

PLANNING BOARD

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



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Senior Planner
Michelle Tinger

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

**MINUTES OF THE PLANNING BOARD MEETING (DRAFT)
ROOM 304, THIRD FLOOR
FEBRUARY 8, 2023, 6:00 P.M.**

BOARD MEMBERS:

John R. Bethoney	Chair
James E. O'Brien, IV	Member
Jessica L. Porter	Member
James F. McGrail	Member

REGRETS:

Michael A. Podolski, Esq. Vice-Chair

PLANNING DEPARTMENT STAFF:

Jeremy Rosenberger	Planning Director
Jason Shultz	Economic Development Planner
Michelle Tinger	Senior Planner

1. CALL TO ORDER

Chairman Bethoney called the meeting to order at 6:00 p.m.

2. REVIEW AND APPROVAL OF PREVIOUS MINUTES

September 28, 2022:

Planning Department staff agreed to add names of Applicants who were interviewed for the Wigwam Pond Access Plan Advisory Committee.

On a motion made by Ms. Porter, seconded by Mr. O'Brien, it was voted to approve the minutes from the Planning Board meeting held on September 28, 2022, as amended. Motion carried.

October 11, 2022

On a motion made by Mr. McGrail, seconded by Ms. Porter it was voted to table review of the minutes from the meeting held on October 11, 2022, to a later date. Motion carried.

The Chair opened the floor to public comment.

Ann Frasca, 22 Aspen Court stated that she believes the property is not in compliance. She has observed that some of the lighting remains on all night and the landscaping is in poor condition. Ms. Frasca added that she used her own money on landscaping to mitigate the light and sound from Animal Rescue League.

Stephanie Carter, 247 Pine Street reiterated that the interior and exterior lighting remains on all night and is brighter than expected. The landscaping is in poor condition and the sound of dogs barking is disruptive to residents.

Chairman Bethoney inquired whether the lights spill onto adjacent properties or can be seen from afar. He clarified that the Planning Board cannot regulate light that can be seen from afar; however, they can regulate lights that spill on to other properties. Ms. Carter responded that the lights spilled onto the sidewalk.

Mr. Rosenberger noted that the lights are to be turned off 30 minutes after closing, with some provisions for meetings and emergencies. He inspected the site after hours and did not note any light spillage.

Ms. Pierce noted that the plantings in question were done late in the season due to COVID-19 related delays. Additionally, the original landscaping company did not do enough to ensure that the landscaping thrived; that company has since been replaced. There is one spruce tree that may need to be replaced and she is optimistic the other trees will thrive in the spring. Regarding the noise, she noted the site is in compliance. There have been no noise complaints since the acoustical blankets were placed on the exterior kennels.

The Board inquired about the lighting issues.

Ms. Pierce added that she received one complaint about the lighting. The lights are on a timer that is adjusted seasonally to accommodate daylight saving time and the parking lot lights are left on when snowstorms are expected. The interior lighting is on an occupancy sensor. She agreed with the Chair's recommendation to research dimming the bollard lighting.

Chairman Bethoney inquired whether the Certificate of Action has a one-year contingency. Mr. Rosenberger responded that it did not.

The Board agreed to meet with the Applicant again on February 22, 2023, to assess the lighting and to continue the discussion about issuing a Certificate of Compliance.

5. **CONTINUATION OF PUBLIC HEARING**
359 WASHINGTON STREET, HUB DEVELOPMENT LLC, SPECIAL PERMIT FOR MIXED USE DEVELOPMENT/MAJOR SITE PLAN REVIEW

On a motion made by Mr. McGrail, seconded by Ms. Porter, it was voted to grant the Applicant's request to issue a continuance of the public hearing regarding 359 Washington Street to March 8, 2023. Motion carried unanimously.

6. **PUBLIC MEETING**
SCOPING SESSION
100 PROVIDENCE HIGHWAY, TELS A INC.

GUEST:

Matt Burke

Dewberry Engineers, Inc.

Mr. McGrail noted his conflict of interest to a professional relationship with the Applicant and recused himself from the meeting.

Mr. Burke reviewed the scope of work. Tesla intends to install twelve (12), level-three charging stations at Ocean State Job Lot located at 100 Providence Highway, and requested this work be deemed an Accessory Use to the existing parking lot. Additionally, the Applicant requested waivers for peer review and abutter notification requirements, and to limit the scope of the Minor Site Plan Review as shown on Tesla's plans.

Chairman Bethoney noted that the site is currently not in compliance with the existing plan of record. Despite the Board's support of the installation of EV charging stations, they are unlikely to grant any waivers to a site that is not currently in compliance. He added that Tesla is not the owner of the site and advised that Mr. Burke speak to the landlord.

The Chair inquired whether the Applicant intends for the chargers to be a destination in and of themselves. Mr. Burke responded that some users may seek out the chargers, whereas others may be running errands and would visit the chargers while dining or shopping nearby. He noted that the chargers would only be available to Tesla owners at this time.

The Board agreed to meet with the Applicant again on February 22, 2023, to review the plan of record prior to making a determination.

7. **SPRING 2023 TOWN MEETING**

Mr. McGrail returned to the meeting.

Mr. Rosenberger presented the proposed zoning amendments for the Spring 2023 Town Meeting. The first article addresses the different levels of EV charging stations, allowing electric charging stations as accessory uses, and an electric charging station definition.

Mr. McGrail noted a formatting issue and requested clarification on footnote 31. The Chair recommended that Mr. Rosenberger prepare an EV informational document specifically for residents prior to the public hearing. The Board was in support of the article; however, want to ensure the general public understands what is being proposed.

The second proposed zoning amendment would create a Multi-Family Housing Overlay District (MFHOD), which would permit multi-family housing by right adjacent to the MBAT Dedham Corporate Commuter Rail Station. Mr. Rosenberger outlined the recent changes made to the text, presented a map that outlines the district borders, and shared a zoning map. The Board recommended that changes be made to the 'Provision of Affordable Units' section to improve overall clarity.

Lastly, the Board reviewed two proposed definitions of the term "human occupancy" that were prepared by Mr. McGrail. The Board expressed willingness to present either of the two definitions

at Town Meeting. **Chairman Bethoney** requested that Mr. McGrail incorporate information regarding the number of floors in the proposed definition.

Mr. Rosenberger reviewed the deadlines for the articles. The articles are due on February 10, 2023, and the proposed public hearing is scheduled for March 22, 2023. Notices regarding the public hearing must be distributed at least two weeks in advance. **Ms. Porter** requested that the notices should be articulated more clearly than they have been in the past.

8. PUBLIC COMMENT

The Chair opened the floor to public comment.

Richard Irving, 235 Common Street, thanked the Board for their efforts to educate the public and simplify information. Mr. Irving noted he attended the last Planning Board meeting to discuss concerns about the Aquifer Protection Overlay District (APOD) and the process for resident notification of major projects.

Mr. Irving inquired as to which body has regulatory control over the APOD. In his research, Mr. Irving learned that the APOD as defined in 1991 was significantly larger than the current APOD. He inquired about the reason behind the change.

Mr. Rosenberger explained that in 1991 the purpose of the APD was to protect the water quality in the same way that storm water systems do now. Planning Department staff are in the process of obtaining meeting minutes from 1991 time period for further clarification. Mr. Rosenberger added that Stephanie Radner, Chair of the Conservation Commission, is also in the process of researching the aquifer and recommended that Mr. Irving follow up with her for more information.

Richard Irving, 235 Common Street inquired about follow-up procedures on major projects.

Chairman Bethoney responded that the Building Department is the enforcement body, not the Planning Board. The Planning Board only has enforcement or regulatory control when the Applicant comes before the Board to make a request.

Rita May Cushman, 121 Garfield Road commended the Planning Board and Planning Department for their diligence when answering the public's questions.

9. OLD BUSINESS / NEW BUSINESS

- a. **Wigwam Pond: Ms. Porter** noted that she met with Representative McMurtry and Senator Rush. She recommended that Mr. Rosenberger write a thank you letter with an update on the Wigwam Pond project.
- b. **Town Green Working Group Update: Ms. Porter** reported the working group is in the process of negotiating a contract with Halvorson Tighe & Bond, the design and project management firm.
- c. **Commendation to Planning Department Staff: Ms. Porter** reported recently meeting with local third graders working on accessibility proposals for Wigwam Pond. This was an engaging activity that was organized by Ms. Tinger.

10. **NEXT MEETING**

The next meeting of the Planning Board is scheduled for February 22, 2023, at 6:00 p.m.

11. **ADJOURNMENT**

On a motion made by Mr. McGrail seconded by Mr. O'Brien, it was resolved to adjourn the meeting at 8:44 p.m. Motion carried unanimously.