

Planning Board

John R. Bethoney, Chair
Michael A. Podolski, Esq., Vice
Chair
Robert D. Aldous, Clerk
Ralph I. Steeves
James E. O'Brien IV

Planning Director

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**TOWN OF DEDHAM
PLANNING BOARD
MEETING MINUTES**

July 23, 2015, 7 p.m., Lower Conference Room



Present: John R. Bethoney, Chair
Michael A. Podolski, Esq., Vice Chair
Robert D. Aldous, Clerk
Ralph I. Steeves
James E. O'Brien IV
Richard J. McCarthy, Jr., Planning Director

Call to order 7:05 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.

PUBLIC MEETING

Applicant: Dunkin Donuts
Project Address: 36 Sawmill Lane, Dedham, MA
Case #: **SITE-02-14-1791**
Zoning District: General Business
Representative(s):

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- Matthew Smith, Norwood Engineering, 1410 Route One, #202, Norwood, MA
- Carlos Andrade, owner, Legacy Donuts, Inc.
- Chris Dacosta, owner, Legacy Donuts, Inc.

Town Consultant: Philip Viveiros, McMahon Associates

Prior to the beginning of the meeting, Mr. Podolski said that Mr. Bethoney is recusing himself from this meeting due to a potential conflict of interest. He was not in the building, and did not participate in any part of this meeting or consideration of the proposal. Mr. Podolski assumed the Chair.

Mr. Podolski reviewed the project to date. The ZBA approved the project, including the drive-thru, in October 2013. This is a minor site plan review for traffic and safety control. Abutters within 1,000 feet of the property were notified. Various other departments have approved the project. Jacqueline Kronenberg, 22 North Stone Mill Drive, said she did not receive notification. After review of the project, she had no further comment, and left the meeting.

All McMahon and Engineering comments have been addressed and are on the plan. Two days of traffic counts will be done at Emmett Avenue and Sawmill Lane prior to opening; it was suggested that this be done when school is back in session. A second traffic study will be done on other streets 6-9 months after opening to determine if there is a change requiring mitigation. Mr. Viveiros, who was hired by the Planning Board at the expense of the Applicant, agreed that all issues have been addressed. An engineered, stamped lighting plan will be provided for review by the Planning Director to ensure that no lighting is shed off site. A site visit was made to discuss traffic mitigation, including signage and pavement markings.

Review was done of an inside queue and changing of the location of the drive-thru. Mr. Zahka said this is not feasible because there would be a net loss of about half of the parking spaces. The site has shared parking with an office building, and requires 61 parking spaces for the two uses combined. There is also a concern about jumping the drive-thru; this would have to be blocked off, not just painted. Cars are not allowed back into the drive-thru. Mr. O'Brien said this explanation shows the difficulty of changing the exit from Sawmill Lane.

Mr. Zahka explained, at Mr. O'Brien's request, the lengths that the Applicant has gone to make the site workable. Minor site plan review does not typically require a traffic report, particularly one to this extent, but the Applicant agreed to submit a traffic report to the Planning Board; the ZBA added Myrtle Street to the scope, and the Planning Board and McMahon added additional requests because this is the main issue. Conservation Commission process was lengthy and thoroughly reviewed because the site backs up to Mother Brook. Stormwater management was old and did not have drainage design features. Drain pipes were pouring untreated water into Mother Brook. There is now no untreated direct discharge; in fact, the pipe is being capped. The Applicant has added over 2,000 square feet of landscaping, including a rain garden in the center of the lot. A second curb cut was closed at Sawmill Lane closer to the intersection with High and Milton Streets. If the Board of Selectmen approves, there will be a "Do Not Block" intersection pavement marking on Sawmill Lane across from the drive-thru exit and a "Do Not Block" intersection pavement marking on Milton Street in front of the northerly site driveway. The traffic engineer measured the width of Walnut Street as it hits Milton Street, and there is enough width. It will be re-striped to provide an exclusive right turn lane. Vegetation along Sawmill Lane will be cleared and maintained to the right of the drive-thru to protect the line of sight. A speed hump or table will be installed at the drive-thru before leaving the property and before the sidewalk. There will be flashing pedestrian crossing signs between 7 a.m. and 9 a.m. and in the afternoon when school lets out at the exit from the drive-thru. Mr. Podolski questioned whether this would also be in the afternoon when school lets out. An additional window will be installed on the drive-thru side after the drive-through to allow better visibility. Deliveries will take place after hours. A "Right Turn Only, 7 a.m. to 9 a.m." sign will be installed at the northerly driveway on Milton Street. Traffic counts at Walnut and Milton Streets and Myrtle and Milton Streets were done. These will be repeated after six months, but not more than nine months, of opening. The traffic engineer will prepare a report for the Board that compares pre and post-opening counts. Baseline counts will be done at Emmett Avenue and Sawmill Lane and then after the six months, but not more than nine months, of opening. A report will be prepared for the Board.

If the project is approved, the Bayside Engineering plan would incorporate all of the off-site mitigation as noted and agreed upon by the applicant into the Board's Certificate of Action. Mr. Vivieros stated that he felt the mitigation measures make the site as safe as possible.

Virginia Brobst, 28 Myrtle Street, was concerned about traffic on Myrtle Street. The applicant will return to discuss mitigation measures if the second count reveals an increase in traffic. Line of sight issues due to cars parked on the left in front of the church may have to be addressed at the 6-month period. The Board of Selectmen would address this, but the Planning Board would make a strong recommendation to remove one or two parking spaces so people exiting Myrtle Street can see to the left.

Donald Reisner, 31 Cass Avenue, read a statement regarding traffic and the traffic studies and presented a petition signed by many neighbors. There are already traffic issues, and the project would make them worse. He was unhappy with the answers to his questions, i.e., how many cars took a left at the flashing lights coming from Bussey Street up Milton Street and how many are projected. Mr. Viveiros said that it appears there is very little traffic entering the site in the morning peak hours (7 a.m. to 9 a.m.). Projections are unavailable at this time. All these have been reviewed by McMahan Associates, and current provisions are acceptable. Mr. Reisner requested a waiver from the ZBA decision to re-open the Sawmill Lane entrance. Mr. Podolski said this was a ZBA decision, and they cannot override that. Mr. Reisner said the two-way entrance/exit into the site was too narrow and tight. Mr. Smith said the width of the two-way entrance/exit on Bussey Street is 24 feet, and the radius is small due to the existing rounding of the curb. The radii are fine for fire trucks. Mr. Viveiros said this conformed to the Zoning Bylaw, and was safe. MassDOT design guidelines give rough guidance on driveway widths. He said that 12 feet is the standard width for travel lanes. Mr. Reisner did not think the second review would change anything, and that East Dedham Square was not a place for a fast-food restaurant. He asked the applicant to help ease the traffic at the flashing light. Laurie Reisner, 31 Cass Avenue, chided Mr. Podolski about his posture, saying it was unprofessional. She asked what would happen in six to nine months, saying it was a done deal and not fair to the neighbors. Mr. Clifford, Mother Brook Condos, said that someone who probably worked in the office building left through the drive-thru and dashed across, which caused some problems. Mr. Podolski said this will not be allowed. There is no exit there, only an entrance.

Mr. Aldous moved to approve the project as presented by the applicant, seconded by Mr. Steeves.

Discussion: Mr. O'Brien understood and experienced the issues on Walnut Street. He reassured the neighbors that the Board has spent hours to come up with a mitigation plan. The project cannot be stopped, but the Board can make something work, and will not know if it works unless it is tried. The Board will immediately recall the applicant if something needs to be changed.

The Board voted unanimously 4-0 to approve the project subject to the applicant's submission of an acceptable Certificate of Action, which will be prepared by the Planning Director, the peer review consultant, and the applicant. Once this is done, the Certificate of Action will be approved and signed, and the project will then move forward.

Waivers Requested:

1. To add a 2nd handicapped space, a waiver for 60 spaces instead of 61.
2. Waiver for frontage landscape buffer requirement. There is one along Sawmill Lane and Milton Street, but it is not clear if a waiver is needed. This is to cover them in case it is necessary.
3. Waiver for perimeter landscape buffer. This is to cover them in case it is necessary.

4. Waiver for interior landscaping. These are two different lots. One has well in excess of the 15%, one is below the 15%, and then they share some of it. Combined, there is over 15%. This is to cover them in case it is necessary.
5. Waiver for parking space size. They are using the existing site with existing conditions. Space sizes are generally 9' x 18.5' which is basically the Town's requirement (9' x 19'). These are only on the office building site.
6. Waiver for radius requirement.

The Board voted unanimously 4-0 to approve these waivers.

Carey Reid, 65 Emmett Avenue, asked if the neighbors would be notified of the second review. Mr. Podolski said they will be notified with postcards. He asked if there was a conduit for collection of information from community members. Mr. Podolski said that the Board can only take input from experts. He said they could always hire their own traffic engineer. There was further discussion on methods to slow traffic, which is the job of the Board of Selectmen.

Applicant: Concinnitas Corporation/Gregory Carlevale
Project Address: 255 West Street, Dedham, MA
Case #: SITE-12-14-1930
Zoning District: Single Residence A
Representative(s):

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- Greg Carlevale, 21 Boulevard Road, Dedham, MA
- Scott Henderson, Project Engineer, McKenzie Engineering, 150 Longwater Drive, Suite 101, Norwell, MA 02061

Mr. Bethoney joined the Board. The Public Hearing was closed at the last meeting, and they have updated the plans. Site lighting has been added. The Town do trash pick-up. McMahon said all issues have been resolved. Additional manholes have been requested due to issues with the sewer line; they will coordinate work with Engineering and MWRA. Drainage issues were raised, but they have submitted the Order of Conditions from Conservation Commission and this addresses drainage. Drainage design complies with the state and local regulations.

A Certificate of Action tries to strike a balance between the site plan and the subdivision plan. Some type of security must be posted, although in this case it is not statutory. Mr. Zahka proposed a covenant that allows houses to be built, but the last dwelling is held until everything is done. This will be done in August. The driveway will remain private, and they will submit a condominium association trust that will be responsible for maintenance and repair. Once the COA is signed, they will return in August prior to commencing work and post security, most likely in the form of a covenant on the site. It will state that they can begin building, but are not allowed to sell off the last unit. Prior to the sale of the first unit, the infrastructure must be in and there must be at least a binder coat on the driveway. Roadway inspections will also be done.

Covenant and bond posting were discussed in light of issues on Hale Drive. Mr. Steeves moved to approve the project as presented by the applicant and reviewed by Mr. Podolski and Mr. McCarthy, seconded by Mr. Podolski, voted unanimously 5-0. Mr. Aldous signed the COA.

Applicant: Ursuline Academy
Project Address: 85 Lowder Street, Dedham, MA
Case #: SITE-06-15-1981

**Zoning District:
Representative(s):**

Single Residence A

- Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
- Rosann M. Whiting, President, Ursuline Academy

Mr. Podolski was fine with the COA and the waiver requests. He asked Mr. Zahka to put the reasoning for the waiver requests in the waiver section in the future. Mr. Aldous was fine with the photometric plan. Mr. O'Brien asked that the school not use out-of-state contractors. Mr. Podolski moved to approve as presented, seconded by Mr. Steeves, voted unanimously 5-0. Mr. Aldous signed the COA.

Applicant:

Chick-fil-A

Project Address:

100 Providence Highway, Dedham, MA

Case #:

SITE-02-16-2067 – SCOPING SESSION

Zoning District:

Highway Business

Representative(s):

Peter A. Zahka II, Esq., 12 School Street, Dedham, MA
Scott Thornton, P.E., Traffic Consultant, Vanasse & Associates
Anthony Donato, P.E., LEED AP BD+C, Project Engineer, Bohler Engineering
Scott Goodson, Development Senior Supervisor, Chick-fil-A, Inc.,

The applicant proposes a Chick-fil-A restaurant with drive-thru on the site of Ocean State Job Lot. They require Special Permits from ZBA for a restaurant and a drive-thru. It will require major site plan review by the Board since the project is a little over 5,000 square feet. Mr. Goodson gave a background on the business. Each operator has one location, rarely two, and will be part of the community. The operator makes a down payment of \$10,000 when they get their franchise location. Chick-fil-A makes the investment of leasing the land, building the restaurant, and performing full-scale remodels. Quality of food and customer service are of the utmost importance. Half of the building is the kitchen because the product is hand made.

The site, which also contains Ocean State Job Lot, is 5.1 acres. Access is from the south through a road off VFW Parkway. Most customers park in front. A loading area behind the building has more parking. A MWRA sewer line runs across the site. Water service on the site is from Boston Water and Sewer with an easement that supplies water to Stop & Shop, the public storage building, and Ocean State Job Lot. There are 271 parking spaces.

They propose constructing the restaurant on the east end of the site with a double stacked drive-thru with two ordering areas, and a play area with an outdoor dining area. The building will be built on 1.2 acres. An easement goes from the Mall property, in front of this property, past the Ocean State Job Lot, and down into Boston. The site requires 247 parking spaces; they propose 212, which is short 35 spaces. They will request a waiver for shared parking. This has to be done based on any retail store being on the other side, but that part of the lot is never filled. A few spaces may be picked up when the entire site is reviewed. The site is essentially barren of landscaping; this will be greatly improved. If they green the Providence Highway side, there would be a significant buffer from the whole parking lot. The Chick-fil-A location will have well in excess of 15%. There will be a flagpole near the outdoor patio area in front of the building as noted on the site plan. The patio will have additional landscaping.

They were advised to look into snow storage, handicapped parking, and lighting. They will be able to meet the bylaw and all regulations. Mr. Donato said the only issue would be the parking.

Mr. Zahka said his feeling was that parking and landscaping would be the preference of the Board to handle as opposed to going to the ZBA for variances. Mr. Bethoney agreed. Mr. Steeves would like to see the storage area behind Ocean State in back have some green. Mr. Bethoney requested landscaping to break up the long aisles. He has always been willing to give up a few parking spaces for landscaping. He wanted to see the parking numbers, what they have to have for two buildings, what they will end up with between the two, and how much is overlapping. He believes that shared parking works, but there are occasional complaints, i.e., Legacy Place. As far as design is concerned, Mr. Bethoney suggested something in a New England style.

Review of Certificates of Action

New Cingular Wireless, 110/137 Elm Street: Mr. Steeves moved to approve as presented subject to final approval, seconded by Mr. Aldous, voted unanimously 5-0.

Norfolk and Dedham Group, 222 Ames Street: Mr. Podolski moved to approve as presented, subject to final review, seconded by Mr. Aldous, voted unanimously 5-0.

Animal Rescue League, 220 Pine Street: Mr. Podolski moved to approve as presented, subject to final review, seconded by Mr. Steeves, voted unanimously 5-0.

Applicant:	Wally Sybertz
Project Address:	15 Depot Avenue, Dedham, MA
Case #:	SITE-05-15-1966
Zoning District:	SRB

Prior to the beginning of the meeting, Mr. Bethoney made the statement that he is recusing himself from this meeting. He explained that the agency at which he works has a professional relationship with the applicant. He left the hearing room at 9:20 p.m. and did not participate in any part of this meeting or consideration of the proposal. Mr. Podolski assumed the Chair.

Mr. Sybertz wants to take two land court lots, 501 and 502, on Depot Road and build a house next to the train station. Depot Road was accepted as a public way in 1959. Chief Spillane wants the road extended further, about 75 feet, into the site for fire engines; the applicant agreed. The lots are grandfathered, but need the Board's determination for adequate access. The guard rail will be removed, and a binder coat will be put down when the foundation is in. He will work with Engineering. Mr. Podolski wanted to be sure that there is open space for pedestrians going to the train station. He did not want the existing road ripped up until later. Engineering needs to do a final review on drainage going to the paved area. A stormwater permit will be obtained. Contractors will be off site. The road will be 24 feet wide, and there will be a sidewalk. Mr. Podolski moved that the applicant's proposal be approved subject to submitting an approval or an appropriate Certificate of Action to build a single family history at 15 Depot Avenue, seconded by Mr. Steeves and voted unanimously 4-0.

Mr. Bethoney rejoined the Board at 9:27 p.m. Mr. Podolski moved to adjourn, seconded by Mr. Steeves, voted unanimously 5-0. End 9:28 p.m.

Respectfully submitted,


Robert D. Aldous, Clerk