

PLANNING BOARD

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**TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS**

**PLANNING BOARD MEETING MINUTES
PUBLIC HEARING
ZONING ARTICLES 23, 24, 25, 26, 27, 28, 29, and 30
ANNUAL TOWN MEETING, MAY 19, 2014**

Lower Conference Room, Town Office Building, Thursday, March 27, 2014, 7:00 p.m.

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

Mr. Podolski called the Public Hearing to order at 7:02 p.m. The plans, documents, studies, etc., referred to are part of the public record and are on file in the Planning and Zoning office. Mr. Steeves was not present for the meeting. Brothers Roast Beef and Pizza was removed from the agenda because they were not ready; they will return on April 10, 2014. The procedure for this evening's public hearings was explained. The Board will hear each article, close the public hearing, and then vote on each article. These minutes were transcribed based on the administrative assistant's notes due to a recording problem. The public hearing began at 7:00 p.m. Mr. Bethoney moved to open the public hearing, seconded by Mr. Aldous, and unanimously voted. Mr. Bethoney moved to waive reading of the public notice, seconded by Mr. Aldous, and unanimously voted. The public hearing was advertised in the *Dedham Times* on March 7, 2014, and March 14, 2014. Abutting towns, City of Boston, Metropolitan Area Planning Council, and Department of Community Development were notified via certified mail, return receipt.

ARTICLE 23: Amendments to Special Accessory Uses in All Districts re: Jersey Barriers

Mr. Aldous was on the committee set up by Town Meeting, and described the article. There is usually no permit needed if a property has jersey barriers all around it. Most barriers are on private property. The State can erect them no matter what, and at times they are needed for a town project. If the article is passed, the barrier must be removed. The article says that they cannot be on town property longer than six months without ZBA approval. The barriers must be approved by DPW director, Joe Flanagan, who cited an instance in which a resident in the Manor has these barriers and has been resistant to removing them. Barriers on town property must be moved to private property. Mr. Podolski said the amendment cannot be retroactive, but going forward, permission is necessary. James Maher, representing the Manor Neighborhood Association, said the barriers were put in to spite the Town. A fence had been offered, but rejected.

ARTICLE 24: Amendment to Zoning Bylaw re: Medical Marijuana Overlay District

The Board has designated a Medical Marijuana Overlay District (MMOD). The State passed a referendum to allow distribution of marijuana for medicinal purposes; these must be in place by July 1, 2014. Cities and towns are required to set aside areas for distribution centers; each one regulates the business activities. Dedham is currently in a moratorium, but must include it in the Zoning Bylaw. The first district is the old Stop & Shop warehouse area; this is only accessible through Hyde Park. The second district is in the Legacy Place area, which also has an Adult Use Overlay District (AUOD). This area is accessible by highway, but it is also heavily regulated, and thus is a good spot for tight control. The amendment mirrors what Town Counsel has seen in other towns. Finding the proper location of the overlay district is difficult because it cannot be close to schools or childcare facilities, playgrounds, ball fields, or churches or other religious facilities. The hours of operation would be limited, and there would be no consumption on premises. Mr. Aldous expects the State to veto the Stop & Shop warehouse. Legacy Place has control of the AUOD and can decide on the rent; a high rent (i.e., \$10,000/square foot) would keep the distribution centers out. If the Town does not designate an area, a distribution center could go anywhere. The law as written by the State is loose and poorly written, and there may be loopholes. No one has applied to build a center in Dedham; the nearest applicant is for Norwood. An applicant must pay \$600,000 for a permit. Applicants who want to open a center in Dedham must go through the Special Permit Granting Authority process with the Planning Board, and the Board has tight restrictions on the location, as mentioned.

ARTICLE 25: Insertion of Medical Marijuana Overlay District on Town Map

The Town Map would now include the Medical Marijuana Overlay District.

ARTICLE 26: Changes to Wireless Communications Services Overlay District

A company only swapping equipment needs to go only to the Planning Board; there is no need for DRAB or ZBA. A new facility must go to the ZBA, DRAB, and Planning Board. All equipment must match the exterior of the location.

ARTICLE 27: Changes to Footnotes of Table of Dimensional Requirements

The Building Department requested changes to the footnotes in Zoning Bylaw Section 4.1, Table of Dimensional Requirements regarding two and three family houses. Previously, the ZBL allowed more than two family houses, but this was removed. However, the footnote in the Table of Dimensional Requirements was not changed at that time. This article would make the Zoning Bylaw consistent so there is no conflict. This is a housekeeping issue.

ARTICLE 28: Amendment to Zoning Bylaw re: Arts Overlay District

The Arts Overlay District (AOD) will not change the underlying zoning. The anchor is the Mother Brook Arts and Community Center. Some of the zoning is outdated, and this is the first step. The proposed map for the AOD includes the Mother Brook Arts and Community Center, some commercial areas, and some residential buildings. They will work with the community regarding the uses, and then look at potential zoning changes. A charrette was done that recommended this. The perimeters of the district include the major arterial roads, i.e., High Street from Alimed to CVS and down Bussey Street to Condon Park, and will also extend down River Street. The overlay district can be expanded in the future. This is the Board's first attempt to start an arts overlay district. The community was fully supportive of starting this in East Dedham. Regulations have not been done yet. The Board will work on the bylaw for uses.

Brian Keaney, 104 Bussey Street, said the Mother Brook Community Group unanimously voted to sponsor the article. He believes it will be great for the neighborhoods. He suggested including the Old Mill, which has been an eyesore for years, but could be used for commercial on the first floor and apartments on the second. Mr. Podolski said that when the plan first came to the Board, this was included. However, Mr. Steeves noted that this property has been converted back to residential because it was closed as a business for so long. He did not object to including it, but if the district was to be changed, there would need to be a substitute motion at Town Meeting. It would need to go before the ZBA and the Planning Board if it was to revert back to mixed use. Mr. Aldous said it would be almost impossible to change it. This will be put on hold for the time being.

Article 29: Amendment to Zoning Map for the Arts Overlay District

The Town map would now include the Arts Overlay District.

Article 30: Amendment to Zoning Bylaw re: Historic Preservation Overlay District

Peter A. Zahka, Esq., presented this article on behalf of Peter Smith, 18 Westfield Street, Dedham, MA. This is a proposal for establishment of the Historic Preservation Overlay District (HPOD) within the historic district, authorizing the Planning Board to grant a Special Permit for adaptive re-use of eligible buildings and structures into no more than six dwelling uses. This is an important tool in historic preservation and complements the Historic Districts overlay. It does not change the underlying zoning, and nothing in the article restricts or changes the role or jurisdiction of the Historic Districts Commission. The 2009 Master Plan recognizes the legal measures necessary to prevent destruction or changes to historical resources and culture. There are a number of communities that already have such districts. It is to be noted that the Town already has a federal historic district.

Mr. Smith has a purchase and sales agreement for 19 Court Street, a former tavern with food and lodging. The bylaw will be a key to renovation of the property, which has been vacant for fifteen years. It is a significant local, state, and federal historical structure. The street was a transportation hub with stagecoaches, unique architecture, and civic center, and the structure held meetings, cultural events, music, and dancing in the ballroom. It was visited by presidents and the Marquis de Lafayette, a French aristocrat who fought with the Continental Army in the Revolutionary War. Horace Mann lived there for a couple of years. The tavern was also a local gathering place where, in 1810, a group of angry Dedham residents established the "Society in Dedham for Apprehending Horse Thieves," which is the oldest such organization in the country and still exists today. He said the formula for renovating such a structure is the use of federal tax credits, which holds renovations to the highest standard, as they must comply with the Secretary of the Interior.

The district is a gateway to Dedham Square, and the underlying zoning is Single Residence B. It will go down Court Street to the Dedham Community House, down to Village Avenue. Nothing is allowed as a matter of right. The application must go before the Planning Board for a Special Permit, and there cannot be more than six residential uses. The property must be located within the overlay district, and the building must be constructed prior to 1900. It must contain 12,000 square feet of gross floor area, and there must be a minimum of 20,000 square foot of land. Every unit has to have 1.5 parking spaces, and the current yard requirements must comply. All units must be within a single building. Minimum expansion is no more than 10%. Rubbish and recycling will be handled privately. The full Special Permit process will require a Public Hearing open to all, and abutters within 300 feet are notified. A Conservation Commission hearing will be required for stormwater, and the project must go before the Historic Districts Commission for the outside of the building.

One single lot cannot be singled out, which is why there is an overlay district. Anyone meeting the requirements would go before the Planning Board for a similar proposal. Over the last three or four years, people have inquired about re-use for nonresidential purposes. It would not be feasible financially for church purposes, child care facilities, or adult facilities. The only way it would be feasible would be with federal and state tax credits.

Mr. Podolski said that this would be a unique overlay district, and the proposal is well thought out. Mr. Aldous asked about an area opposite Bullard Street where one house was omitted. Mr. Zahka said they followed the Historic Districts map and property lines, and that this is not a zoning map. He also said that the Scenic Roads bylaw is not part of this proposal. Mr. Aldous agreed that this is an excellent idea, but wondered if the bylaw on row houses would affect this; Mr. Zahka said it would not. Mr. O'Brien agreed that this is a wonderful idea. Mr. Smith noted that the units would be one or two bedrooms, and falls within the Housing Study.

Ted Russell, 27 Court Street, had a letter that endorsed the project, signed by most, but not all abutters. He lives next door to the property and said it is deteriorating; at some point it cannot be restored. This is the best proposal. It cannot be a single family dwelling. He has seen Mr. Smith's work, and agrees that it is wonderful. Mr. Podolski said the Board recognizes that the property is historic, but it has not found the right owner. This may be the opportunity to make it something of which the Town can be proud. There will be numerous constraints on what Mr. Smith can do to the property, but he believes it is a good use. Andrea Gilmore, 66 Church Street, a Deacon at the First Church, is very supportive of the project. Mr. Podolski thanked her for allowing the Farmer's Market to use church property. Peter Damon, 51 Court Street, was very much in favor of the project, as was William Bliss, 586 Bridge Street.

Mr. Podolski said that this would be a good trial to see how it works. If it works well, it could eventually be expanded. Karen O'Connell, Economic Development Director, said that this is a great economic tool, and there is a market for this type of project. The building is endangered due to its neglect, but Mr. Smith has extensive knowledge. Mr. Bethoney moved to close the Public Hearing, seconded by Mr. Aldous. The vote was unanimous.

VOTING

Article 23: Mr. Aldous moved to accept, seconded by Mr. Bethoney. The vote was unanimous.

Article 24: Mr. Aldous made moved to accept, seconded by Mr. O'Brien. The vote was unanimous.

Article 25: Mr. Aldous moved to accept, seconded by Mr. Bethoney. The vote was unanimous.

Article 26: Mr. Bethoney moved to accept, seconded by Mr. Aldous. The vote was unanimous.

Article 27: Mr. Bethoney moved to accept, seconded by Mr. Aldous. The vote was unanimous.

Article 28: Mr. Aldous moved to accept, seconded by Mr. Bethoney. The vote was unanimous.

Article 29: Mr. O'Brien moved to accept, seconded by Mr. Bethoney. The vote was unanimous.

Article 30: Mr. Bethoney moved to accept as presented and to accept the language of the bylaw as proposed. Mr. Aldous seconded the motion. The vote was unanimous.

Review of the Spring Town Meeting warrant articles concluded at 8:20 p.m.

Respectfully submitted,



Robert D. Aldous, Clerk