

PLANNING BOARD

John R. Bethoney, Chair
Michael A. Podolski, Esq., Vice Chair
James E. O'Brien IV, Clerk
Jessica L. Porter
James McGrail, Esq.
Andrew Pepoli, Associate



Dedham Town Hall
450 Washington Street
Dedham, MA 02026
Phone 781-751-9240

Administrative Assistant
Jennifer Doherty

Planning Director
Jeremy Rosenberger

Assistant Town Planner
Michelle Tinger

**PLANNING BOARD
MEETING MINUTES**

**TOWN OF DEDHAM
450 WASHINGTON STREET
DEDHAM, MA**

**MINUTES OF THE PLANNING BOARD MEETING
VIA TELECONFERENCE
FEBRUARY 24, 2021, 7:00 P.M.**

BOARD MEMBERS:

John R. Bethoney	Chair
Michael A. Podolski, Esq.	Vice Chair
James E. O'Brien IV	Member
Jessica L. Porter	Member
James McGrail, Esq.	Member
Andrew Pepoli	Associate Member

PLANNING DEPARTMENT STAFF:

Jeremy Rosenberger	Planning Director
Michelle Tinger	Assistant Planning Director
Jennifer Doherty	Administrative Assistant

Minutes prepared by Cassidy Civiero of Minutes Solutions Inc. from an audio recording.

1. CALL TO ORDER

The Chairman of the Planning Board, Mr. Bethoney, called the meeting to order at 7:00 p.m.

2. CONTINUATION OF PUBLIC HEARING, 95 EASTERN AVENUE – SREG MANAGEMENT LLC

Request for a Special Permit for a Major Non-residential Project, Special Permit for a hotel use in a Flood Plain Overlay District, Special Permit to exceed the allowable building height, Major Site Plan Review, and associated waivers to construct a six (6) story, 120 room hotel and 144 off-street parking spaces. The subject property is located at 95 Eastern Avenue, Dedham MA, Assessors Map/Lot 123-16 and 123-22, and is located within a Highway Business (HB) Zoning District and Flood Plain Overlay District (FPOD). Dedham Zoning By-Law Section 3.1, 4.1, 4.2, 5.1, 5.2, 8.1, 9.2, 9.3, 9.4, 9.5, Table 1, Table 2 and Table 3. Representative: Mr. Kevin Hampe, Esq. Continued from 2/10/21.

A motion was made by Mr. McGrail to grant the applicant an extension until the Planning Board meeting of March 10, 2021, at 8:00 p.m. The motion was seconded by Mr. O'Brien. A roll call vote was taken:

James McGrail: Yes
Jessica Porter: Yes
James O'Brien: Yes
Michael Podolski: Yes
John Bethoney: Yes

Motion passed unanimously, 5-0. The public hearing is continued to March 10, 2021 at 8:00 p.m.

3. **146, 188, AND 216 LOWDER STREET AND 125 STONEY LEA ROAD – OLD GROVE PARTNERS LLC**

Chairman Bethoney announced that he would be taking the matter of 146, 188, and 216 Lowder Street and 125 Stoney Lea Road out of order as it was slated to occur at 8:00 p.m. and it was not yet that time. It is presented here for the purpose of these minutes.

Request for approval of a Planned Residential Development (PRD), as shown on a detailed site development plan submitted in accordance with Section 7.1 of the Dedham Zoning By-Law. The proposed PRD shall have a maximum of twenty-six (26) dwelling units on +/- sixty-two (62) acres. The properties are located at 146, 188, and 216 Lowder Street and 125 Stoney Lea Road, Dedham MA, located within a Single Residence A Zoning District, and shown on Dedham Assessors' Map 105, Lots 17, 19, 23 and Map 118, Lot 31. Representative: Mr. Peter A. Zhaka Esq.

Chair Bethoney stated that the peer reviewer, McMahan Associates, has not yet filed a peer review report for this proposal. McMahan Associates will be filing between this hearing and the next meeting of the Board, at which time this item can be further discussed.

Mr. Rosenberger stated that advertising and mailing for the proposed development was conducted pursuant to 40A. Two legal ads were placed in the Dedham Times and mailers were provided to abutters within 300 feet. These items satisfy the requirements. Approval regulations and procedures will be conducted similar to a definitive subdivision.

A motion was made by Mr. Podolski to open the public hearing related to 146, 188, and 216 Lowder Street and 125 Stoney Lea Road, applicant Old Grove Partners LLC. The motion was seconded by Ms. Porter. A roll call vote was taken:

James McGrail: Yes
Jessica Porter: Yes
James O'Brien: Yes
Michael Podolski: Yes
John Bethoney: Yes

Motion passed unanimously, 5-0. The public hearing was opened.

Chair Bethoney stated to the public that peer reviewer Mr. Steven Findlen of McMahan Associates, who was hired by the Planning Board and paid for by the Applicant, was present at this meeting to review the plans and proposal to ensure it complies with regulations.

Mr. Zhaka, with offices at 12 School Street, Dedham, MA, summarized the steps undertaken thus far for the proposed PRD for 146, 188, and 216 Lowder Street and 125 Stoney Lea Road. Mr.

Zhaka submitted the application as if it was a definitive subdivision; notice was sent to the Town Clerk and the Board of Health. Prior to any filing, the Wetlands were delineated by the Conservation Committee. A notice of intent and an application for a major stormwater management permit was submitted to the Conservation Committee.

Ms. Regan Andreola, Associate and Registered Landscape Architect from Beals + Thomas, presented the approved Conventional Subdivision Concept Plan for the proposed PRD, including the proposed area to be donated to the Town. Under the twenty percent (20%) minimum required for the PRD, 48 acres are being protected.

Ms. Andreola presented the Site Development Plan. A five-foot sidewalk and crosswalk have been added to the plan as was previously discussed with the Planning Board.

Mr. O'Brien asked how many street trees are expected to be put in. Ms. Andreola responded that there are forty-three (43) street trees proposed, including Red Maples, Honey Locusts, London Flame Trees and Red Oaks; they will be minimum three point five (3.5) to four (4) inches at the time of planting, as is required.

Chair Bethoney asked for confirmation that no light spills off the site and Ms. Andreola confirmed.

Chair Bethoney asked how high the light poles are. Ms. Andreola responded that the mounting height is twelve (12) feet and presented a cut sheet for the proposed light fixtures.

Mr. Podolski asked about the subsurface basin and whether it is on the nearby owner's property. Mr. Zhaka responded that the Applicant owns the property even though the nearby owner has potential rights in it; a drainage pipe will be implemented as part of the arrangement that has been agreed to by that owner.

Chair Bethoney requested that Ms. Andreola and Mr. Zhaka ensure that they include information about these arrangements when submitting the application to Peer Reviewer Mr. Findlen from McMahan Associates.

Mr. Michael McKay, Project Architect, with offices at 35 Bryan Street, Dedham, MA, presented on the units in the proposed development. There may be up to fifteen (15) variations to the units.

Chair Bethoney asked about the size of the largest house and the bedroom count. Mr. MacKay responded that the largest variation will be two thousand three hundred and fifty feet (2,350), and the units will have a maximum of three bedrooms and two-car garages.

Mr. Bernie Guen, Traffic Engineer from Vanasse and Associates, presented the traffic study for the proposed PRD, which accounted for thirty (30) single-family home units to be more thorough, despite there only being twenty-six (26) units proposed. The study considered sign and pavement marking improvements.

Mr. McGrail asked about the procedure going forward. Chair Bethoney responded that the Applicant will proceed with the peer review report that will look at site design, landscaping and lighting, and building design. This report will be submitted to the Peer Reviewer and the Planning Office. The Peer Reviewer will indicate deficiencies in the plan and make the necessary recommendations. A subsequent hearing will then be undertaken with the Peer Reviewer.

Once the Peer Review has been vetted, a subsequent hearing will be undertaken by the Board. Once the Applicant has made every effort for compliance, including addressing all deficiencies identified by the Peer Reviewer, the Board will take the project into deliberation. This is a public hearing process; the public will have an opportunity to be heard on all elements of the proposal.

Ms. Porter asked about the closest distance between the buildings. Ms. Andreola responded that most units are placed in pairs even though they are detached. Between the pairs is about sixteen (16) feet of distance. Most of the other units are at least thirty (30) feet apart.

Ms. Porter asked whether all the units will be built at the same time and the proposed duration for completion of all units once the project commences. Mr. John Joyce, Owner of Old Grove Partners LLC, 214 Lowder Street, Dedham, MA responded that, upon approval, there would be a four (4) to five (5) month period for infrastructure and prep. From there, it would take approximately four (4) years for completion of the PRD which will be phased out.

Chair Bethoney asked whether the properties will be custom built for specific owners once they go under agreement or if they will be built on spec with minor modifications once they are under agreement. Mr. Joyce responded that three (3) to four (4) will be built at one time, sold, then the next phase would be undertaken.

Mr. Steven Schultz, 212 Lowder Street, Dedham, MA, noted that he bought his house in 2008 from Mr. Joyce. At that time, he was told that his home would be one of three (3) on Lowder Street. Mr. Schultz expressed concern with the plan presented, as the road runs adjacent to his home and he has no barrier along that road to retain his privacy, especially during the construction phase. Chair Bethoney noted that these past discussions are not within the Board's jurisdiction; however, the proximity of his property to the roadway can be considered.

The Board reviewed the plan again to determine the location of Mr. Schultz's residence. Chair Bethoney asked whether the majority of the construction vehicles will be travelling down the roadway adjacent to Mr. Schultz's property to access the site and Ms. Andreola responded affirmatively. Chair Bethoney asked for Ms. Andreola to provide the distance from the roadway to Mr. Schultz's home and she responded that the distance between the closest corner of the house and the roadway is sixty (60) feet and it is forty-nine (49) feet to the property line.

Chair Bethoney stated that the impact to such an abutter will need to be worked out for some level of satisfaction to the Planning Board prior to consideration of approval of the proposed PRD.

Mr. Schultz asked for reassurance that the lamp post on the road near the bridge will not shine constantly and directly into his home. Chair Bethoney responded that the Applicant is obligated to light the area and the lighting can only be directed on the subject property itself; however, Mr. Schultz will be able to see the light by looking out his window. The lighting plan has been stamped by an engineer to ensure its accuracy; if there is spillover, it would violate the proposed plan.

Mr. Schultz requested a meeting to discuss the impact to his home with a landscape architect to determine a solution to shield his home and provide privacy. Mr. Joyce agreed to accommodate this request.

Mr. Tim Ewart, 53 Stoney Lea Road, Dedham, MA, requested confirmation that the property donated to the town will not be developed. Mr. Zahka noted that, if the Town does not accept that portion, the property will be dedicated open space for the twenty-six (26) units, which would involve private passive paths and no development. If the Town accepts the donation, they can decide what to do for the public access portion. The Applicant strongly advises not developing it.

Chair Bethoney asked whether Mr. Ewart abuts the property itself. Mr. Ewart responded that he does not, but he is across the street and is concerned about traffic. Chair Bethoney stated that Mr. Ewart's concerns have been noted and the land donation will be discussed further in-depth at a future hearing.

Mr. Drew Pierce, 154 Stoney Lead Road, Dedham, MA, stated that there were discussions about including Lowder Street to Highland Street and Highland Street up to Washington Street in the

traffic study. Chair Bethoney confirmed that was a discussion that occurred and stated that the Board will only be able to comment on this after the Peer Reviewer reviews the traffic study.

Ms. Lee Slaine, 199 Lowder Street, Dedham, MA, noted that the proposed twenty-six (26) units will be entering and exiting from a single residential roadway. There is limited visibility and sidewalks and there is a lot of traffic. Ms. Slaine suggested that there be more than one entrance and exit, or Lowder Street be limited to local traffic during rush hour.

Chair Bethoney noted that there is an expectation that a traffic mitigation proposal will be provided. However, this process begins with the Peer Review process which has not yet been undertaken. Mr. Zahka noted that the traffic report was supplemented before it was re-submitted and McMahon has undertaken a preliminary review of a traffic mitigation proposal, which will be updated before the Peer Review.

Ms. Slaine asked about construction noise, as the last PRD approved by the Board also abuts her property and was extremely loud for two years. She requested that mitigation be undertaken to minimize construction noise early in the morning and on the weekends. Chair Bethoney responded that a construction management plan will be presented by the Applicant and there would have been one for the other PRD construction site that abutted Ms. Slaine's property. The plan will be made available to the public prior to the Board's consideration.

Mr. Jamie McCleary, 228 Lowder Street, Dedham, MA, asked whether blasting will be necessary for this site and Mr. Joyce responded affirmatively. Mr. McCleary asked whether the blasting will be completed on a per house basis or potentially over a five (5) year period. Mr. Joyce responded that the infrastructure phase to be undertaken in the first four (4) to five (5) months of the project will include getting all utilities in and blasting.

Mr. McCleary asked to what extent the blast will be required. Mr. Joyce responded that a good portion of the project is on property that was already blasted. Test pits have been dug in different areas to test the soil. Chair Bethoney noted that there is a strict regulatory process regarding blasting; this is regulated by the Town, the State, and the Fire Department.

Ms. Eileen Kiley, 1031 High Street, Dedham, MA, expressed concern about how the value of some of these homes will impact the value of the current homes in the area. Chair Bethoney noted that the Planning Board does not take that into account when considering a project. Ms. Andreola noted that the way the proposed development is set back on Lowder Street, it will not be visible next to the existing homes in the area.

Ms. Kiley noted that cars often speed on High Street and she is concerned for children in the neighborhood, especially with the increase in traffic. Mr. Guen noted that a rectangular flashing crossing beacon is proposed on High Street that should address this issue. Ms. Kiley asked whether a process could be implemented to understand the speeding issue in the area. Chair Bethoney noted that Ms. Kiley's concerns have been noted.

Chair Bethoney asked Mr. Zahka when he anticipates being ready for his next hearing. Mr. Zahka responded that he may be ready for March 24, 2021. Chair Bethoney stated that this can be set as an agenda item for March 24, 2021 and the Applicant can request a continuance if they are not ready to present at that time.

A motion was made by Mr. Podolski to grant the applicant an extension until the Planning Board meeting of March 24, 2021, at 7:00 p.m. The motion was seconded by Mr. McGrail. A roll call vote was taken:

James McGrail:	Yes
Jessica Porter:	Yes

James O'Brien: Yes
Michael Podolski: Yes
John Bethoney: Yes

Motion passed unanimously, 5-0. The public hearing is continued to March 24, 2021 at 7:00 p.m.

4. 200 LEGACY BOULEVARD – COSTCO

Minor / Modification Site Plan Review for parking / site improvements to improve ADA accessibility.

Mr. Keith Simpson, Civil Engineer representing Costco, presented an overview of proposed ADA accessibility improvements for the existing Costco location at 200 Legal Boulevard.

Chair Bethoney requested a side-by-side comparison of existing and proposed conditions and a full site plan with the revised spaces superimposed over top. Mr. Simpson noted that he did not have such document and would have to consult with Costco to provide it.

It was noted that Ms. Michelle Tinger previously reviewed the project on behalf of the Town of Dedham. Ms. Tinger provided additional details on the proposed site improvements, which includes a net loss of one (1) parking space, for five hundred sixty-two (562) spaces rather than five hundred sixty-three (563). Waivers should be included for the reduction of the one (1) parking space, and the final plan must be stamped by an engineer.

Ms. Porter noted that the aerial photograph does not seem to indicate the actual plans being discussed. She inquired where the actual spaces are located.

Ms. Porter stated that the pedestrian crosswalks appear convoluted in the drawings and inquired why the crosswalks proceed from the road rather than from the front door. There appears to be an attempt to limit the number of crosswalks and, as a result, it's likely people will not use the crosswalks.

Mr. Simpson responded that there are four spaces in the West that do have crosswalks leading directly to the front door of the building. He added that he is trying to limit the conflict between those who park in the handicapped spaces and the drive aisles. There are two different requirements from ADA being addressed.

Mr. Podolski noted that there is a Commission on Disability. Mr. Rosenberger responded that Mr. Kenneth Cimeno sits on that Commission which works with the Town of Dedham. Mr. Podolski noted that Mr. Cimeno's review should be included in the next report from Mr. Simpson.

Chair Bethoney stated that he will have the Planning Department draft a letter to Costco reflecting that the Town of Dedham is concerned regarding the dangerous nature of the Rustcraft Road intersection. Costco has committed for years to re-design this access and egress in a safe way without acting.

Chair Bethoney requested that Mr. Simpson return with a site plan that shows the crosswalks and how they exist with the current conditions, as well as how the parking spaces affect the current use of the property. Mr. Simpson can notify the Board as soon as he is ready to present, at which time the proposed project will be added to the agenda for the next meeting.

Chair Bethoney inquired who is the property owner of the Costco building. Mr. Simpson responded that he did not know. Chair Bethoney will obtain this information from the Town Planner.

5. PLANNING INITIATIVES & COMMITTEE UPDATES

VFW / Providence Highway Corridor Action Plan: Mr. Rosenberger stated that a community meeting will be held regarding the Providence Highway Corridor. A mailer was sent out to all Dedham property owners within one thousand (1,000) feet of both the corridor and roadway. This is a plan that will account for drivers, pedestrians and cyclists.

Ms. Porter noted that she saw on the news that property (205 Providence Highway) was donated to the Conservation Department along this stretch. She asked whether this provides options for how to redevelop the area. Mr. Rosenberg responded that this donation is a sizeable portion of land, and it is expected to hold the key to accessing natural areas through trails and pathways.

Designing Dedham 2030 Master Plan: Mr. Rosenberger stated that land use will be discussed at a third open house to be held on March 30, 2021 at 6:00 p.m. It is hoped that the Planning Board will participate.

Open Space and Recreation Committee: Mr. McGrail stated that he attended his first meeting with the Open Space and Recreation Committee on February 23, 2021. Ms. Stephanie Radner outlined the Committee's past efforts, which have been extensive, to the four new members. Of the new members, the following were elected to positions on the Committee:

- Michelle Kayserman, Chair
- John Briggs, Vice-Chair
- Edith Graichen, Clerk

The next Committee meeting will be held on March 23, 2021 at 7:00 p.m. to discuss the goals set forth and how to prioritize them to achieve the most favorable results.

6. HOUSING CHOICE

A Housing Choice Legislation was recently passed by the Legislature and signed into law by Governor Baker. This Legislation speaks to the availability of multi-family dwelling units within the half-mile of a transportation node. Chair Bethoney has invited the select Board to an information meeting on March 10, 2021 at 7:00 p.m. at the outset of the regular Committee meeting. There will be representatives from KP Law to discuss the Legislation and how it could impact the community.

7. APPROVAL OF PREVIOUS MINUTES

Chair Bethoney stated that all meeting minutes to be discussed were previously distributed to Planning Board members.

March 7, 2019

Mr. Podolski noted that the Board paid tribute to the late Bob Aldous at the March 7, 2019 meeting, around which time they pledged to name the Planning Board Office's new Town Hall "The Aldous Planning Board Offices". Chair Bethoney requested that Jeremy Rosenberger discuss this matter with Mr. Baker and Mr. Goodwin to put this change into effect. Mr. Podolski added that he does not just want to see a sign on the door; the Planning Board should be invited to a ceremony to dedicate the offices to the late Bob Aldous.

Mr. O'Brien stated that in the March 7, 2019 minutes, he brought up the memorial plaques for those who died during the Civil War and their placement within the Town Hall. There was an issue trying to find a location for them and they are now behind a wall where they are not visible. He

suggested that they be placed at the stairwells that approach the meeting room. Chair Bethoney responded that this item should be discussed with the Town Manager.

A motion was made by Ms. Porter to approve the minutes of March 7, 2019, as presented. A roll call vote was taken:

James McGrail:	Abstained
Jessica Porter:	Yes
James O'Brien:	Yes
Michael Podolski:	Abstained
John Bethoney:	Yes

Motion passed, 3-0, with two abstained. The minutes of March 7, 2019 were approved.

March 13, 2019

A motion was made by Ms. Porter to approve the minutes of March 13, 2019, as presented. The motion was seconded by Mr. Podolski. A roll call vote was taken:

James McGrail:	Abstained
Jessica Porter:	Yes
James O'Brien:	Yes
Michael Podolski:	Yes
John Bethoney:	Yes

Motion passed, 4-0, with one abstained. The minutes of March 13, 2019 were approved.

March 28, 2019

Ms. Porter requested that the minutes be amended on the first paragraph of Page 9 related to parking, as follows:

- Replace "When there were no handicapped spaces available" with "There were no spaces available other than handicapped spaces".
- Insert "Ms. Porter presented the Board with a memo detailing the counts and analysis she undertook following her interview with Ms. Sheila Pransky."

Chair Bethoney requested that Ms. Porter submit a few sentences regarding the memo to Ms. Jennifer Doherty for inclusion in the minutes. Ms. Doherty will include these sentences in the March 18, 2019 minutes and resubmit them to the Board for approval at the next meeting. Chair Bethoney stated that approval of the minutes of March 28, 2019 would be tabled to the March 10, 2021 meeting.

April 11, 2019

Mr. Podolski stated that he had not yet reviewed the minutes of April 11, 2019. Chair Bethoney stated that approval of the minutes of April 11, 2019 would be tabled to the March 10, 2021 meeting.

8. OLD/NEW BUSINESS

Amazon: Mr. Podolski asked when Amazon was expected to return before the Planning Board to discuss issues related to noise, traffic, and hours of operation. Mr. McGrail noted that he sat down with Amazon to bring the issues of the neighborhood to light after speaking with many Town of Dedham residents about this matter. Over the course of three meetings, Amazon has tried to explain why they are not the problem rather than undertaking solutions.

An additional meeting will be held with Mr. Joseph Flanagan and Mr. Jason Mammone to discuss improvements that Amazon may or may not wish to be a part of on Sprague Street. Mr. McGrail will be distributing a list of open items to the Planning Board for comments. Mr. McGrail expects that the Board will be able to vote on Amazon's application for the first meeting of April 2021.

Mr. Podolski noted that one of the items sought by the DPW is two hundred and fifty thousand dollars (\$250,000) of taxpayer money to undertake a portion of the sidewalk on Spring Street. Undertaking the entire sidewalk would be expected to cost one million and two hundred thousand dollars (\$1.2 million). He recommended that this be conveyed to Amazon.

Mr. O'Brien stated that he continues to see Amazon trucks on the wrong route at all different hours of the day.

Chair Bethoney announced a recess until 8:10 p.m. to allow representative Mr. Peter A. Zhaka Esq. additional time to join the meeting to discuss the Lowder Street proposal (Item 3 of these minutes).

9. DATE AND TIME OF NEXT MEETING

The next meeting of the Planning Board will be held on March 10, 2021 at 7:00 p.m.

10. ADJOURNMENT

A motion was made by Mr. Podolski to adjourn the meeting at 10:16 p.m. The motion was seconded by Mr. McGrail. A roll call vote was taken:

James McGrail:	Yes
Jessica Porter:	Yes
James O'Brien:	Yes
Michael Podolski:	Yes
John Bethoney:	Yes

Motion passed unanimously, 5-0. The meeting was adjourned.

DISCLAIMER

The above minutes should be used as a summary of the motions passed and issues discussed at the meeting of the Planning Board. This document shall not be considered a verbatim copy of every word spoken at the meeting.