

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

Planning Director
Jeremy Rosenberger



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Administrative Assistant
Jennifer Doherty

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
OCTOBER 18, 2021, 6:00 P.M.**

BOARD MEMBERS:

John R. Bethoney	Chair
Michael A. Podolski, Esq.	Vice-Chair
Jessica L. Porter	Member
James McGrail	Member

ABSENT MEMBERS:

James E. O'Brien IV	Member
Andrew Pepoli	Associate

PLANNING DEPARTMENT STAFF:

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

Minutes prepared by Angela Fracassi of Minutes Solutions Inc. from an audio recording.

1. CALL TO ORDER

Chairman Bethoney called the meeting to order at 6:18 p.m. and explained the meeting procedures to the public.

**2. PUBLIC HEARING
FALL 2021 TOWN MEETING ZONING ARTICLE**

Public Hearing: Fall 2021 Town Meeting Zoning Article

In accordance with the provisions of M.G.L. Chapter 40A, s.5, the Planning Board will hold a public hearing in accordance of the provisions of M.G.L Chapter 40A, Section 5, on the following proposed amendment to the Dedham Zoning By-Laws. The text of the proposed amendment is available by request from the Town Clerk and Planning & Zoning Department, and are available via Dropbox, along with a summary of the proposed amendment:

<https://bit.ly/PBfallTM2021>

To see if the Town will vote to amend the Dedham Zoning By-Law as follows:

1. Add new Use Category A.10. (“Short Term Rental”) to Table 1 (Principal Use Table) as follows [text to be inserted shown in bold, italicized text]:

PRINCIPAL USE	DISTRICTS											
	SRA	GR	PR	PC	RDO	AP	LMA	LMB	HB	LB	GB	CB
<i>A. Residential Uses</i>												
<i>10. Short Term Rentals</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>

2. Add new Use Category 1.12. (“Short Term Rental”) to Table 1 (Principal Use Table) as follows [text to be inserted shown in bold, italicized text]:

PRINCIPAL USE	DISTRICTS											
	SRA	GR	PR	PC	RDO	AP	LMA	LMB	HB	LB	GB	CB
<i>1. Accessory Use Table - Residential</i>												
<i>12. Short Term Rentals</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>

3. Add the following new definition to Section 10 Definitions:

SHORT TERM RENTAL - An owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (a) at least 1 room or unit is rented to an occupant or sub-occupant; and (b) all accommodations are reserved in advance; provided however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. This definition shall be interpreted consistent with and shall incorporate the definitions of terms used herein set forth in G.L. c.64G, s.1.

Mr. Rosenberger informed the Board that the proposed zoning for this meeting was advertised in the Dedham Times two consecutive weeks prior to this meeting and notice to the regional planning authority and the State Department of Community Housing and Development. Notice has also been provided to all abutting communities.

On a motion made by Mr. Podolski, seconded by Ms. Porter, it was resolved to dispense with the reading of this public notice. A roll call vote was conducted. Motion carried unanimously.

On a motion made by Mr. Podolski, seconded by Ms. Porter, it was resolved to open the public hearing regarding Article 12. A roll call vote was conducted. Motion carried unanimously.

The Chair opened the floor to questions from the Board.

Ms. Porter opined that altering the by-laws for the sole purpose of this investigation appeared to be a measure disproportionate to the purpose of the study. Ms. Porter questioned the strategy of altering the by-law as proposed by the amendment. She stated that the board had asked to study this issue, and since there was not time for the study, this by-law was being presented as a place holder to buy time to allow the Planning and Zoning Department and the Planning Board to properly study the issue, and look at what other towns have done to determine what is best for Dedham.

Mr. Rosenberger responded that; there is currently no mention of short-term rental in the Dedham Zoning by-law in terms of these categories, and someone may challenge the by-law by suggesting that the by-law leaves this use open to interpretation. Mr. Rosenberger noted further that these amendments match state statutes to provide clarity and it is clear that short-term rental use is being regulated.

The Chair noted that mixed-use scenarios were formerly permitted in specific zones and that a moratorium had been placed on this use. The Chair noted that it is challenging for the by-law to be enforced on the issue of short-term rentals, given the lack of explicit language regulating this practice as outlined in the amendment. The Chair opined that this explicit language was required in the by-law in order to be able to place a moratorium on this activity and that he supported the amendment as presented. The Chair spoke to his commitment to studying the feedback from the community with regard to this issue. He noted that should the constituency be supportive of short-term rentals—whether conditional or not—he would support what the majority of the constituency desired, but until that can be determined, the amendment should be moved forward so regulation of these practices can be enforced.

Ms. Porter stated that her preference would be a remedy that contained a time limit as opposed to this amendment which appears to cease the practice of short-term rental definitively.

The Chair stated that the amendment should be in place until it can be determined if a moratorium should be permanent or if, and to what extent, this practice should be permitted. He noted that conditions and/or permits may be required for Short Term Rentals,

and the investigation will inform what, if any, restrictions, conditions, and/or permanent ban would be both prudent and preferred.

Mr. Podolski noted his support for the amendment because it adds language to the by-law defining a short-term rental. He opined that Counsel was cognizant of the total restriction of short-term rentals in all districts being a measure taken only until the results of the investigation can be determined.

Mr. McGrail noted his support for the amendment but inquired to the possibility of adding a clause to the amendment that would restrict its enforcement to a specific period of time. Failing this, he asked if it would be possible to add language to the amendment that explained that the investigation, previously mentioned, would take place.

The Chair stated that such language may not be permitted in the by-law but could be included in other communications with the community.

The Chair noted that Mr. O'Brien (who is not in attendance) supported the amendment as presented and that Mr. O'Brien had instructed Mr. Bethoney to speak on his behalf with regards to this issue.

Mr. Podolski noted that the August 24, 2021, minutes of the Planning Board Meeting recorded that Mr. Rosenberger had noted at that meeting a two-step process for addressing the issue of short-term rentals. Step one would be "create a definition", followed by modifying the by-law. Mr. Podolski noted that there was no time to perform the investigation prior to the November 2021 Town Meeting, and due to this, the amendment should be passed.

Ms. Porter inquired as to other methods of communicating to the public that the ban on Short Term Rentals was pending review of the investigation (previously noted) and if a press release could be issued for this communication.

Mr. McGrail and Mr. Podolski expressed support for the by-law as presented and opposed short-term rentals in general in the Town of Dedham.

The Chair stated that while he held a similar opinion to that of Mr. McGrail and Mr. Podolski, the Board was required to hear from the public.

The Chair opened the floor for questions or comments from the public. There were none.

On a motion made by Mr. Podolski, seconded by Mr. McGrail, it was resolved unanimously to close the public hearing regarding Article 12. A roll call vote was conducted. Motion carried unanimously.

Ms. Porter asked Mr. McGrail if he believed that the vote on the by-law amendment at the Town meeting would be sufficient to determine the level of support the community held for permitting or banning short-term rentals.

Mr. McGrail responded that he did hold this belief.

Ms. Porter reiterated her interest in doing a full study of this issue.

Ms. Porter suggested an amendment to the motion to provide reassurance that the public process for this investigation would be advertised more broadly, and that more investigation was forthcoming. She suggested that there are benefits to short-term rentals that need to be considered.

Mr. McGrail opined that taking this matter to a public meeting was sufficient to seek public input.

The Chair reiterated that the Article was published in the Dedham Times and that the purpose and rationale statement, along with the Article, can be disseminated to the public to ensure the citizenry would be more informed about the issue, with the intent of giving constituents the opportunity to share educated opinions on the matter and contact their town representatives to voice their opinions if they chose to do so.

Ms. Porter reiterated the importance of the public process for this investigation.

The Chair took an informal poll of the Members with regards to their support for the further investigation into the possibility of permitting short-term rentals in some form, or whether they believed that the vote at the Town Meeting would suffice in weighing the measure of support for this land use and close the discussion on this issue.

Mr. Podolski opined that he was not unsupportive of reviewing the zoning after the Amendment is passed.

The Chair noted that Mr. O'Brien had not informed him of his opinion regarding this informal poll.

Mr. McGrail opined that he is not supportive of reviewing the zoning after the amendment is passed. He suggested that he would be supportive of further review of this zoning should there be evidence at the Town Meeting to indicate that it is required.

With respect to this informal poll, Mr. Bethoney stated that he is supportive of the will of the constituency and would be supportive of further review if the evidence at the Town Meeting indicated its necessity. He reiterated his commitment to providing adequate communication to the public regarding this issue prior to Town Meeting.

While addressing Mr. Rosenberger, Ms. Porter stated that her understanding was that this issue would be researched in more depth prior to Town Meeting. She also inquired as to whether there was further research that Mr. Rosenberger was aware of that the Board was not able to be aware of prior to this hearing.

Mr. Rosenberger noted Burlington and Watertown as exemplars of such discussions and investigations noting that these municipalities have been researching this issue for two years and have not reached any meaningful conclusion. He suggested that there could be more effort to request input from the community prior to Town Meeting.

Ms. Porter asked Mr. Rosenberger if there would be time to adequately inform the public prior to Town Meeting and Mr. Rosenberger responded affirmatively.

On a motion made by Mr. Podolski, seconded by Mr. McGrail, it was resolved to send this amendment of the By-law to town counsel. A roll call vote was conducted. Motion carried unanimously.

The Chair noted that further conversation with the Planning Department would take place subsequently with regards to enhancing the communication of this issue to the constituents prior to Town Meeting.

Mr. Rosenberger noted that the Planning Department would need to be in receipt of any additional language to be added to the communications sent to the constituents by the end of day following this meeting, on October 19, 2021.

Mr. Podolski noted that that the Board's discussion of the short-term rental states "the Planning Board will seek to further engage the community in early 2022 to determine future changes to the By-laws".

3. MEETING MINUTES

On a motion made by Mr. Podolski, seconded by Mr. McGrail, it was resolved unanimously to table the minutes of July 14, 2021, July 17, 2021, August 24, 2021 and August 25, 2021 to a subsequent meeting.

4. OLD/NEW BUSINESS

Mr. McGrail expressed a desire to request the assistance of the Building Commissioner with regards to lighting being left on at the under-construction Animal Rescue League.

The Chair noted that the project referred to by Mr. McGrail is not yet complete and conditions of the Certificate of Action require the developer to complete the project as designed in order to receive their Occupancy Permit.

Mr. Rosenberger noted that the Animal Rescue League had sent notice to the abutters with regards to this issue.

5. NEXT MEETING

Mr. Rosenberger indicated that the next meeting of this Board will take place on Wednesday, October 27 at 6:00 p.m.

6. ADJOURNMENT

On a motion made by Mr. McGrail, seconded by Mr. Podolski, it was resolved to adjourn the meeting at 6:52 p.m. A roll call vote was taken. Motion carried unanimously.