

**Dedham Town Hall**

**26 Bryant Street**

**Dedham, MA 02026-4458**

**Phone 781-751-9242**

**Fax 781-751-9225**

**Administrative Assistant**

**Susan Webster**

[**swebster@dedham-ma.gov**](mailto:swebster@dedham-ma.gov)

**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.**

[**rmccarthy@dedham-ma.gov**](mailto:rmccarthy@dedham-ma.gov)

**TOWN OF DEDHAM**

**PLANNING BOARD**

**MEETING MINUTES**

**January 26, 2017, 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 7:00 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:** | **David Raftery** |
| **Project Address:** | **333 East Street, Dedham, MA** |
| **Case #:** | **SITE-05-13-1675** |
| **Zoning District:** | Central Business |
| **Representative(s):** | Peter A. Zahka II, Esq., 12 School Street, Dedham, MA |

**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 had a professional relationship with Mr. Raftery in the past. He left the hearing room at 7:03 p.m. and did not participate in any part of this meeting or consideration of the proposal.**

The Applicant presents for a minor modification of the chain link fence that is on his property and separates his property from that of Paul Marino of Paul’s Hair Salon. On the approved site plan, the chain link fence is coming down, and a new fence was going up along the property line at the request of the Marinos. The Applicant is willing to agree with their request. It has apparently been this way for quite a long time, and they have asked that the chain link fence remain and the new fence be built abutting the chain link but on the Applicant’s side. The Applicant will then give the Marinos a license agreement to use the area on his property. The change is basically the location of the new fence. The purpose of the meeting is to seek the Board’s determination of insubstantial modification not requiring peer review or notice to abutters. No one on the Board or in the audience had any questions. Mr. Steeves moved to deem that the request to modify the site plan is an insignificant modification and does not warrant peer review or notice to abutters. Mr. Aldous seconded the motion. The vote was unanimous at 4-0.[[1]](#footnote-1)

|  |  |
| --- | --- |
| **Applicant:** | **Donovan Electric** |
| **Project Address:** | **127 Milton Street, Dedham, MA** |
| **Case #:** | **SITE-09-16-2151** |
| **Zoning District:** | General Business/General Residence |
| **Representative(s):** | Edward Donovan, owner |

There was an error on the first plans submitted, which showed four parking spaces; Mr. Donovan now has six. The difference is in the number of spaces and their arrangement. Because he would like to go back ten feet into the General Residence zoning district, he needs to go to the Zoning Board of Appeals. The last plan showed garage parking, which cannot be counted per the Zoning Bylaw. Angled parking as shown on the last plan is now straight against the wall. Eleven parking spaces are required, and he is seeking a waiver for six; these are noted on the plan. The spaces will be striped. Turning radii is sufficient. The outside storage will now be in the garage, as will the bucket truck. Any approval would be subject to Zoning Board of Appeals approval of encroachment into the General Residence zoning district by ten feet. Mr. Bethoney noted that two parking spaces are labeled #4 on the plan; this needs to be fixed. He questioned whether the grading on the unpaved area is too steep, but this will be determined by a surveyor.

Waivers Requested:

1. Waiver from the requirement for lighting with the exception of a garage light
2. Waiver from the requirement of a pavement sign and directional sign
3. Waiver from the requirement for a landscape buffer along the side yard
4. Waiver for 3.5 inches of bituminous concrete
5. Waiver for 6 parking spaces from the required eleven.
6. Waiver for grading to unpaved areas

No one in the audience spoke in favor or against the proposal. Mr. Bethoney moved to approve the plan as presented on the revised plan dated January 17, 2017, subject to the plan being approved by the ZBA for the use and encroachment of 10 feet into the General Residence zoning district. Mr. Aldous seconded the motion. The vote was unanimous at 5-0.

Mr. Bethoney moved to approve the waivers as called out on his plan for landscape buffer, parking space from eleven to six, 3.5 inches of bituminous concrete, grading to unpaved areas, pavement sign and directional markers, and lighting with the exception of the garage light. Mr. Aldous seconded the motion. The vote was unanimous at 5-0. The plan will be cleaned up to correct the labeling of parking spaces and removal of a duplicate waiver request for pavement and directional signage.

|  |  |
| --- | --- |
| **Applicant:** | **Robert Reissfelder, B & A Contracting, Inc.** |
| **Project Address:** | **277 Milton Street, Dedham, MA** |
| **Case #:** | **SITE-12-16-2177 – *SCOPING SESSION*** |
| **Zoning District:** | LMA with small area in GR |
| **Representative(s):** | Robert Reissfelder |

Mr. Reissfelder owns the above property, which contains a single family dwelling used by his children, and barn that will be replaced by a garage in back that is to be used for a light construction business. The property is split between the LMA and the General Residence zoning districts. The plan shows a new, two-story building measuring 30’ x 40’ behind the existing single family dwelling. The first floor will be used for storage and the second story will be an office. He will be moving the driveway to the right side of the house. All the commercial use will be in the LMA commercial side. He will be adding additional pavement to the right side of the garage past the hammerhead for three parking spaces instead of the required six; this will require a waiver. He does not plan to stripe the parking spaces; this will also require a waiver. There will be no deliveries. Mr. Aldous noted that the side of the building is right on the line between manufacturing and General Residence. A waiver will be required for this. The neighbors on the left side are aware of this proposal. The right side abutters are Churchill Oil and Junction Tire. When the application is formally submitted, the abutters will be notified. The existing driveway on the left side goes all the way around the back of the house, and will be removed and made into a yard. The entire property will be fenced. Mr. O’Brien asked if there was a fence in back where there are old railroad tracks. Mr. Reissfelder said there is not. Mr. Podolski asked about landscaping. There are trees around the property. He will require a curb cut for the relocated driveway.

Mr. Reissfelder said he is seeking waivers for the width of the driveway (17 feet instead of 30 feet), and the driveway buffer (0 feet instead of 5 feet). He also needs a waiver for not striping the parking spaces and building in two zoning districts. He said he does not need zoning relief. Mr. Podolski said the waiver requests should be noted on the plans so the Board vote on approving the plan and the waivers when he officially files. Mr. Steeves wants to see the parking plan. Mr. Podolski advised Mr. Reissfelder to speak with the Building Department again. Mr. McCarthy will speak with him as well.

|  |  |
| --- | --- |
| **Applicant:** | **Ursuline Academy** |
| **Project Address:** | **85 Lowder Street, Dedham, MA** |
| **Case #:** | **SITE-06-15-1981** |
| **Zoning District:** | Single Residence A |
| **Representative(s):** | Peter A. Zahka II, Esq., 12 School Street, Dedham, MA |

The Applicant returned for a vote on a project deemed to be insubstantial with no requirement for abutter notification or peer review. For details, please see the minutes from January 12, 2017. Mr. Steeves moved to approve the plans as presented, seconded by Mr. Aldous. The vote was unanimous at 5-0.

|  |  |
| --- | --- |
| **Applicant:** | **National Development** |
| **Project Address:** | **100 Meadow Road, Lot 4, Dedham, MA** |
| **Case #:** | **SITE-02-17-2196 – *SCOPING SESSION*** |
| **Zoning District:** | LMB |
| **Representative(s):** | * Garrett Horsfall, Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 * Chuck Landry, National Development |

There have been improvements to The Ride parking area. There had been two vacant tenants, Tenant 5 and Tenant 4. National Development has found a tenant for Tenant 4. It is not a warehouse user, but a Cross Fit Gym. They have a maximum of 25 occupants and therefore need 13 parking spaces. Per the ZBL, the warehouse use would require 9 spaces. To achieve the required parking, they striped out an area that had not previously been striped. They have also provided 8 spaces, which are shown as Future Tenants 3/4 parking spaces. They are trying to modify the future parking lines, and are seeking approval for this to be the substitute plan of record without formally having to go through full site plan review.

Mr. Bethoney said that basically what the Applicant is trying to do is to sidestep modification of an existing lot triggering full site plan review. In doing so, they pointed out that they have extra area and will stripe it. Nothing else is changing. Mr. Landry said that the only other outside modification is to put in an egress stair on the back side of the space. Mr. Horsfall said this was shown on the previous plan. They will not lose a parking space by adding this. They had originally thought they would be leasing to a traditional warehouse user and it would have been for loading, so they never built it. Because of the change in use, they are bringing a few more spaces closer to the premises. Mr. Bethoney said that, if they have the ability to conform, they should always conform to the max use and then scale back if necessary. They had the ability to conform to a higher use. Mr. Horsfall said they did not anticipate a gym at the time. The new tenant is going into Tenant 4. Tenant 3 is Gentle Giant, and there is a small office space as well. They are simply adding the striping.

Mr. O’Brien felt that this sets a bad precedent. The Board can look at old plans with full site review. Mr. Podolski asked what the Board would be doing by going back to the plan. He asked if there is something out of whack down there. Mr. O’Brien said he did not know, but he would prefer to have some time to look at this. Mr. Podolski said that this is only a scoping session. Mr. Horsfall said they plan to return. Mr. McCarthy said that this meeting is to determine whether abutters need to be notified, if peer review is necessary, and if they can proceed with interior fit-up of Tenant 4. Mr. Bethoney asked Mr. Landry if he would consider it unnecessary for the Board to allay Mr. O’Brien’s fears by having same peer reviewer who reviewed it the first time just review the addition of those spaces and if in fact, in his opinion, this would negatively impact the functionality and efficiency of the site. Mr. Landry said he was fine with that. Mr. Horsfall asked if the Board would be okay with the Building Inspector signing off on a building permit. The Board was fine with that. Mr. Horsfall asked for a letter from McMahon to the Building Inspector stating that it is not detrimental to the property. Mr. Bethoney cautioned Mr. Landry that if the peer reviewer says there is a problem, they will need to re-design and will not be given a Certificate of Occupancy. The build out will be done at their own risk. Mr. Landry asked if he could speak with McMahon about the proposal, and the Board said it was fine.

Mr. Bethoney moved to approve the Applicant’s request to allow the tenant to fit up his space, seconded by Mr. Steeves, and voted unanimously 5-0. The Board will send a letter to the Building Commissioner stating that it has no problem with the permit for building being issued, but no Certificate of Occupancy can be issued until McMahon says it is okay.

**DISCUSSION OF POTENTIAL ZONING BYLAW CHANGES FOR TOWN MEETING**

Fred Johnson, Building Inspector, was present for this discussion. He apologized for Mr. Cimeno’s absence due to a personal matter.

***One-Story Detached Accessory Structures***

Mr. Johnson said that the Zoning Bylaw allows these with minimal setbacks. Several applications have been referred to the ZBA. The bylaw lacks clarity as to what a one-story detached accessory structure actually is in the intent of what the Planning Board and Town Meeting wanted, and what the building code might consider a one-story detached accessory structure, i.e., people putting in lofts and extremely steep pitches. These buildings, 22-23 feet high with a window in the back gable wall looking over the neighbor’s fence, are 5 feet from the property line. People are saying that this is storage above the one-story detached accessory structure. Typically, garages have an A pitch on the roof. Under the Building Code, if there is an area over 70 square feet with a ceiling height of habitable space, it would be deemed a second story, regardless of the height of the exterior walls. In a modern garage, with the preponderance and height of SUVs, etc., there clearly needs to be some happy medium.

Under the State Building Code, an accessory structure can be built up to 200 square feet without a building permit. The proposed bylaw would say that the exterior walls can be 10 feet high, but no more than 15 feet at the ridge; there is nothing in the current ZBL. There are a couple of these “monstrosities” in Dedham, and people are wondering how this happened. The person was entitled to a building permit, and the Building Department deemed that the area above the parking area for vehicles or above the ground level of a tool shed did not trigger anything else. This article is an attempt to put regulation on this. People are still entitled to go within 5 feet of the lot line with their garage or tool shed, but it prevents people from abusing what is happening to their neighbors. It would at least require them to go to the ZBA if they wanted to do something with a steep, high pitch and have an office up above it, and then call it storage. The Building Department does not police what people do on their private property. It ends up that storage becomes a loft, office, or rec room for children, which is clearly not what the intent of the bylaw is.

Mr. Johnson said the proposed bylaw would add Footnote 15 feet to the bylaw saying that a one-story detached exterior wall should not be greater than 10 feet in height above finished grade and the peak of the roof not be higher than 15 feet in height above finished grade. The allowable square footage, 200 square feet, would not change; this does not require a building permit. The ZBL is silent on the square footage of lot area and what constitutes an accessory structure. There is a definition for an accessory structure, but this puts the Building Department in a discretionary situation with nothing in the bylaw to base the discretion of the Building Inspector other than to go to the ZBA. This is an attempt to put some clarity into the bylaw of what the Planning Board or Town Meeting intended when it was approved.

Mr. Podolski asked if he understood that the bylaw would allow people to put up these buildings but no higher than 10 feet at the base level and 15 feet at the peak without further relief. Mr. Johnson said there is another alternative, which is to pull the building back into the property and make it a conforming structure in the appropriate zoning district, i.e., SRA or SRB, as long as there is 10 feet between the house and the accessory structure. If they want to be 10 feet off the lot line, 20 feet in the back, and 25 feet in the front, a “monstrosity” can be built as of right. It is more problematic in the back because of gable roofs, which always have a window, allowing someone to look right into their neighbor’s property. Mr. Podolski said this sounds like a common sense solution.

***New Definition of Lodging House***

Mr. Johnson gave a brief history of what has been going on in town regarding Airbnb’s. A secondary issue is that apparently someone is operating a very small “bed and breakfast” in town. The definition of family in the Town of Dedham Zoning Bylaw allows up to three people not related by blood living as part of a family. The town does not have a definition of a lodging house or a boarding house in the ZBL. Some people have argued that an Airbnb or a bed and breakfast are merely for overnight because there is no contract per se. No one has the right to go to an Airbnb and ask if the people living there are blood relations. This article is a pro-active step by the town to put in a definition of a lodging house. There would be a clear delineation between a single family dwelling, and at least some definition of lodging house, giving the Building Department the ability for zoning enforcement. Currently, the Building Department and the Planning Board have received complaints about one property in Riverdale. The neighbors are uncomfortable with the constant rotation of cars from other states in front of their houses from night to night. There is no definition of lodging house, no parking plan requirements, and no zoning enforcement mechanisms to deal with this. Airbnb may be the wave of the future, or Town Meeting or the Planning Board may feel that it is an appropriate thing to allow. However, there should at least be some common sense regulations or processes put in place, beginning with the definition of an Airbnb. The State is working on how to deal with this as well. Mr. Podolski said he wants to tax them. Mr. Johnson said this is not the Building Department’s issue. The Building Department’s issue is the complaints from abutters. Mr. Podolski said this could eventually turn into a situation where the town can tax them like hotels. This was discussed briefly.

Mr. Johnson said that, from a practical viewpoint, someone can have up to three people, unrelated by blood, staying at their property. They should park on the property, not the street due to the transient nature of these things. There need to be common sense regulations in place, and a definition is a start. Mr. Podolski understands the reason for the definition, but has a problem with the language. He wondered who is determining the second degree of kindred. Mr. McCarthy said that MGL determines this. Mr. Podolski cannot tell without looking at a chart what second degree kinship is. He suggested that Dedham may want to use another definition as to relationship as an easier way to define whether they are related.

Mr. Johnson said that a zoning violation would end up in Dedham District Court because there is no Housing Court. The case that Town Counsel or the Building Department would take to District Court would be based on advertisements that people put on the Web. If there is no advertisement, the town cannot prove anything. Without access to financial records or genealogic papers, the town could not make a case for the District Court judge. If there is no advertisement, the town cannot prove anything. The owner could simply say it is a boarder with second degree of kindred or fifth degree of kindred. The judge would then throw out the case. The purpose is strictly to deal with someone who is openly and publicly advertising operation of a lodging house. Therefore, the definition is important.

Mr. Steeves said he is not opposed to bed and breakfast establishments, citing Dedham’s history and people’s desire to visit. Mr. Johnson said this issue came to the Building Department; the Building Department did not look for it. It has come up with properties on Court Street and Fairfield Street. The Building Department wants this to be official with a proper definition and where it would be allowed. Parking requirements should be created so the neighbors will not be affected or blocked. Michael Warren, 61 Fairfield Street, an abutter of one of the lodging houses, has called numerous times to complain. He was not present for the meeting.

Mr. Johnson closed by asking the Planning Board to take this to the next level by putting a warrant article out and having a public hearing. The Planning Board can certainly put lodging houses as a permitted use in the Use Table wherever the Board deems appropriate by creating a definition, determining the zoning districts where they would be allowed, and adding the requirements. Mr. Podolski agreed that the definition is not sufficient, and the Board needs to find a better way to define family relationships.

***Clarification of Language re: Outpatient Facility***

Building Commissioner Kenneth Cimeno has been handling this. There are concerns throughout the community about the vagueness of the current outpatient facility definition in relation to other trends. This is more of a language clarification to separate the more modern types of treatment facilities that might be coming to town as opposed to what the original intent of outpatient facility was at the time the bylaw was adopted. Mr. Podolski said the language should be tweaked from licensed facility to “licensed clinic providing medical, surgical, dental, and mental services to persons not accommodated overnight therein under MGL whether affiliated with a hospital or not.” This would make it more of a clinic setting, and prevent anyone from opening an outpatient facility for marijuana dispensing or the like. As long as it is a licensed clinic, it will fit the definition.

Mr. O’Brien asked if there was an issue of people using housing and getting paid to rent a house for outpatients. There are currently group homes that are considered single family dwellings under the State Building Code. If someone wants a building permit to perform modifications for a group facility and certain criteria are met, they are entitled to a building permit as of right. The Building Department does annual inspections of some of these facilities, but not all. They are required to be a licensed provider by the State. There is one person who owns quite a few of these. He is a private entity that performs construction and leases the single family dwelling to an entity that manages the group home. This is all under MGL and the State Building Code, and supersedes anything in the town’s Zoning Bylaw. The town has no legislative ability to do much more than examine the property as a single family dwelling. Mr. Podolski said that, in some respects, group homes are not the worst thing that could happen. They allow disabled people to live independently in the community. Mr. Johnson said there have been several for small children in custody issues. Mr. Steeves asked if these were like foster homes. Mr. Johnson did not know how the State looks at this. He said that conceptually they could be considered foster homes.

Mr. McCarthy said there are some zoning districts that allow this by right, but others that need Special Permits. He felt that they should all be Special Permits. Mr. Aldous asked when a doctor becomes an outpatient facility. Mr. Johnson said that an outpatient facility would have the proper equipment in the event that something happened, i.e., when a dentist pulls teeth. In some ways, a doctor’s office or outpatient facility could be the same thing. The more restrictive a definition is in the bylaw, the more specific it is. Under the current ZBL, the definition of an outpatient facility is so vague that one can make a case for it. Mr. McCarthy will check with Town Counsel to make sure the Board has not created a definition that would harm a doctor or dentist. Mr. Johnson said the Building Department makes a determination after looking at the bylaw and the definition of what something is. If someone disagrees, they can always go to the ZBA, which is where they would go if they wanted a Special Permit anyway. It is not the goal of the Building Department to twist the definition; the idea is to have a specific definition so there is no ambiguity. Mr. Podolski said this needs to be developed further.

***Definition of Substance Abuse Treatment Center***

Mr. McCarthy, Mr. Cimeno, and Town Counsel are working on the definition. Mr. McCarthy said the Board has no bylaw control, and there is no definition for outpatient facility that would distinguish between these types of use. There are three parts to this: 1) allowing this by Special Permit, 2) definition, and 3) location where it would be allowed by Special Permit (RDO, LMB, and HB). Parking requirements would need to be established. Mr. Podolski asked if this envisioned strictly outpatient facilities, or if it envisioned inpatient facilities. Mr. McCarthy said this is outpatient, and needs to be in the definition. The facility does not include anyone staying overnight. Mr. Podolski will review this with Mr. McCarthy. Mr. Aldous asked about patients who go to their regular doctor to deal with an abuse problem, and how this would affect the doctors. Mr. Johnson said he did not believe the doctors would be affected. Outpatient facilities are for regularly scheduled treatments per se. Doctors would refer the patients for testing, get them on a regimen, and then refer them to an outpatient facility. There is a certain level of privacy; the Building Department does not walk into a doctor’s office and demand to see a patient’s records. However, if a doctor set up an office in Dedham and decided that he would run an outpatient facility but call it a doctor’s office, someone would call the Building Department and report this. If the Building Department sent a letter to the doctor’s office, definition would be crucial. Many questions will come up during the Special Permit process with either the Zoning Board of Appeals or the Planning Board. This is a mechanism to create a definition.

***Use Regulations Table under Brewery, Distillery, or Winery with Tasting Room in Highway Business Zoning District:*** The Board was fine with this.

**OLD/NEW BUSINESS**

* **95 Eastern Avenue:** There are vans being parked at the end of the parking lot. Mr. Podolski read a letter from the owner’s attorney claiming that this is an accessory to a business use for a tenant in the building, which is a transportation company. He had to agree with the attorney’s letter. Mr. Johnson brought up Amazon. The parking bylaw has a section that says that a parking plan would be approved based on additional calculations taken for vans, fleet vehicles, etc. Everyone has to be treated the same.

The vans were not in the parking lot until about a year ago. If the original parking plan for Papa Gino’s Plaza was for automobiles and based on the square footage of the spaces involved, then modification or approval from the Planning Board is required. The fleet aspect of the vehicles changes the parking calculation. There may be more than enough parking, but they need to submit a letter to the Planning Board. The Board can then determine how it wants to handle it, i.e., full blown parking plan review. The Board needs to rebut the attorney’s letter. Mr. McCarthy has referred this to Town Counsel. Mr. Johnson agreed, saying that if someone moves fleet vehicles into a parking lot that were not in the original calculations, the Planning Board, at the very least, needs to look at it. Mr. O’Brien commented that the vans do not look up to par for disabled people, and should be inspected to see if they have the proper accessories.

The Board will get Town Counsel’s review, and then respond to the owner’s attorney. The Planning Board approved the parking plan based on the square footage of the buildings and the types of use. If they want accessory vehicles, i.e., fleet vehicles, the parking plan has to be approved in such a way that not only does it take into account the interior square footage of the type of use that is inside, but also the fleet vehicles that are over and above what the use would call for. This is why the language on fleet vehicles is in the Zoning Bylaw. If the use requires 30 parking spaces and there are 40, there is an argument that the extra 10 spaces can be used for fleet vehicles. If the use requires 40 spaces and there are 40, then fleet vehicles should not be there because the use that is within the building requires that number of spaces to begin with.

Mr. Podolski said it would be highly unlikely that they would not have enough space. Mr. Bethoney agreed. However, the whole lot is in such disarray and disrepair that this would be an opportune time to correct that. Mr. Podolski said he believes the letter said that he would try to work with Mr. Cimeno. Mr. Johnson said the Planning Board has the authority to stipulate where on the parking lot the vans/fleet vehicles can be parked. The fleet vehicles have not been there since the parking plan for the property was approved. Therefore, they are required at the least to come see the Planning Board. Mr. O’Brien said there may be another issue. Each tenant has a particular business and a particular use. He asked when this new tenant, which transports elderly or disabled people went in. Hence, this is the need for these fleet vehicles. Mr. Podolski said this cannot be determined, but it has been over a year. Mr. Steeves said they have an office in the building. Mr. Bethoney said that the square footage that they are taking up for the office is proportionate to the parking plan. If they have 3,000 square feet of office that calls for X amount of vehicles, and they are only renting 500 square feet, they are credited only to that proportion of parking spaces, not the whole building’s worth. They do have a small office on the premises with two people working in it. Mr. Cimeno will be made aware that this has been submitted to Town Counsel.

The Board discussed the trash along Lechmere Road, which is mostly in front of Papa Gino’s Plaza. Mr. Steeves said there had been someone who policed it and removed the trash, but he is gone. Mr. Bethoney said he picked up a flyer against the fence from 2014. The pot holes are also an extreme problem. Who owns the road from Eastern Avenue to the BJ’s entrance is a good question, as is whether it is an open road or a private road. Pearl Realty, owner of the Best Buy/BJ’s property, says it owns the road to Papa Gino’s, and Papa Gino’s owns the road to Eastern Avenue. Mr. Bethoney said the Board needs to contact the road owner. Mr. Podolski would like a bird’s eye view of the road, and asked Mr. McCarthy to do this.

* **Birch Street:** Jason Mammone, P.E., Director of Engineering, will be coming before the Board on February 9, 2017, regarding a petition to make the road a public way. Town Meeting passed a bylaw that required a review and blessing by the Planning Board. Mr. Podolski said the plan is confusing with regard to beginning of new layout and end of new layout. Mr. McCarthy will ask Mr. Mammone to define the existing public way. This will be on the next agenda.
* **Greenlodge School:** Mr. O’Brien said that the principal at Greenlodge School would like to create additional parking in the back of the school for staff. This area is about 100 square feet. It is not used and has been paved. Excavation would need to be done to make it a two-way road, i.e., to widen the ingress and egress, and a pole needs to be moved for lighting. There is a money issue. Mr. Podolski asked Mr. McCarthy to send an e-mail or a letter, copying Denise Moroney of Facilities, on what needs to be done to convert it to a parking area, i.e., plans, widening, striping, lighting, and landscaping. Mr. O’Brien said there is enough room to put at least 20 cars. Mr. Podolski asked if the principal had broached the subject with Ms. Moroney. Mr. O’Brien did not know. Mr. Podolski thought it was a great idea to get traffic off the horseshoe in front.

**REVIEW OF MINUTES**

* September 10, 2015: Page 7 – change the word “tips” to exceeds. Note on page 6 that Mr. Bethoney re-joined the Board for the 255 West Street meeting. Mr. Steeves moved to approve the minutes as amended, seconded by Mr. Aldous. The vote was unanimous at 5-0.
* September 24, 2015: Note that Mr. Steeves was not present for the meeting because he was out of the state. Mr. Bethoney moved to approve the minutes as amended, seconded by Mr. O’Brien. The vote was in favor, 4-0.

Mr. Bethoney moved to adjourn, seconded by Mr. Aldous. The vote was unanimous at 5-0. The meeting ended at 8:45 p.m.

Respectfully submitted,

Robert D. Aldous, Clerk

/snw

1. As noted, Vice Chairman John Bethoney recused himself from this application, was not present, and did not participate in discussion or vote on this project. [↑](#footnote-ref-1)