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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.**

**rmccarthy@dedham-ma.gov**

**TOWN OF DEDHAM**

**PLANNING BOARD**

**MEETING MINUTES**

 **August 11, 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 7:01 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.

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| **Applicant:**  | **Dedham-Westwood Water District (DWWD)** |
| **Project Address:** | **538 Bridge Street, Dedham, MA** |
| **Case #:** | **SITE-06-16-2107** |
| **Zoning District:** | Single Residence B |
| **Representative(s):** | * Eileen Commane, Executive Director, DWWD, 50 Elm Street, P.O. Box 9137, Dedham, MA 02027-9137
* James Cray, P.E., Wright-Pierce, 40 Shattuck Road, Suite 305, Andover, MA 01810
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| **Town Consultant:** | Steven Findlen, McMahon Associates  |

An updated report was submitted after receiving comments from Engineering and McMahon Associates. The updated plans have more detail and clarification re: snow removal areas and parking. Mr. Findlen said the applicant has been very responsive to the identified issues including:

1. Hydrants are now identified on the site plan.
2. Pavement markings have been added for site access safety.
3. A parking waiver is requested (this needs to be put on the plan).
4. Parking space dimensions and access aisle dimensions for handicapped access were added and satisfy Town requirements.
5. Additional information was added regarding traffic signs and pavement markings.
6. There will be one loading berth on site, which is acceptable.
7. Dumpster location was clarified. This will be screened. Ms. Commane said it is orange, but Mr. Podolski asked if it could be painted green.
8. Snow storage was clarified.
9. They have been asked to do a landscaping plan. They will be requesting a waiver for this.
10. Site access safety is an open issue. The Fire Chief has concerns with sufficient access for the trucks to get to the back. Auto turn analyses were performed. Mr. Findlen is not sure where this stands.
11. The site lighting plan, received this morning, has not been completely reviewed. There may be a bit of spill over away from the residences. The existing lights on the building will be replaced, and new lights will be added to the new building. A site light toward the back will be replaced. No lighting is being added to the front of the property.

Mr. Kray received the Fire Chief’s e-mail about access to the back. Auto turn analysis was performed and the template was forwarded to him and the Board. There is one area where the truck went over the berm, so that was modified. The fire lanes are 18’ in some areas, but not the entire stretch all the way back. One of the main concerns was an area that is in the flood zone. They were not planning to re-grade the area. Mr. Kray is not clear as to whether this is the area of the Chief’s concern or if it was the corner around the building. The civil designer will clarify this with the Chief. He is aware that the Board always does what the Fire Chief wants. Mr. Findlen said that the only issues unresolved are fire access and site lighting. With regard to waivers, the site is required to have 29 spaces, but only has 5 including a handicapped space. Ms. Commane said that only one person works there, and the spaces are not marked. A waiver is requested for this. They are also requesting a waiver for a lighting, a certified landscape plan, as they are maintaining the existing landscaping, and satisfying the Fire Chief.

Mr. Bethoney moved to approve the waivers as presented, seconded by Mr. Aldous, and voted unanimously, 5-0. Mr. Bethoney moved to approve the site plan as presented subject to approval by the Fire Chief, approval of the site lighting by the Town Consultant, and the waivers being put on the plan. Mr. Aldous seconded the motion. The vote was unanimous at 5-0.

**DISCUSSION WITH JOHN SISSON, ECONOMIC DEVELOPMENT DIRECTOR RE: ZONING AMENDMENT TO ALLOW A BREWERY IN THE LMA ZONING DISTRICT**

Daniel Krupp and Todd Bellomy are owners of Dovetail Sake, which is a sake producer based in Waltham, MA. They are interested in purchasing a building in the LMA zoning district near Four Corners. Current zoning does not allow this, but they have reached out to see if there are any possibilities. Mr. McCarthy, Mr. Bethoney, Mr. Cimeno, and the Dedham-Westwood Water District met on the site on 7/25/16 to identify site issues and regulatory hurdles. Mr. Krupp and Mr. Bellomy are planning to make an offer on the property, but needs to go before Town Meeting for a change in the Zoning Bylaw, hopefully in November. They will meet with the East Dedham Revitalization Committee (EDRC) to start the conversation. Dennis Guilfoyle, Chair of the EDRC, was not present, but is in favor of the proposal. The committee has not yet discussed it, but will meet next week and on 8/31/16. They would like to come before the Planning Board for support.

The business would have manufacturing jobs, which would help diversify the employment base. Dovetail would not be a huge employer. Manufacturing companies are typically capital intensive. Once in a location, they invest a lot of money, install a great deal of equipment to produce their product, and tend to stay there. Mr. Sisson has spoken with his counterparts in Framingham, who permitted breweries such as Nightshift and Idle Hands. Both towns allow brewing as a manufacturing use. Mr. Cimeno said that the town does not explicitly allow or disallow this use, but Mr. Sisson wanted to be explicit about it. There are a couple of areas in the bylaw that do not allow bottling or warehousing of alcohol. Mr. McCarthy put together a draft of zoning language. If the EDRC is interested in this and the Planning Board decides to support it, they need to be sure they have done their homework and where it goes into the Use Tables. Mr. Sisson printed copies of MGL, Title 20, Chapter 138, which has about 70 sections regulating alcoholic liquors from manufacturing, distribution, shipping, warehousing, and tasting rooms. The industry is very well regulated, and there are also Federal licenses.

The LMA district is primarily in East Dedham. The use requires a Special Permit with a footnote to limit it to Milton Street and River Street. LMA is more light manufacturing in that it is assembling and processing, and not taking in raw material and going through the manufacturing process. Mr. McCarthy gave a brief description of how this could be done zoning-wise, and then the Applicants can discuss how they operate. There is also a proposal to the parking table so the parking ratio mimics Limited Manufacturing. Parking for a tasting room was added at 1/200, which is typical retail. This needs to be discussed further, so this could be a placeholder for the warrant, which closes on September 2, 2016.

The site is the 22,000 square foot Curtis Newton Lumber site, and the back building is 6,500 square feet, which is where the manufacturing would take place. This is minor site plan review, but they will require a Special Permit from the Planning Board. There will be two employees at first, but they will have to hire four people within the next month or two, and maybe ten more over the next five years. The product is brought in and manufactured on site from 9 a.m. to 5-6 p.m., with 20% later nights. Manufacturing would take place in back, and there would be a tasting room. There will be more deliveries going out than in; supplies are bought in bulk and delivered about every six months. Outgoing deliveries will be in vans unless they sign on with a distributor; if they use a distributor, a larger truck would come in twice a month. The use will probably be the same amount or less as the lumber yard. Mr. Sisson will be talking with the neighbors to get them comfortable. Mr. O’Brien asked if there would be an odor during manufacturing. Mr. Krupp said the only thing they steam is rice, and this is not enough to mask the smell from paint next door. The biggest amount of exhaust during the fermenting stage is created in the rice steaming process, and there is no smell outside of the building. Waste storage was discussed and whether it would be shipped off site. Mr. Krupp said that their waste storage is refrigerated because they turn it into another product. He explained the difference between sake and wine, and said that they have made $50,000 in sales since starting business in mid-February 2016.

Mr. Podolski asked the Applicants to put together a presentation for Town Meeting. Landscaping, screening, parking, access/egress/ and deliveries were discussed with the applicants, as was the peer review process, which will cost approximately $10,000 because the site is significantly noncompliant with the Zoning Bylaw. The regulations are set up so that, when the business changes, the Town has an opportunity to regulate, which can become cumbersome. There is no water or sewer running back to the warehouse building where they would do manufacturing; this was discussed with the Dedham-Westwood Water District. The time frame was discussed in relation to when the property owners want to sell the property, as was the ability to do a potential zoning change, and then the permitting process. There is a pretty big gap in this timeline. The project would have to take into consideration what they would have to do to become compliant and economically feasible.

Mr. Podolski liked the concept, but was concerned about the Applicants getting in over their heads. The peer review consultant would work with them and their engineers to try to make the site as compliant with town zoning as possible. If there are items that cannot be made compliant, waivers would be discussed and justified as to why something cannot be met. The Planning Board is pretty reasonable, but they need to be sure that their business model and projections will be able to afford the site. Mr. McCarthy said that they discussed doing this in two phases, the first being manufacturing first, and then the tasting room at another time. Mr. Podolski asked the Board if it was willing to put a placeholder in the warrant for the November 2016 Town Meeting, and everyone agreed that this should be done.

**DISCUSSION WITH JOHN SISSON, ECONOMIC DEVELOPMENT DIRECTOR RE: UPDATE ON TECHICAL ASSISTANCE PANEL DISCUSSION ON THE WIGWAM POND AREA TO EVALUATE POTENTIAL DEVELOPMENT SCENARIOS AROUND LEGACY PLACE**

Mr. Sisson approached the Urban Land Institute (ULI), a nonprofit professional organization, regarding the future of the area around Legacy Place and the Corporate Center site, particularly Allied Drive. The ULI preferred to discuss the Wigwam Pond area from Route 1 to Costco, between the pond and Legacy Place. He and Mr. McCarthy are interested in working with the ULI to continue with the transportation oriented development because they are professionals from the commercial real estate industry, not planners. Approval was received last week for them to bring a panel to the Planning Board with data, backgrounds, demographics, square footage, acreage, and ownership of property in the area. They would contribute by lending their professional expertise to the Town at a discount.

Mr. Sisson said the ULI would like to come before the Planning Board for assistance in engaging in this, and to host a meeting. Mr. Podolski agreed completely, and it will be set up. He suggested residential development along the shore of the pond. There are a lot of issues, but it needs to be considered. Mr. McCarthy said that a meeting could be held on October 13, 2016, and should have town participation. He suggested interviewing local people who would then interview the ULI. Mr. Podolski noted that the Master Plan Implementation Committee, Open Space and Recreation Committee, Conservation Commission, business people, and landowners should participate. He said that someone should be brought in to a regular meeting before October 13, 2016.

**Old/New Business**

Decision for Soul Cycle, Legacy Place: Mr. Bethoney moved to approve the Certificate of Action for Soul Cycle, seconded by Mr. Steeves, and voted unanimously 5-0.

Amazon Update: Mr. McCarthy gave the Board a copy of his notes. He had a meeting on August 1, 2016, with the Fire Chief Spillane, Police Chief D’Entremont, Attorney Michael Giaimo from Robinson and Cole representing Amazon, Casey Christ and Victor Bonett, Amazon representatives, Joe Flanagan of DPW, Fred Johnson of the Building Department, Donna Pennino and Marci Loeber from Griffith Properties, Peter A. Zahka II, Esq., representing Griffith Properties, and Jim Kern, Town Manager.

The vans parked off-site are not stored in Dedham. They have 165 vans; 108 are off-site when not being used. His understanding is that 502 Sprague Street, which is Richard Cimeno’s property, has seen a reduction in Amazon vans since the August 1, 2016, meeting. Amazon will be getting directions to the site for tractor trailer companies who distribute products to them. They want to see if these trailers use truck GPS vs. GPS. The Town will put up signage saying “480 Sprague Street-500 Sprague Street” with directions to the site. It will not say “Amazon” because that would be commercial messaging, and the Town cannot do that.

With regard to the “wave” of trucks going out, in the morning they go out at 7 a.m., 8 a.m., and 11 a.m., and in the afternoon 15 trucks go out at 3 p.m. They will let Mr. McCarthy know the number of vehicles going out in the morning. Amazon will be working on their operations and traffic management plans; Mr. Podolski said the pressure needs to be kept on them. Mr. O’Brien said the most important thing is the drivers, noting a police report with four different incidents of accidents with the tractor trailers and van drivers. He would like to see what Amazon does as far as teaching the drivers in a training program, but Mr. McCarthy said the drivers are not actual Amazon employees. He said that at the August 1st meeting, there were reports from the Police Department about what is going on with the drivers, and the need to report back as to what they are doing to correct the problem. There had been a discussion about increasing capacity by putting more vans in the building, but this needs to be discussed further.

Mr. Bethoney asked Mr. McCarthy to find out where the vans are registered, i.e., what state, and to what town they pay excise tax. Mr. Podolski said there are a lot of out-of-state plates on the vans. Mr. Bethoney said they are operating in Dedham, the main headquarters is in Dedham, and they are using Dedham’s roadways. He wants to know to what community they pay excise tax.

Mr. Aldous said he sees Amazon trucks directly behind Restoration Hardware. Mr. McCarthy said it is one large site with various businesses and the lot is not divided up. They could probably park 100 vans there, and this is part of the second phase of the plan in which they would switch the parking from tractor trailer to van parking. They need to see the Planning Board for this. Mr. Podolski wanted them on the agenda for first meeting in September. Mr. Bethoney asked that McMahon Associates be present for this, as the revised plan will be peer reviewed. He wanted them to provide details about their operation, i.e., timing, number of employees, number of delivery trucks, number of delivery drivers, waves, etc. This must be given to the Board and McMahon so educated recommendations can be made.

The applicant has still not put a sign on the building. Mr. McCarthy said there is a sign on the fence instead. They will have to go to the Design Review Advisory Board for a building sign, which would allow people to see from the street where Amazon is located. The fence sign is approximately 2’ x 3,’ which is not very big. They will need to address this at the next Planning Board meeting. It should also note that there is no retail at that location. They have not met with the neighborhood, and need to arrange that; however, they do not want to meet until September.

**Community Preservation Act:** Mr. Podolski said he was approached by Selectman Dennis Teehan to discuss the Community Preservation Act. This would involve the Planning Board if/when the Town passes it. He said that at the public meeting, there is an informal local group that is going to push for adoption at the November Town Meeting. It would then go on the Spring 2017 ballot.

**Upcoming Vote on Recreational Marijuana:** Mr. Podolski received an e-mail from a Town Meeting representative and a member of the Board of Health about the marijuana vote on the November 2017 ballot legalizing marijuana as a recreational drug. The Planning Board should try to get ahead of the curve and request some type of moratorium on passing and enacting zoning in Dedham. He would like to discuss this with Town Council. If the November vote legalizes the sale and/or possession of marijuana, he wonders how regulation of sale would be determined, as it is for the sale of alcohol. Medicinal use is already allowed, but this would open up the sale for any purpose. Mr. McCarthy forwarded the e-mail to Town Council, but has not heard back yet. Mr. Podolski said it could probably be restricted to certain zones, i.e., not in residential areas. Otherwise, he wondered if it could be sold at, for instance, Stop and Shop. He noted that legalization of marijuana in Colorado has led to more operation under the influence, and children are more endangered because of the candy, etc., containing marijuana. The Board must start thinking about it.

**Request for Proposal for the Sale of Land at the Corporate Train Center**: Only National Development responded to the RFP. Their proposal was for 220 multi-family units and preserving 300 spaces for the commuter rail parking lot. Ten percent would be set aside for affordable units, which helps the Town with 40B. One method would be a friendly 40B, and the proposal detailed how to accomplish this. Another method would be to work with the Town to come up with a zoning change from RDO, as they cannot do what is proposed in the current zone. If they were to do a friendly 40B, it would override zoning, but it has to be moved forward by the Town of Dedham because they do not have a right to do this. They do have to abide by whatever the zoning is, aside from the 40B aspect. They could draft a zoning change working with the Planning Board and the Town of Dedham, or they could do a 40R, working with the Town of Dedham to go to Town Meeting. There is always an option of doing nothing.

Mr. Bethoney asked, if the Town was not interested in the project, whether there was a way that the new owner could force the project on the Town. He asked why the Board would be interested in this type of large scale development in an RDO district just because the MBTA wants the Town to. Mr. McCarthy said he did believe the Town could say no. He will research this further and obtain an opinion from Town Council about the zoning in that area and whether the proposal is legal. The Town has a cushion on the percentage of 40B units, and is over the required 10%. Mr. O’Brien also asked Mr. McCarthy to poll the Board of Selectmen.

Mr. Podolski and Mr. Steeves commented that they did not know how this could ever be done on that road going to the East Street/Route 128 rotary. Mr. Bethoney said he did not think the Board has to think about it if in fact it is a proposal that is not allowed (illegal), and the Town is not interested in it. He said that the Board of Selectmen may have something in mind, and if they do, they should explain it to the Town.

**Dunkin Donuts: Prior to the beginning of the discussion, Mr. Bethoney made the statement that he is recusing himself from this discussion. He explained that the agency at which he works has a professional relationship with the property owner, Renato Reda. He left the meeting at 9:40 p.m. and did not participate in any part of this discussion.**

Mr. McCarthy gave the Board a recent update from Peter A. Zahka II, Esq., on the status of Dunkin Donuts. One of the major concerns is that people try to go into the exit of the drive-thru. The sign that was proposed in the update is not sufficient, in that it just says “Exit;” it should also include “Do Not Exit.” Mr. O’Brien said that people actually back into the exit. Mr. Podolski asked that Mr. McCarthy pass this on to Mr. Zahka. The signs on Milton Street are also inadequate; this will also be passed on to Mr. Zahka. The Board discussed the various incidents and the need for better signage. The applicant will be going before the Zoning Board of Appeals next week about the signage. The flagpole will be installed when the signage is approved.

The drainage area in the parking lot is still not how it can be made more visible so people do not attempt to drive over it and then get hung up. The Board cannot make the applicant change it now. Mr. Steeves said this should only be a manhole. However, the drainage has been approved by the Conservation Commission. Suggestions were made about filling it in or adding landscaping. Mr. McCarthy said that the Conservation Commission is aware of the issues. However, the applicant would need to go back to them for any changes. Not only is it a safety issue, but it is also an eyesore. Mr. McCarthy said they could possibly change it to being all subsurface, but this would cost more money. The Board had a lengthy discussion about this.

Mr. O’Brien said that there is a nail sticking out underneath the drive-thru and needs to be covered. The fence by the brook also needs to be fixed because someone ran it over. When coming out of the drive-thru and going over the speed bumps, the driveway turns toward the left. There is a curb there, but it can be driven over. This is where the electrical outlet is, and someone has run over it. Mr. McCarthy noted that the pedestrian sign that is supposed to flash is not flashing.

Mr. Steeves wondered if the applicant realized that the Board could close him down unless he starts fixing these issues. Mr. McCarthy said he will have him come to the September meeting.

Mr. Steeves moved to adjourn, seconded by Mr. O’Brien, and voted unanimously 4-0. Mr. Bethoney had previously left the meeting at 9:40 p.m. The meeting ended at 10 p.m.

Respectfully submitted,

Robert D. Aldous, Clerk

/snw