

PLANNING BOARD

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

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**TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS**

**PLANNING BOARD MEETING MINUTES
Thursday, February 12, 2015, 7:00 p.m., Lower Conference Room**

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

Mr. Bethoney called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited. The plans, documents, studies, etc. referred to are incorporated as part of the public record and are on file in the Planning and Zoning office.

East Dedham Revitalization Committee: Zoning Articles, Annual Town Meeting, May 2015

Present: Dan Hart, East Dedham Revitalization Committee (EDRC). EDRC reviewed the most recent proposal defining the Arts Overlay District (AOD) in East Dedham. A concern regarding tattoo artists, not previously addressed, was discussed. The Committee asked if this fell within the boundaries of defining an artist within the AOD. Nancy Baker, Assistant Town Manager, said town bylaws currently do not allow tattoo artists. Mr. Hart wanted to be sure the EDRC is not opening any doors or avenues for tattoo artists to come to the AOD. The committee had unanimously voted to support the current proposal, with the caveat that Town Counsel weigh in on tattoo artists. The committee is not in favor of allowing this within the Arts Overlay District, but the issue is whether a tattoo artist would come under the definition of art. From the previous version to the one tonight, the definition of art was more defined than previously, listing what art is and what artists qualify as art. Town Counsel and Ken Cimeno were consulted about whether tattoo artists would fit. Any type of tattoo is considered art, but if it is of adult nature and content, it is not allowed. This is covered by the Adult Use Overlay District, including creation of that art. Mr. McCarthy could not give a definitive answer at this meeting. Any vote could be a qualifying vote depending what Town Counsel says. Art is a use by right, and is allowed by right. Mr. Steeves said that a fair amount of tattoo entities refer to themselves as artists; he preferred the terminology to be "tattoo parlor," not "tattoo artist." Some people think of it as art; he does not. Mr. Hart agreed, and said the committee definitely does not want it to be as of right. The Board will consider this in its discussion.

The Arts Overlay District (AOD) extends to the General Business district, goes along a portion of High Street and then the remaining portion of Bussey Street, extending the General Business (GB) zone to the Mother Brook Arts and Community Center (MBACC) on one side, and up along High Street to the Limited Manufacturing (LM) A zoning district. These are properties adjacent to Alimed, which is LM, and they would be within the GB zoning district. The residential properties will be in the GB zone, which provides additional opportunity in that section, and takes away any concern about having a commercial use in a residential zone. A revised use table was presented for the AOD that corresponds to the changes. Mr. McCarthy is making two changes to the zoning map: (1) amending the definition of the AOD, and (2) enlarging the GB zone, taking it from General Residence (GR) to GB. Some residences will then be in the GB zone as opposed to a GR zone. These will require separate votes at Town Meeting. The AOD is not changing; only the definition is being changed.

Mr. O'Brien suggested making these changes more descriptive on the warrant, i.e., saying that it only affects X number of homes, and spelling out the particular area, which is basically already being used in a GB manner. A report is being sent to Town Meeting members stating what the Board is doing and the rationale behind it, including stating how many properties are affected (about 20). The current allowed uses will remain the same, but potential uses under the GB table will be added. He asked how the Board would deal with the fear of creeping commercialism. Mr. McCarthy said the boundaries have been set, and there are opportunities for development. Karen O'Connell, Economic Development Director, is in favor of these changes, and would be able to attend the public hearing. The Board requested her recommendation in writing for the record. Dan Hart from the EDRC, Sarah MacDonald from the MBACC, and Joe Heisler or Rita Mae Cushman from the Mother Brook Community Group (MBCG) were asked to attend the public hearing.

Mr. Steeves said shorter presentations are better to prevent confusion. Motions and votes are now coming from the Planning Board, not the Finance Committee. A public hearing will be held on the zoning change. With regard to the Use Table, Mr. McCarthy needs a vote from the Board for placement of the Use Table on the warrant for consideration, be labeled "on behalf of..." the EDRC cannot sponsor it. There have been community discussions in an attempt to improve zoning, as it is "a patchwork of 300 years of development in East Dedham." Mr. Podolski warned that if neighborhoods consolidate to oppose this, it would "make the road harder to hoe." What is being proposed already exists; this article allows changes, but they must be clearly defined. People in residences must be informed of this; outreach is crucial. The MBCG has been discussing zoning for the last 2½ years, and community group meetings have been held in the MBACC. He did not think there would be any problem with the overlay district. The bigger problem could be expanding the GB zone into a residential area. There still needs to be compliance with the ZBL with regard to parking. The proposed changes for the AOD would allow for in-home uses ("creeping commercialism"). Being an artist could be a home occupation. Mr. Bethoney asked why an artist gets a pass; Mr. McCarthy said they are trying to create an incentive for this use. Town Meeting passed the boundaries of the AOD, but nothing else within it. They are trying to work within the boundaries, and are not trying to be prejudiced toward lawyers, dentists, and other professionals. The committee also looked at landscape design architects, who are professionals as opposed to artists.

Relaxing some of the dimensional requirements is also an issue. The original version is too restrictive. Essentially 18% of the properties originally proposed could qualify to meet those dimensional requirements, thought to be too small a number. Existing zoning was followed that said existing properties are not applicable to the dimensional requirements. This was put in a new proposal. Parking is the other provision. For an arts and community center, urban centers, suburban centers, and other communities with parking rations were examined. A place of assembly, i.e., where you might have a play or theatre performance, would have parking that is one per three occupants. Non-assembly space would be one per 300. If a restaurant went into the Mother Brook Arts and Community Center, it would follow the existing resident parking regulations for that portion of the building (2 per 5 sets for one space, 250 for take-out). Calculations based on this were done, and the Mother Brook Arts and Community Center would be pre-existing nonconforming within the district. There would be special provisions to deal with larger gatherings because they could not meet the parking numbers.

Mr. Bethoney said the Board needs to take a position on this tonight. It can be voted to indefinitely postpone it. It may be useful to have something saying that tattooing is not allowed. If it is not mentioned, the State can allow it. A qualifying vote is necessary for this. Mr. Podolski made a motion to approve as presented with the caveat that tattoo parlors are to be excluded per review by Town Counsel. Mr. Steeves seconded the motion, voted unanimously, 5-0.

Proposed Zoning Bylaw Changes to Design Review Advisory Board

Proposed changes to bylaw regarding DRAB:

1. Graphic design will be added as a discipline as to who can serve on the Board.
2. Clarification: terms will be for three alternating years.
3. In cases where a project comes to the Planning Board and there is no landscaping or buildings involved, it does not need to go to DRAB.
4. If a project comes before the board that needs review, it will be like applying to the Design Review Advisory Board; this would be one application.

Mr. Podolski reviewed Section 9.6.6.1 as written, and thought something was missing. It should read *"Whenever possible, the owner or applicant shall make an appointment and consult with the Design Review Advisory Board prior to the formal submission of plans to the Planning Board, and the recommendations of the Design Review Advisory Board may be voluntarily adopted or negotiated by the applicant."*

Mr. Podolski moved that the DRAB Zoning Bylaw revisions be sent to the spring 2015 Town Meeting Warrant as amended, seconded by Mr. O'Brien, voted unanimously, 5-0. The word "negotiated" may be changed prior to being send to the Town Meeting Warrant.

Proposed Zoning Bylaw Changes to Site Plan

Mr. McCarthy explained the proposed changes to the bylaw regarding Site Plans.

1. Section 9.5.4.21: add *"and the material list of all exterior finishes"* as required as part of the submission.

2. The Board will decide whether peer review is needed based on the modification. It can be used on a discretionary basis by the Board. It is currently required without discretion, giving the Board power to waive the need for peer review based on the modification.
3. If an Applicant has a previous parking plan approval, the Board could just modify it, as opposed to converting it to a site plan. This would be the Board's decision. Mr. Podolski suggested that, for purposes of clarity, it should say that a minor site plan review would be less than 5,000 square feet of gross floor area.

Mr. Podolski moved to send the revised site plan review as amended with the additional language under minor site plan review to Town Meeting, seconded by Mr. Steeves. Mr. Aldous asked what the difference was between an acre and a qualified acre. An acre is 43,560 square feet; a qualified acre is 40,000 square feet. The square feet will be put in parentheses after "qualified acre." The vote was unanimous at 5-0.

Review of Minutes

October 30, 2014: Mr. Bethoney's recusal statement will be inserted prior to the hearing on 2 Burgess Lane. He also asked that the role of Mr. Findlen be explained on page 6. Mr. Steeves asked if the Town had received the \$100,000 from Davis Companies for sidewalks. Mr. McCarthy did not know, but believes it will be coming in May. Mr. Steeves said an applicant still owes the town \$10,000 plus interest as mitigation for his business. However, there is talk that he has filed for bankruptcy. Mr. Podolski moved to approve the minutes as amended, subject to review. Mr. Aldous seconded the motion. The vote was unanimous at 5-0.

November 13, 2014: To be reviewed at a future meeting.

Mr. O'Brien moved to adjourn, seconded by Mr. Aldous, voted unanimously, 5-0. End 8:16 p.m.

Respectfully submitted,

Robert D. Aldous, Clerk