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**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**

**April 13, 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 7:02 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.

**RECONSIDERATION OF ARTICLE 24**

*To see if the Town will vote to amend the Zoning Bylaw by inserting a new definition in Article 10 for Lodging House, and amending Section 3.1.3 Use Regulations Table, and inserting a new use “Lodging House” as #8 under A. Residential Uses.*

This reconsideration of Article 24 for the May 15, 2017, Annual Town Meeting, is a continuation from April 6, 2017. Mr. Podolski received an e-mail from Town Counsel Jonathan Eichmann at 5:16 p.m. Copies of this were given to the Board members and were available to the public. Mr. Eichmann’s opinion is that the proposed article is superfluous and, at worst if adopted, may lead to bigger problems than they already have. The three options would be (1) to vote to let the article go to Town Meeting in its current form, (2) to further amend it, or (3) at the recommendation of Town Counsel to indefinitely postpone it. Mr. Eichmann believes that it “needs further study.” Mr. Podolski apologized to the people pursuing this article, saying it should have been looked at by Town Counsel sooner. He said this is not a happy e-mail to get two hours before the meeting.

The first paragraph of Mr. Eichmann’s e-mail says that the Town already has all the authority it needs to enforce. The second paragraph warns that, if it is adopted, it could potentially create confusion in application. Mr. O’Brien said it is a good letter. He has maintained all along that the Building Department already had the authority to close boarding/lodging houses, especially when they define themselves as a hotel through advertisement; these are not allowed within the Town.

Mr. Podolski agreed with Mr. O’Brien, but said the issue is that the Building Department proposed the article. Tonight’s discussion is the third one on this issue, and the Board has just been told rather late in the game that what it is considering may have the opposite effect of helping, and may in fact hurt enforcement. He still did not understand why defining a lodging/boarding house in the Zoning Bylaw would hurt enforcement and saying it is outlawed in all zoning districts. However, there may be other ways to deal with this, i.e., off-street parking, operating a business, or other changes to the bylaw.

Mr. Bethoney said that Building Commissioner Kenneth Cimeno had asked the Board to look at the original language and make minor changes. Unfortunately, his father died last night, and Mr. Cimeno will not be present to see Mr. Eichmann’s letter. He asked if it would be possible for the Planning Board to go along with Mr. Cimeno’s request, move forward until he has an opportunity to review the letter, and then, if there is a decision by the Planning Board between now and Town Meeting, the Board could move to IP the article on the evening of Town Meeting. His opinion was that, to do it this evening without Mr. Cimeno, who has worked very hard on this article, would be counterproductive. Mr. O’Brien agreed with Mr. Bethoney, as did Mr. Steeves. Mr. O’Brien suggested that Mr. Cimeno look at Mr. Eichmann’s e-mail and respond to him.

Mr. Podolski said the Board can adopt the lodging/boarding house definition without the word “up,” which is how the Board amended it the first time. Therefore, the Board can adopt the definition as originally proposed. Once Mr. Cimeno has the opportunity to review Town Counsel’s letter, he could call a meeting with Town Counsel, which Mr. Podolski would be happy to attend, or up to the night of Town Meeting, the Board could post a meeting. If the Board gets further input and it can be changed to look more legally tenable, they will do it at that time. If the Board changes its mind completely, it can recommend to Town Meeting that the article be indefinitely postponed or withdrawn.

Tanya Holton, 30 Court Street, asked if there would be another opportunity for public discussion. Mr. Podolski said it would be at Town Meeting. Even though Ms. Holton is not a Town Meeting member, the moderator at Town Meeting can recognize her if she contacts him in advance. Town Meeting is on May 15, 2017. The Board will meet again on April 27, 2017, and May 11, 2017. If Mr. Cimeno and/or Town Counsel come to an agreement, it will be back on the agenda, and she will be notified.

Mr. Bethoney moved to approve Article 24 as originally proposed by Mr. Cimeno, seconded by Mr. Steeves. The vote to approve was unanimous at 5-0.

Respectfully submitted,

Robert D. Aldous, Clerk

/snw