

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.

Planning Director
Jeremy Rosenberger

Senior Planner
Michelle Tinger



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

**MINUTES OF THE PLANNING BOARD MEETING
O'BRIEN MEETING ROOM, THIRD FLOOR
APRIL 26, 2023, 6:00 P.M.**

BOARD MEMBERS:

John R. Bethoney	Chair
Michael A. Podolski, Esq.	Vice-Chair
James E. O'Brien IV	Member (from 6:10 p.m.)
Jessica L. Porter	Member (via Zoom)
James F. McGrail, Esq.	Member

PLANNING DEPARTMENT STAFF:

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

1. CALL TO ORDER

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

2. PUBLIC COMMENT

There were no comments.

3. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES

The Board reviewed the meeting minutes of October 12, 2022, and requested the following amendment:

- Correct the spelling of "council" to "counsel" in all motions.

On a motion made by Member McGrail, seconded by Vice Chair Podolski, it was voted to approve the meeting minutes of September 28, 2022, November 1, 2022, November 9, 2022, December 1, 2022, December 14, 2022, January 11, 2023, January 25, 2023, and January 31, 2023, as presented. Motion carried unanimously.

On a motion made by Member McGrail, seconded by Vice Chair Podolski, it was voted to approve the meeting minutes of October 12, 2022, as amended. Motion carried unanimously.

4. **PUBLIC MEETING**
MAJOR SITE PLAN REVIEW: 930 PROVIDENCE HIGHWAY – iFly

GUESTS:

Patrick Framel	Applicant, iFly Indoor Skydiving
Attorney Kevin Hampe	Attorney, Applicant's Representative
Caycee Hart	Project Engineer, Kimley Horn
Jeffrey Bandini	Peer Reviewer, McMahon Associates
Mike Sinesi	Peer Reviewer, DSK Architects

Attorney Hampe discussed on March 8, 2023 a presentation was made to the Board regarding the site and design plan for the proposed iFly building; however, subsequent issues arose regarding the design and the various waivers requested by the Applicant.

At that time, the site plan peer reviewer McMahon Associates provided a report listing 13 items that needed to be addressed by the Applicant and provided the Board with a list of recommendations. All the items identified by the peer reviewers have been cleared either by amendments to the site plan or by waiver requests for five items presented at the meeting.

Mr. Bandini from McMahon Associates was engaged, at the cost of the Applicant, to review the site plan for the iFly indoor skydiving facility on behalf of the town of Dedham, and it was determined that the site plan meets the regulations to the degree that it can.

The Applicant requested the following waivers:

- Less than five-foot landscaping for the perimeter along the property line on the north side of the building
- Less than five-foot landscaping for the perimeter of the parking on the north side of the building
- Less than five-foot landscaping between the perimeter of the parking and the property line on the east side of the building
- To permit parking within five feet of the south property line and five feet of landscape area between the perimeter parking and the south side of the building
- To permit parking along the south property line to be extended 2 to 2.5 feet beyond the property line

Mr. Bandini confirmed all the requested waivers are deemed appropriate and should be considered for approval by the Board.

Chair Bethoney noted all projects require a "Will-Serve" letter from the utility company. Past projects have had to return to the Board after Nstar/Eversource has determined that

a transformer must be relocated to accommodate the project. Transformer relocation can interfere with the parking design and requires that a new site plan be presented to the Board. The Chair requested that Mr. Bandini obtain the relevant Will-Serve letters from the utility companies to confirm approval of the proposed transformer locations.

Chair Bethoney stated he will not approve any future plans without a will-serve letter. Ms. Hart reported the process to obtain a will-serve letter has been initiated; however, the letter has not yet been received.

The Applicant provided a review of the updated design plan. Mr. Sinesi conducted the architectural review and worked with the Applicant on several iterations before selecting the updated design plan as presented. Mr. Sinesi stated the updated design is more dynamic, interesting, and exciting, with better use of colors and patterns on the exterior.

The size of the signage was reduced and grounded to street level for better visibility. The entry logo is also graphically representing the idea of flying. The landscaping was reduced in size on the plans to better reflect the actual height of the trees. Mr. Sinesi confirmed he would endorse the proposed design.

Vice Chair Podolski commended the Applicant and Mr. Sinesi for their combined efforts to redesign a more appropriate facility.

Member O'Brien asked the Applicant's opinion on the design and the process including outreach to abutters. The Applicant reported the process was helpful and the recommendations proposed by DSK Architects fit well with the character of the building. There was an understanding of the needs and requirements of the building, the wind tunnel inside of the building, and the language intended for the exterior of the building.

Member Porter stated the new design is much better given the facility will be located on the town's main thoroughfare. **Member Porter** inquired whether a waiver is required to have the signage on the blue portion of the building at its proposed height. The Applicant expressed his belief that a waiver could be required for the sign; however, a waiver may be required for all three signs combined.

The Applicant reported the calculations for signage have not been finalized because the Applicant must still present to the Design Review and Advisory Board (DRAB). **Member Porter** noted the signage will be illuminated and requested the Applicant agree to have the signage on a timer to be turned off within 30 minutes after closing every night. The Applicant confirmed this was already intended.

Ms. Hart confirmed all the plantings are native to the area. The photometric plan models existing fixtures but cut-off fixtures will be installed to ensure no spillover. Mr. Bandini confirmed the lighting plan is compliant.

Member Porter reported the Town's Director of Engineering was adamant not to grant a waiver for the exterior landscaping buffers or to make up landscaping in other areas if

granted. **Member Porter** queried the percentage of the lot that would be landscaped if the Applicant was compliant with all exterior landscaping buffers.

Ms. Hart confirmed the Applicant would have been under the 28% exterior landscaping currently being presented. There was a deficit of 2,000 square feet of landscaping along the perimeter; however, the Applicant is compensating with an additional 2,600 square feet of landscaping on the interior. The impervious surface would then be less than it would be if the Applicant was compliant with every requirement. **Member Porter** requested this information be clearly included in the Certificate of Action (COA).

Chair Bethoney noted the Applicant agreed at the scoping session, based on the design structure of the building, that the Applicant would arrange for a complete teardown and leave an empty lot for the next applicant to build on, if and when the Applicant decides to vacate the space. Attorney Hampe confirmed this could be included in the final proposal.

Vice Chair Podolski queried whether an easement agreement or a use restriction should be obtained for the parking lot crossover in the event the lots have separate owners in the future. Attorney Hampe confirmed should the owner of the encumbered parcel decide to split the parcel, the owner will have to grant an easement to the owner of the Applicant's parcel.

Member Porter inquired whether the Applicant considered installing conduits in anticipation of requiring infrastructure to accommodate electric vehicles (EV). Ms. Hart noted in her experience with working with EVs over the last three years, the technology is evolving, and installing conduits at this time may not be prudent as it is likely the conduits will become obsolete and require removal when the time comes for the Applicant to install an EV infrastructure.

Chair Bethoney advised that conduits, in terms of plastic piping which do not become obsolete, could be installed at minimal cost and would provide a void space for evolving EV technology. The Applicant reported no experience with EV charging stations and requested to further explore this item at a later time after consultation with a third-party EV charging specialist.

The Applicant expressed concern regarding incurring unnecessary costs to install equipment that will not be used or will require removal. **Member McGrail** was supportive of the Applicant's statements regarding EV charging station readiness and noted the challenges associated with the rapidly evolving status of the EV industry.

Mr. Sinesi reported Massachusetts State Building Code requires that at least one parking space in any new commercial construction with over 15 parking spaces must be made ready for EV charging stations. An EV-ready space is defined as a designated parking space with a dedicated ground circuit for EV charging stations. The new state code will take effect on July 1, 2023.

Member McGrail noted the incoming state code may not apply to the Applicant if the proposal is approved before the code takes effect. **Chair Bethoney** noted the issue will be addressed in the COA, and if the plan needs to be revised as a result, it will be reviewed at a subsequent meeting. The Applicant reported he intends to update the design plan to include three EV-ready parking spaces in light of the incoming state code effective July 1, 2023.

Chair Bethoney queried whether the Applicant felt the site review process and the collaboration with the peer reviewers on site and building design has yielded a better project than originally proposed. The Applicant agreed and noted several of the design features for the proposed design plan will be implemented into a design plan for another facility, which reflects the value of the process. The Applicant noted the engineer review process was thorough.

Chair Bethoney reminded the Board that approval of the proposal would be subject to a mutually agreed upon and voted on COA, which will include all items agreed to in discussions, and to be distributed to the town, the Applicant, and the Applicant's counsel.

Member Porter advised that the engineer recommended the Board defer approval until the Conservation Commission has issued their permit due to questions regarding phosphorus. The Chair queried to what degree the Applicant will comply with the Conservation regulations as it relates to the engineer's concerns.

Ms. Hart reported intentions to fully comply with the regulations and noted meeting with the Conservation Commission and was provided with a copy of the engineering letter. The Applicant reported ongoing solutions in progress and is confident the project will be in full compliance with the Conservation Commission requirements.

Chair Bethoney reported the Board will consider the Applicant's plan without the EV charger locations; however, when the Applicant determines the locations, and prior to the issuance of the building permit, the Applicant must return to present a revised plan to the Board as will be required per the COA, as mutually agreed to at the meeting.

On a motion made by Member McGrail, seconded by Vice Chair Podolski, it was voted to approve the waivers for the iFly project as presented. Motion carried unanimously.

On a motion made by Member McGrail, seconded by Vice Chair Podolski, it was voted to approve the site and design plan for the iFly project, based on the understanding of items discussed at the April 26, 2023 meeting, as presented. Motion carried unanimously.

5. **PUBLIC HEARING (CONTINUATION):**
MIXED USE DEVELOPMENT/MAJOR SITE PLAN REVIEW
359 WASHINGTON STREET – HUB DEVELOPMENT LLC

GUEST:

Attorney Kevin Hampe

Applicant's Representative

Chair Bethoney noted the Applicant requested a continuance of the hearing to May 24, 2023, at 7:00 p.m. to better prepare their presentation.

On a motion made by Member McGrail, seconded by Member O'Brien, it was voted to approve the request to defer the continuation of the public hearing for 359 Washington Street – Hub Development LLC to May 24, 2023. Motion carried unanimously.

6. PLANNED RESIDENTIAL DEVELOPMENT TIMELINE

Chair Bethoney reported Board members requested, at previous meetings, that the Planning Department provide a timeline so that the Board can prepare a potential Planned Residential Development bylaw change to be presented at the November 2023 town meeting.

Member McGrail expressed concern regarding public outreach in July 2023 and August 2023. That is not the appropriate time to discuss a Planned Residential Development bylaw change given proper public input should be sought. **Member McGrail** suggested obtaining feedback in the Fall of 2023 to be presented at the Spring 2024 Town Meeting.

Member Porter noted the proposed timeline of May 2023 and June 2023 for public comment is feasible; however, she was supportive of deferring the public comment to the Fall of 2023 if required to ensure sufficient input. **Member Porter** suggested that outreach to residents and developers make note that the Board is reviewing the Planned Residential Development bylaw, but also emphasize the goal of open space preservation.

Member McGrail expressed concern regarding the actual undertaking to review the Planned Residential Development bylaw. **Member McGrail** noted what was intended as minor revisions to the bylaw have evolved into a completely different approach to different parcels of land. He emphasized the importance of public comment given the scope of the proposed bylaw change.

Vice Chair Podolski noted more elaborate bylaws in surrounding communities. He agreed that the Board needs to decide on the extent to which the Board is willing to go as far as updates to the bylaw.

Mr. Rosenberger clarified that the proposed bylaw changes encompass all actions already taken by the Board regarding previous PRD project. The proposed bylaw changes provide more transparency for applicants to be made aware of the process and the Board's expectations.

Chair Bethoney reported the November town meeting is historically reserved for emergency items such as budgetary issues and bylaw changes required by statutory

requirements, and not for typical town business. **Chair Bethoney** reiterated that as much public feedback needs to be received and as much information needs to be presented regarding the zoning articles to be presented at the Spring Town Meeting. He suggested the Board consider presenting at town meetings with zoning articles at the May town meeting unless an emergency arises.

Chair Bethoney was supportive of renaming the Planned Residential Development to emphasize the goal of open space preservation on the condition that it is framed in such a way that it is in concert with a development. The Chair reiterated that the word “development” must be included to highlight the preservation of open space in exchange for denser development.

Chair Bethoney agreed with **Member McGrail’s** concerns regarding seeking public comment during July 2023 and August 2023 and noted that other Boards and committees have been condemned for taking action during months when families take vacations. The Chair suggested that the July and August Board meetings be reserved for routine business and no items of real consequence.

The Board agreed to start public comment on the Planned Residential Development bylaw change at the May 24, 2023, Board meeting to determine public sentiment regarding the proposed bylaw changes. Further discussion will then be deferred to fall 2023.

Member Porter suggested that stakeholder outreach include known developers and property owners for large parcels of land that would also be eligible. **Member McGrail** requested a list of eligible properties across the town of Dedham be provided for review during discussion of this item at all meetings moving forward.

7. PLANNING BOARD REORGANIZATION

Member O’Brien commented his nomination is in honor of Chair Podolski’s final year on the Board. **Chair Podolski** confirmed that after 20 years, he will not be seeking re-election to the Planning Board.

Mr. O’Brien reported on Ms. Porter’s first tenure, which included taking on several committees and additional work beyond the responsibilities of the Planning Board. Mr. O’Brien congratulated Ms. Porter on her appointment as Vice Chair.

On a motion made by Member O’Brien, seconded by Member Porter, it was voted to approve the appointment of Member Podolski as Chair of the Planning Board. Motion carried unanimously.

On a motion made by Chair Podolski, seconded by Member McGrail, it was voted to approve the appointment of Member Porter as Vice Chair of the Planning Board. Motion carried unanimously.

On a motion made by Chair Podolski, seconded by Member McGrail, it was voted to approve the appointment of Member O'Brien as Clerk of the Planning Board. Motion carried unanimously.

8. OLD/NEW BUSINESS

- a. Public Safety Building:** The building is now occupied by the Fire Department as of April 22, 2023.
- b. Demolition of Fire Station:** The old fire station demolition has begun.
- c. Police Department:** The building will open within 10 days.
- d. Town Green Working Group:** The working group will be meeting on May 4, 2023, at 7:00 p.m. to hear the near-final design plans from Halvorson Tighe & Bond. There will be a public comment forum and a community meeting to follow on June 6, 2023.
- e. Bridge Street Committee:** The committee will meet on May 1, 2023, at 6:30 p.m.

9. NEXT MEETING

The next meeting of the Planning Board is scheduled for May 15, 2023.

10. ADJOURNMENT

On a motion made by Mr. McGrail, seconded by Mr. O'Brien, it was resolved to adjourn the meeting at 7:42 p.m. Motion carried unanimously.