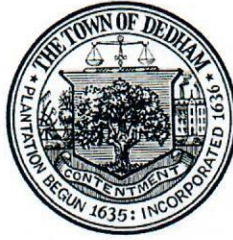


**Planning Board**

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

**Planning Director**

Richard J. McCarthy Jr.  
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**TOWN OF DEDHAM  
PLANNING BOARD**

**MEETING MINUTES**

**January 14, 2016, 7 p.m., Lower Conference Room**

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



Call to order 7:07 p.m. The Pledge of Allegiance was recited. Plans, documents, studies, etc., referred to are incorporated as part of the public records and are on file in the Planning and Zoning office.

**Applicant:** Italian American Club  
**Project Address:** 21 Allen Lane, Dedham, MA  
**Case #:** SITE-04-14-1831  
**Zoning District:** General Residence  
**Representative(s):** Walter Conte, Board of Directors  
Marco Gioioso, Board of Directors

The applicant was here to reconfirm the agreement on the parking lot. Mr. Conte proposed a two-phase project. In Phase 1, a 30' x 30' addition to the building would be constructed with a handicapped lift to access both levels and two handicapped bathrooms. The egress would be safer with an increase in stair width from 3'7" to 6'10." Phase 2 will be paving the parking lot; they would like a three-year time period for this after Phase 1 is completed. A site meeting was held in December 2015 with Mr. Ruscito, a member of the Commission on Disabilities, Mr. Bethoney, and Mr. McCarthy to review the proposal. The applicant has agreed to pave and mark the handicapped spaces and the walkway as part of Phase 1, allowing them to complete the addition for handicapped accessibility. Three years from the Certificate of Occupancy, they will have completed the parking lot paving. Mr. Podolski said the Board is giving the Italian American Club extraordinary relief because the Town appreciates the longevity of the club and what it does for the community, i.e., a place to hold functions, etc.

Rep. Paul McMurtry thanked the Board for its volunteerism and involvement in the community, but particularly for its action on this case. He was confident that the applicant will give

the community something of which it can be proud. The Certificate of Action will be modified and updated for signature. Mr. Bethoney moved to approve the handicapped lift project as proposed for 21 Allen Lane, seconded by Mr. Aldous, and voted unanimously 5-0.

### Public Hearing: Liana Estates

**Applicant:** Petruzziello Properties  
**Project Address:** Liana Estates  
**Zoning District:** Single Residence B  
**Representative(s):**

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- Giorgio Petruzziello, owner
- David Johnson, P.E., Norwood Engineering Co., Inc. 1410 Route One, Norwood, MA 02062

**Town Consultant:** Steven Findlen, McMahan Associates

**Prior to the beginning of the meeting, Mr. Bethoney, as he has done in the past since 2006, recused himself from this hearing or any proposal brought forth by Petruzziello Properties or any entity thereof due to a potential conflict, as Mr. Petruzziello has a professional relationship with the agency at which he works. He therefore does not consider any of his projects or proposals. Mr. Bethoney left the hearing room at 7:17 p.m. He did not participate in any part of this meeting or consideration of the proposal.**

Mr. Aldous moved to open the Public Hearing, seconded by Mr. Steeves, and voted unanimously 4-0. The Public Hearing notice was published in the *Dedham Times* on December 31, 2015, and January 8, 2016. Notice was sent to abutters; the number of notifications was greater than required under State law. Mr. Steeves moved to waive the reading of the public hearing notice, seconded by Mr. O'Brien, and voted unanimously 4-0. The application was submitted on October 27, 2015.

The applicant proposes a six-lot subdivision on a little over 2.5 acres of land off East Street. McMahan Associates, the peer reviewer, identified 11 issues; the last two were resolved this evening. Some items will be addressed as conditions in the Certificate of Action; some conditions concern acceptance of the road as a public way once the subdivision is complete. The Engineering Department does not want rain gardens or swales in the subdivision. The Fire Department has accepted the road as shown on the plans, and Engineering's request for more information on the plans has been satisfied. The Conservation Commission (Concom) has issued a stormwater management permit. The project was approved in October 2014 for a three-lot subdivision. During earthwork, it was discovered that a drain pipe parallel to East Street, which fed a pond on the site, had collapsed and was blocked. It had previously been thought that the pond was fed from an underground source. After discussion with the DPW and Concom, Mr. Petruzziello will repair the line running across the property; the pond will then disappear. The entire previously approved subdivision roadway, including stormwater management, was re-designed for a new drainage design.

Mr. Johnson gave an overview of the subdivision, utilities, stormwater management, and drainage design. Each lot complies with ZBL requirements. He proposed offset of the center line to accommodate the drainage design. He explained the stormwater system. The 24' wide roadway is a 50' layout with a 120' diameter cul-de-sac. Regulations require a 28' wide road,

so this will require a waiver of 4.' The sidewalk will be on the side of the houses, requiring a waiver. There will be vertical granite curbing with a 3.5' wide grass strip between the curbing and the sidewalk. There will be street trees on both sides. They propose a municipal water line and sewer, gas and utilities, which will be underground. There will be three street lights. A small grass strip, small retaining wall, and guard rail are proposed for the side by Southgate. There will be a 3.5' grass strip between the curb and the 5' sidewalk, and then 8' of grass. The sidewalk will be bituminous concrete or whatever Engineering requires; the Planning Board prefers concrete. Road alignment is the same as 2014. The cross section waiver will remain. There will be a full cul-de-sac. They request a waiver for a fire alarm system, but if the Fire Department requires this, it will be installed. There will be a reduction in impervious surface.

Blasting of the ledge will be performed; this is a heavily regulated federal, state, and local practice through the Fire Department, and can only be done by someone who has had the appropriate training and certification. A blasting analysis and plan must be done and approved by the Fire Department. A pre-blast inspection survey (visual inspection, pictures, or videos of walls, ceilings, foundations, pools, and sheds) must be done on any property within 250 feet, although an owner can refuse it. Seismographs must be put in certain locations to measure the ground and air waves. The blasting has to be recorded and made available to the department. Contractors must post bonds and be heavily insured. Mr. Petruzziello has done this in the past without incident.

Mr. Findlen, hired by the Planning Board to perform peer review at the expense of the Applicant, explained the 11 issues that he identified and that have been resolved. The driveway on Lot 1 has a setback of 95 feet; the bylaw requires 150 feet. This could not be corrected, so a waiver will be requested. The guard rail will be a wooden 8' x 8' pressure treated post with 4' x 10' horizontal. A retaining wall has been added. Landscaping has been proposed but require a stamped, signed plan. This is the only outstanding issue, and a waiver will be requested for the stamp. A fence prohibits sufficient sight line and is in the right of way of the road. The owner has agreed to move it back, restoring the sight distance. The applicant requests a waiver for roadway offset of 151.5' instead of the required 225' feet. Moving it to 225 feet makes sight distance worse, so Mr. Findlen was satisfied with the applicant's proposed roadway. The required radius is provided at the curb line. There will be a new tri-partite agreement with the bank. There will be no bond. The applicant will maintain the road until the Town takes it as a public way. All requirements have been fulfilled.

Rosemarie Shortt, 60 Winstead Avenue, Brendan Maloy, 38 Southgate, and Thomas Quinn were concerned about blasting, erosion, and whether removal of the ledge will be safe. Mr. Petruzziello said that not all the ledge will be blasted out, and there will be no blasting behind Ms. Shortt's house. There is erosion control around the whole site, and the ledge acts as a retaining wall. Mr. Zahka explained the criteria for blasting, and that the allowable amount of vibration and noise has been set very low by the State. Seismographs will be set to monitor this. Mr. Podolski said there is nothing in the Subdivision Rules and Regulations that requires geologic surveys as part of subdivision of land, and the Planning Board is not in control of the blasting; the State Fire Marshall and the Fire Department Chief, who will monitor the blasting. The blasting engineer/architect will determine if there is a problem. He will report to the applicant, who will inform the neighbors. The applicant will contact abutters about this.

Mr. Maloy was unhappy with how the plan will change the topography of the land. This is a common concern of neighborhoods who have been in sheltered areas and now have to face progress. He requested landscaping, a fence, or something to keep the area private because of the loss of the wooded area. Mr. Petruzziello said that, instead of 30' of screening, there will now be 25.' He reassured the neighbors that nothing will be damaged. Mr. Maloy's house is 125' away from the blasting, which is farther away than most of the homes.

Thomas Quinn, 52 Southgate, *was very difficult to hear*. He questioned the blasting regulations; Mr. Zahka explained that they are going by the Code of Massachusetts Regulations 527 CMR 1. Mr. Petruzziello committed to going to 250' off property lines for pre-blast inspections and coverage. Anyone within 250 feet will be sent a certified letter. Mr. Quinn said that moving the neighbor's fence will not help sight lines. Mr. Findlen said that it is a safety issue, and follows standard AASHTO regulations. The town will plow the road once it becomes a public way; Mr. Petruzziello will maintain the road before then. The snow will remain in the cul-de-sac. Mr. Quinn also asked if parking would be allowed on the street and why the street is only 24', not 28.' Mr. Petruzziello said that it was to shrink the area of impervious surface per Concom's request. Mr. Maloy wanted the town engineer meet with the neighbors. Mr. Podolski said he will pass this on to the Director of Infrastructure Engineering. Mr. Petruzziello said the surveyor will be happy to answer their questions when he comes out.

Joe Federico, 1039 East Street, had a problem on his property relating to the subdivision. The now-defunct pond goes across East Street, along the back side of his property into Wigwam Pond, and across Rustcraft Road. The T blocked a culvert that goes across the tracks, and since then, the water has come up 2.' It no longer flows out Rustcraft Road, but goes out toward the Endicott culvert. He notified the T and Concom, but the culvert cannot be found. He wants someone to motivate the T or the town to open up the culvert. Mr. Petruzziello will meet with him. Fred Civian, 24 Spruce Street, member of the Concom, said the commission does not have enough power or regulatory authority to force the T to do something. He would like the Concom and the Planning Board to write a letter to the Selectmen asking them to address the issue and open up the culvert to allow the water to flow and not back up onto his property.

Mr. Steeves moved to close the Public Hearing, seconded by Mr. Aldous, and voted unanimously 4-0. Mr. Steeves moved to approve the subdivision plan based on the 1/11/16 plans, seconded by Mr. Aldous, and voted unanimously 4-0.

The requested eight waivers are called out on the face of page 1 of the 1/11/16, plans:

1. Offset of the roadway center line of 151 feet rather than the required 225 feet.
2. 24 feet of pavement rather than the required 28 feet.
3. Sidewalk on one side only.
4. Modified roadway cross section.
5. Right of way corner rounding radius on one side.
6. Lot 1 driveway to be 95 feet from the center line of East Street.
7. Fire call boxes.
8. Stamped landscape plan.

Mr. Steeves moved to approve the waivers, seconded by Mr. Aldous, voted unanimously 4-0. Mr. Zahka will draft a Certificate of Action for consideration on 1/28/16.

The Board took a five-minute break, after which Mr. Bethoney rejoined the Board

**Presentation by Town Manager James Kern  
Site Plan Review, 450 Washington Street, Town Hall and Senior Center**

Mr. Kern showed the conceptual plan for the municipal campus. Originally, there were two public safety buildings for Fire and Police. After multiple conversations, it was determined that the best way to proceed is to combine the fire and police stations into one building. How the building is situated on the campus is critical.

The timing of the decisions and planning the project do not line up as well as they would like. The town had just decided to buy the Ames Schoolhouse and proceed with that project. Mr. Kern and the architect who was hired had discussed commissioning his firm to do a site plan for the entire campus, not just the Ames Schoolhouse. The firm would have to "program" the building for a number of things, i.e., use, number of people, etc. A number of public meetings would be required in which Mr. Kern would publicly say that the town has hired someone to do a combined public safety building. The town has not decided to do that yet, and needs to be given time to make the decision. Another option would be to do only the Ames, then wait to do the renovation on the Town Hall; he did not think this was the right way to go. The determination was made to program and design a site for one-third of the site (just including the Ames building) with the idea that there would be an interim period in which the rest of the site could be used for overflow parking, access, and egress; this is Phase 1 of the campus. A commitment would be made to return to any board with jurisdiction to have the rest of the campus programmed and designed. Mr. Kern explained the drawbacks and the need for discussion about secure access for the police, parking, and fixing the intersection. The firm doing the Ames building does not do public safety buildings, but they could design it, and another firm could be chosen; this is not ideal. An alternative is to hire a firm to do both, but this is not ideal either. A determination/approval/opinion could be made by the Board with identification of outstanding issues (lack of parking, lack of green space, traffic) that will inform the second design to make this part of town work better.

Mr. O'Brien asked if money would be saved. He said it is always better to knock down a building and build a new one than refurbish the old one. Mr. Kern said that neither of the existing buildings is rated for the seismic load, which is crucial, and parking is an issue. If all goes well, his estimate of the cost for the combined building would be very close to that for renovation. With the combined building, the police will have the building in the same amount of time as previously planned, and the fire moves up by seven years. The money is the same, but it is faster. He will make a presentation on 1/23/16 mapping out the capital budgeting process.

Mr. O'Brien asked if the process could be stopped in order to go in a different direction. Mr. Kern said the Board of Selectmen presentation went well, and there has been no negative reaction yet. It will probably not go before Town Meeting in May, but there may be an item to begin the process, i.e., design. Town Meeting had voted to purchase and renovate the Ames Schoolhouse; the rest was generally conceptual. Some progress needs to be shown on the first building before going to the next step. Mr. Podolski was happy with the concept of a combined building, as it would free up the site for a better traffic and parking. There will be topography issues. The style of the police/fire building was discussed at length. The newer combined buildings are much safer and are built much better.

Mr. Steeves said the Senior Center should have its own building on its own site. Fire, Police, and Town Hall should be in their own buildings, and there are sites in town that can be used. He said the Ames Schoolhouse should be knocked down and something built properly. Seniors do not deserve a cellar in an old building. Mr. Kern said the only thing that cannot be changed is the decision to buy the Ames building and to renovate it. If the two uses were not put in, he would agree that it should be knocked down. The town has not committed to the rest of the campus concept. Mr. Steeves said money will run out before it is half-way done.

Mr. Bethoney did not support retrofitting or dumping millions of dollars into antiquated, inefficient buildings, i.e., Town Hall and the Fire Station. He asked Mr. Kern if he is here to come to an agreement on a site plan for the Ames Schoolhouse, and then move Town Hall over when it is done. The lack of parking will be supplemented by the vacant town hall building while they try to re-do the campus concept. Mr. Kern said yes. At a subsequent meeting, he will ultimately be looking for site plan approval on the Ames building. Mr. Kern said the Board would be looking at a town hall/senior center in the Ames Schoolhouse with the rest of the site being used as ancillary parking (*unintelligible*). They would be able to borrow parking in the interim before the next design is completed. Mr. Bethoney thought he was warning the Board up for significant deficiencies in the site plan as it relates to the bylaw, i.e., parking, circulation, landscaping, etc. His representation is a combined police/fire station in the center of the lot, hopefully alleviating a lot of the deficiencies to a moderate degree. Mr. Kern said it would hopefully close the gap between the present and the future of the site.

Selectman Michael Butler said the Town has considered and rejected four different sites for stand-alone senior centers; this is the only time the senior center has been approved by Town Meeting. Mr. Civian asked what part of the site plan for the Ames would not be changed. He also wanted to know what parts of the site plan will be permanent decisions by the Planning Board, and what parts will be decisions for later. Mr. Kern said the basic landscape and pavement elements of the first third of the site would not be altered in the second phase. Stormwater management was considered with an eye toward the future. The main concern is fire trucks backing in, blocking the intersection; he is unsure if this can be changed. He did not see a great deal changing in the second phase. The main entrance to the senior center will be in the back of the building, and the senior center located on the ground level. The Building, Planning, and Construction Committee insisted that the front of the building be used as a real entrance. Initial discussion with architects used this only as an exit or as a ceremonial entrance; however, the front door was not ADA compliant. Adjustments will be made to grade, and a waiver requested for a small lift in the front foyer leading to an elevator. The front will be the customer service area, and the front parking lot will be just for short-term visitors. Marie Louise Kehoe, who serves on the Council on Aging and the Senior Site Committee, was satisfied with the location for the Senior Center.

Jessica Porter asked if there is a way to set up more green space in front of the building, assuming that the combined buildings will help with parking. Mr. Kern said that parking is the main issue, as the site is 100 spaces short and every space is important. They hope that the second phase will combine parking with a plaza presence in front, but this will be challenging. Ms. Porter asked if there have been design meetings; she said it would be nice to have more input. Mr. Civian asked if the lack of parking was compared to what is required by the ZBL, and if a study has been done on how much is actually needed; Mr. Kern said yes to both.

Mr. Bethoney asked if four uses were considered when the Ames building was purchased; Mr. Kern said yes. Mr. Bethoney asked if the site is sufficient for four uses, and Mr. Kern thought there is a chance it is, and he believes that they can have sufficient parking. A parking deck has been discussed, although they will probably not meeting the zoning requirements. Mr. O'Brien said parking decks do not stand up to weather conditions. Mr. Bethoney said it will not happen by revitalizing the two buildings, and that underground parking is necessary.

**Project Address:** 750 Providence Highway, Dedham, MA  
**Case #:** SITE-09-14-1882  
**Zoning District:** Highway Business  
**Representative(s):**

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- David Spiegel, owner
- Sally Michael, Esq., Saul Ewing, LLP, 131 Dartmouth Street, Suite 501, Boston, MA 02116, representing Pearl Realty

**Town Consultant:** Steven Findlen, Project Manager, McMahon Associates

They are trying to mesh the Planning Board concerns with Concom's. A concept plan has been submitted that keeps the access road going from the Bed Bath & Beyond site to the proposed site. However, considerable work needs to be done with Concom, which had reviewed the Concom Commission with the new proposal, and Mr. McCarthy was asked to have a dialogue with the chairman to explain that the plan in concept has been endorsed by the Planning Board. Mr. Zahka believes that their reaction was that there are significant hurdles to be taken, but not necessarily barriers. Mr. Zahka is asking the Board to vote to endorse the concept plan before they go to Concom. Once the commission approves it, they will return to the Planning Board with fully engineered plans for review. Waivers will be known at that time.

There have been discussions with Pearl Realty about realigning the common access way where the TGI Friday's traffic leaves and goes onto their property to use the jug handle. They have expressed their desire that this traffic turn left at Route One. Mr. Spiegel has continued to be willing to incorporate whatever design changes may be needed, and has offered to erect a "No Left Turn" sign at the exit from TGI Friday's. Review of this will be lengthy and it will take several months to work out the details.

The design issue has not been resolved. Mr. Spiegel has accepted the abutter's design. Mr. Zahka said the Board's endorsement will not have a Certificate of Action, and no construction will be done. The purpose is to have the Planning Board and Concom work together to make the project better. Fred Civian, member of Concom, said the commission did not see any barriers to the plan making it through them. The Planning Board has said that they are fine with however they handle the issue, but prefers that the access road not be removed because it is seen as an integral part of the roadway system. Mr. Civian said that the net environmental measures will be improved with or without the road.

Sally Michael, Esq., attorney for Pearl Realty, said there is no driveway plan at this time, as they have withdrawn the concept plan in order to refine it. She said that a vote on the concept plan without Engineering or Conservation Commission approval is premature. Mr. Podolski said the applicant is not asked the Board to do anything other than support the concept of putting the roadway back in.

Ms. Michael said they were given a revised plan on 12/10/15 in which the road was put back in, but there was no traffic study to support the impact of keeping the road in. Mr. Podolski said the road exists now, and nothing will be changed other than adding the new building. Ms. Michael said that their information shows the road being closed. Mr. Findlen said that all traffic studies to date have shown the road closed. It needs to be re-studied if it is kept open. He said the intersection, which he has already said would work, would be improved with the ability to use the existing roadway and go out onto Providence Highway another way. He will re-study this, but the resultant levels of service will be the same or better. Mr. Podolski said the Board would never approve a plan without a traffic study. Ms. Michael said the traffic coming off Route One from the additional stores will produce more traffic flowing across the Pearl property. This is both unauthorized and has become a problem.

Mr. Bethoney said all they are interested in is what impact the proposed building would have on the site and its surroundings, and what would happen with or without a road. Traffic coming from anywhere other than Mr. Spiegel's proposed building is an existing condition. If that condition impacts the Pearl site, they need to find a solution and propose it to the Board. However, this should not be in concert with Mr. Spiegel's proposal unless the direct impact from his building is so negative that the Board requires mitigation from him. Mr. Spiegel has agreed to redesign the access point at TGI Friday's where it meets the Pearl property. Anything more on the Pearl property that needs mitigation must be proposed by Pearl, and not in concert with Mr. Spiegel's proposal.

Ms. Michael said that a letter sent yesterday showed an impact from this development on the traffic situation. Based on the first traffic study with the road closed, the existing conditions vs. the build conditions increases traffic coming off the proposed site into the Pearl property by 50%. Mr. Podolski said they are talking about totally changing that and putting the roadway back in, which will not increase the traffic. Ms. Michael disagreed, saying that keeping the access road would bring more traffic coming from Dunkin Donuts through the TGI Friday's site, and then cutting back through the Pearl parcel. Mr. Zahka said that Mr. Spiegel will take all the traffic from his site and have it go left onto Providence Highway. He explained the evening peak hour, the number of vehicles coming off the jug handle, how many turn into the TGI Friday's site, how many cut through Best Buy to Eastern Avenue, and how many turn left. He then explained the projected numbers for the new building during that same peak hour (37 trips, broken down to 17-18 in and 17-18 out). About the same amount of traffic was eliminated by closing the road; 17-18 could conceivably go out. Mr. Findlen then reviewed the traffic with all traffic going to the right or all traffic going to the left. Some of the traffic report assumptions disappear, i.e., 100% of the traffic on the new site had to go out to the Pearl property. Instead, people may decide to leave from the Bed Bath & Beyond site. It is a negligible number in comparison to the overall use of the jug handle. Again, Mr. Spiegel is more than willing to have traffic go to the left to Route One so that there is no traffic across the Pearl site. Mr. Zahka said they are simply requesting an endorsement of a concept so the applicant can go to Concom to have the project studied with the access road back in. He assumed that the parties would come up with a design in two or three months that takes the traffic off Mr. Spiegel's site. Mr. Spiegel said he was willing to put up a "No Right Turn" sign today to begin the process of directing the traffic off the Pearl site.



Mr. Bethoney moved to endorse the concept plan as presented subject to Town Counsel's satisfactory review of the motion and the endorsement. Mr. Steeves seconded the motion. The vote was unanimous at 5-0.

Mr. O'Brien left the meeting at 10:21 p.m. to go to work.

### **Old/New Business**

Update on Transit Oriented Development: Mr. McCarthy put together a technical memorandum for the Board to help them decide on supporting the TOD. A draft can then be written.

Appointment to Wetlands Protection By-Law Working Group: Mr. Aldous volunteered to serve. The vote of the Board was unanimous at 4-0. He explained that the group wants to make it easier for people with wetlands on their property to change things.

Discussion of Planning Studies Request to the Capital Expenditures Committee: Mr. McCarthy said money is needed for the following:

- Master Plan update (FY 2019). Mr. Bethoney suggested that Judy Barrett be contacted once the money is received.
- Open Space and Recreation Committee Plan update (expires in 2017).
- Dedham Square review to seek a direction to improve marketing with marketing analysis. This needs to be supported with some economics.
- Dedham Square design guidelines and re-examination of Central Business zoning.
- Examination of Providence Highway from Eastern Avenue to Route 128. There have been a lot of developments, new buildings, and different traffic studies, and the town needs to look at the impact of traffic and find ways to help release the congestion.

Mr. Aldous asked if anyone had seen the Sustainability Committee's report. He was not sure what they wanted, and did not think they knew what the Zoning Bylaws are.

Mr. Bethoney moved to adjourn, seconded by Mr. Steeves, and voted unanimously 4-0. The meeting ended at 10:30 p.m.

Respectfully submitted,



Robert D. Aldous, Clerk