Representative(s): Stephen McCarthy, Shields Health Care

Stephen McCarthy came in with a revision to the parking plan that would create three new access points through the existing island, allowing for a smoother and safer path to the front entrance. In doing this, they will lose four parking spaces going from 252 to the required 253. The goal is to not disturb the established plantings. The landscape island in front of the door remains. Mr. Bethoney made a motion to approve the modification with a waiver for on parking space, seconded by Mr. Aldous. The vote was unanimous at 4-0. This meeting ended at 8:36 p.m.

Applicant: Animal Rescue League
Project Address: 220 Pine Street, Dedham, MA
Property Owner: Animal Rescue League of Boston
Property Owner Address: 10 Chandler Street, Boston, MA
Case #: SITE-06-10-1233
Zoning District: Single Residence B
Representative(s): Bob Williams, Director of Facilities

The ARL would like to build a 200 square foot addition on the northwest rear corner of the shelter. It would have a roll-up door, and would be used for storage and deliveries. Mr. McCarthy said he reviewed the proposal, and it does not change the parking requirements. They will be returning in the future for additional parking, but that requires storm water management. Mr. Bethoney made a motion to approve the proposal as presented, seconded by Mr. Aldous. The vote was unanimous at 4-0. This meeting ended at 8:40 p.m.

Applicant:	Dennis Toth
Project Address:	148 Schoolmaster Lane
Property Owner:	Dennis J. Toth
Property Owner Address:	3207 Hibiscus Drive West, Belleair Beach, FL
Case #:	ANR-10-13-1746
Zoning District:	Single Residence A
Date/Time/Location	March 27, 2013, 8:40 p.m., Lower Conference Room
Representative(s):	Thomas J. Recupero, Esq., 1185 Turnpike Street, Stoughton, MA Al Endriunas, developer

Prior to the beginning of the meeting, Mr. Bethoney announced that he is recusing himself from this meeting. He explained that the agency at which he works has a professional relationship with Giorgio Petruzzello and Supreme Development, which is building homes on Schoolmaster Lane. He left the hearing room at 8:40 p.m. and did not participate in any part of this meeting or consideration of the proposal.

This meeting began at 8:40 p.m. There were three Planning Board members sitting on the meeting (Mssrs. Podolski, Aldous, and O'Brien) due to Mr. Bethoney's recusal and Mr. Steeves' absence.

The proposed Certificate of Action and covenant were made available to the Board, Applicant and his attorney, and interested members of the audience. Since the last meeting with the Applicant, a consensus had been reached with the Applicant, the Board, and the neighborhood about the width of the roadway and the shoulders on either side. The Board was going to discuss the engineering area around the culvert and conservation. Mr. Recupero submitted an initial proposed covenant and Certificate of Action. He received comments from the Board, and had no issue with anything except one minor issue.

Mr. Recupero noted that the Certificate of Action is the same form as that for Supreme Development for its Schoolmaster Lane project, and included in a draft Memorandum of Understanding from December 2013. Messrs. Aldous and O'Brien have just seen the COA, but the Planning Board's main concerns have been addressed with changes.

1. The Planning Board will normally allow a developer to not put the final coat on the roadway until the last lot is being developed. In this case, the Board wants to move this forward by a house or two, as the road may be damaged by the construction equipment. Doing it at the end is better. Mr. Recupero agreed to this.

2. Conservation Commission: They will be filing next week. The plans are 90% complete and delineate the wetlands. The Board always incorporates the Conservation Commission's order of conditions into its COA.
3. An engineer has not yet been retained to review the culvert; this is a condition in the COA. Mr. Recuperero said this is their issue in the decision. Mr. Endriunas is willing to do this, but ANR endorsement is conditioned on doing it first. This is registered land, and there is an approval process through Land Court. He would like to start this and needs the Board's endorsement of the plan. It is fine as a condition. Land Court is a long process. Their engineers need to review it, and cases are taken in order of submission. Even if the plan is signed immediately, it still takes a while until the rest of the terms are worked out. Mr. Recuperero said the plan is ready for signature so they can submit to Land Court. The Board said the rest of the details can be worked out while the submission is in Land Court. The plan shows 16 feet of pavement with two foot shoulders on either side. The size of the roadway will be put into the COA, and recorded when the plan is approved by Land Court. Mr. McCarthy said that the section of the culvert does have 16 feet of pavement and two one foot shoulders. The rest of the road has 16 feet of pavement and two foot shoulders. The improvements start just past the driveway at 8 Schoolmaster Lane. It is narrower than the section at Country Club Road, and then opens up again.

Audience Questions/Comments

David Tobin, Esq., attorney representing abutter James Halpin, discussed Chief Spillane's letter. It came to his attention that the Chief had written a letter saying that he recommends 20 foot wide road in order to have adequate access. He cited "LexisNexis," which outlined a case decided by the Appeals Court (*Edna Ball & others vs. Planning Board of Leverett*), a copy of which was given to the Board, in which the Appeals Court reversed the trial court and ruled the ANR endorsement should not have been put on the plan. He asked the Board to consider this and make it a condition of the COA that the road be 20 feet wide with pavement as set forth by the Fire Chief in his letter. The Appeals case was discussed as length. The Board will obtain the opinion of Town Counsel; Mr. Recuperero agreed to this, and said that the Planning Board is the one to determine adequate access, not the Fire Chief, and the Board has already approved it subject to the conditions that the Applicant improves Schoolmaster Lane on certain ways. Another meeting should be held on April 3, 2014, and that Town Counsel should provide an opinion by then. Mr. Tobin will submit something so that Town Counsel can look at it.

Anthony DiMascio, 123 Schoolmaster Lane asked if the neighbors would have to go through this again if/when future developers come in. The Board said it would determine compliance with ANR regulations if another plan comes in. Mr. DiMascio said it seems that there is broad consensus in the neighborhood, which is not true. His issue is not the size of the road, but the safety. There is question of whether the shoulders on either side will be pavement or gravel. A vote on February 5, 2014, at the Marcus home was 8-5. Of those voting in favor was Mr. Endriunas, who is not a resident. Two of the yes votes were from residents whose homes are on the market. Therefore, the vote is close to 50/50, and there is not a broad consensus. If the Planning Board wants to go against the Fire Chief's recommendations, he wants it known and put on record that he does not agree, will not file a waiver, and does not want to be held liable.

Robert Marcus, 85 Schoolmaster Lane, said Mr. Endriunas was not at a meeting and did not vote; in fact, a vote was never taken. He said it is a solid block of people, every person that this affects, who want the 16 foot road. The only people who were against it were those who were not affected because, as he understands it, Supreme Development cannot be made to widen their road. Mr. Podolski said that if the Board has to revisit this, it will. Mr. Marcus then discussed road safety. He said it does not make sense to have a 20 foot road on which people will travel faster, rather than have a road where a fire truck may or may not have trouble with access. He could not believe that a 16 foot road with two shoulders would cause a fire truck or any other emergency vehicle trouble getting down the road. There are ten families affected by this, and they want a 16 foot road. Mr. Podolski said that how the residents vote is important to the Board's decision, but it is ultimately the Board's decision. Mr. Aldous said that the two feet on each side are designed so that the heaviest truck can drive on it. Paving does not make a difference. Whatever the Board decides now will probably not mean anything ten years from now, but the Board will make a decision on what it feels is safe and practical.

Giorgio Petruzzello, 145 Schoolmaster Lane, owner of the rest of the property on the right side of the road, completely agreed with the Fire Department, noting that every board he has been in front of abides by what the Fire Chief says. The Fire Chief is the expert. He said he is going to return to the Planning Board to amend his plan to make the road 20 feet in front of his homes for public safety. This should be the #1 priority with any project in this town, and he does not believe the private road should be held liable for anyone getting hurt. With regard to construction, he has a lot of issues with Mr. Endriunas' plans, and discussed the trees that will be cut down. The Applicant has marked 28 trees to be cut down, but on closer look, trees that are in the two-foot trench will be cut down and die. He said that a 12-inch tree is not 12 inches under the ground; it is five to six feet. When digging, the tree dies. This will mean 32 more trees that will die, bringing the total of lost trees to 60. The culvert was discussed, and the Applicant does not show any details for retaining walls when filling in the road from the edge of pavement into the wetlands. Mr. Petruzzello wanted to know how he plans to hold up five feet of fill going into the wetlands (a Conservation Commission issue). He said that all the details should be on the plan. He discussed retaining wall issues and the lack of guard rails. The project is in the 100 foot buffer zone as well. He also asked why the road is not going all the way out to Country Club Road (another 80-100 feet) to make the road 100% new pavement since the neighborhood is responsible for what is on the road. He also asked how cars would get by with a 16 foot road once construction starts; this would be his problem as well. The Applicant will have to put together a comprehensive construction plan.

Mr. Recupero said that the Applicant has to mark all the trees 48 hours before taking them down, and disputes comments that more trees will come down. The retaining wall and the guardrail are on the Conservation Commission plans. He acknowledged that it will be difficult doing the work, and his equipment will have to get off the road when residents come by. He said his client does not care what the width of the road is, but residents do. The compromise was 16 feet, and they will do what the board says.

Mr. Marcus said Mr. Petruzzello came to the residents with a proposal for a 16 foot road so he could get his trucks down the road. They agreed because the end result would not be a 20 foot road. Mr. Marcus asked why Mr. Petruzzello did not make it a wider road on his