

PLANNING BOARD

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

Planning Director
Richard J. McCarthy, Jr.
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TOWN OF DEDHAM

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**TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS**

**PLANNING BOARD MEETING MINUTES
Lower Conference Room, Town Office Building
Thursday, May 22, 2014, 7:00 p.m.**

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. Podolski called the meeting to order at 7:00 p.m. 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.

BOARD REORGANIZATION

Mr. Podolski explained that after Town Meeting and the Town election, the Board conducts its annual board reorganization.

1. **Chair:** Mr. Podolski nominated Mr. Bethoney to be chair, seconded by Mr. Aldous. The vote was unanimous at 5-0.
2. **Vice Chair:** Mr. Podolski nominated Mr. Steeves to be vice chair, seconded by Mr. Aldous. The vote was unanimous at 5-0.
3. **Clerk:** Mr. Podolski nominated Mr. Aldous to be clerk of the board, seconded by Mr. O'Brien. The vote was unanimous at 5-0.

Board reorganization concluded at 7:05 p.m.

Applicant:	Little Sprouts
Project Address:	280 Bridge Street, Dedham, MA
Property Owner:	Bridge Realty Trust
Property Owner Address:	c/o Keypoint Partners, 1 Burlington Woods Drive, Burlington, MA 01803
Case #:	SITE-04-14-1826
Zoning District:	Limited Manufacturing A, General Residence
Representative(s):	Pat Forbes, Consultant representing Little Sprouts David Silverman, AIA, Silverman Trykowski Associates, 21 Drydock Avenue, Boston, MA Alicia Busconi, Vice President of Property & Asset Management, Keypoint Partners, Burlington Woods Office Park, 1 Burlington Woods Drive, Burlington, MA

Mr. McCarthy noted that this is a non-advertised public hearing per the site plan review process in the Zoning Bylaw. Per the School Committee, Little Sprouts, a day care center, must vacate its present location at the Dexter School by August 31, 2014, and wishes to relocate to 280 Bridge Street. The School Committee is evaluating turning the Dexter School into an early education center.

The acoustics and quality for this recording were very poor. He showed the site plan to the Board. Little Sprouts would occupy the second floor of the building, resulting in a change of use that requires additional parking spaces. There is also a warehouse there, which has been vacant for nine years. This requires 15 spots. The representative of the owner, Alisa Busconi, is in support of this. They would like to have five dedicated drop-off spots for parents to bring their children into the building. There will also be an approximately 4,000 square foot playground. The second floor of the building also contains a business called MCCO. Mr. McCarthy said that the applicant will require a waiver for 10 parking spaces instead of the required 39 spaces, and a waiver for consultant review. Striping of the warehouse spaces will also be done. Mr. Aldous noted that there is "tons of parking" there. Mr. Bethoney asked if parking calculations included the first and second floors, and what the total number of parking spaces is. Mr. Silverman said the first floor requires 20 spaces, and the second floor requires 39 spaces. If the building is fully occupied, 70 spaces are required, which they have.

Deirdre (?), 271 Bridge Street, asked about the extent of construction due to a concern about the welfare of feral cats near the building. Quangping Wang, 28 Berkley Road asked what the noise level would be for the mechanical sounds, whether there would be a fence, and the number of people coming and going. Mr. Silverman said the second floor will be gutted and renovated, and the elevator will require some work. Nothing will be added to the outside. Mr. Bethoney said that the feral cats are beyond the jurisdiction of the Planning Board, and suggested that she contact the landowner, Board of Health, or the Animal Control Officer. Ms. Forbes said that there would be 80 families with 110 children ranging from infant to five years old. Alyssa Robinson, 20 Lello Drive, Middleboro, works at the school. She said that employees come in between 6 and 9 a.m. when the children are delivered. The children will leave between 4-7 p.m. on a staggered schedule. Parents must leave the car to pick up the child. They normally have a before and after school program, but

there will not be one at this time. Karen Mattar Sylvania, 12 Fourth Avenue, Wareham, MA, the executive director of the school, said there is no issue with overcrowding.

Mr. McCarthy said that from the perspective of the Zoning Bylaw, the Board can require a traffic report. The use is a protected use under the State Zoning Act, and therefore a child care center is subject to reasonable regulations and requirements. A traffic study analysis would be beyond that scope. The Zoning Bylaw typically excludes a traffic report. Mr. Bethoney said that if one was brought in by the Applicant, the Board would look at it, but they are not required to supply one. However, Mr. McCarthy said that as a matter of practice, the board will, after occupancy and within 12 months of opening, look to see if there are any problems.

Mr. Bethoney asked Ms. Forbes and Mr. Silverman if they could offer Mr. Wang screening. Ms. Forbes said the playgrounds are fenced in, and there are no more than 29 children in it at a time. She said they would be happy to screen with fencing and landscaping. She also noted that in the summertime, enrollment drops off and there are fewer children on the playground. Mr. Silverman said the screening should go from the opening between the two buildings. Mr. Wang specifically asked for a solid cedar fence. Mr. McCarthy addressed noise and explained that the Board would evaluate this by decibel readings pre and post occupancy. The level cannot be more than 10 dB.

Mr. Podolski asked the Applicant to update the plan with the evening's discussion, and make sure the neighbors see it. Mr. Bethoney said a fence would be added, and Mr. McCarthy will work on the Certificate of Action with conditions/waivers. The Applicant will return on June 12, 2014. Mr. Podolski made a motion to close the public hearing, seconded by Mr. Steeves. The vote was unanimous at 5-0. The meeting ended at 7:40 p.m.

Applicant:	Italian-American Citizens Club
Project Address:	20 Allen Lane, Dedham, MA
Property Owner:	Italian- American Citizens Club of Dedham Realty Trust
Property Owner Address:	20 Allen Lane, Dedham, MA
Case #:	SITE-04-14-1831
Zoning District:	General Residence
Representative(s):	Paul Ruscito, 1024 Metropolitan Avenue, Milton, MA, President Dominic DiVirgilio, 65 Brookdale Avenue, Past President Armando Bruzzi, Director

Mr. McCarthy explained that the Applicant will be adding onto the front of the building with a male/female bathroom, storage, and a lift for handicapped individuals. This triggers minor site plan review. There is no site plan or parking plan on file, and they want to establish one. He had no waivers in writing. Mr. Ruscito will get these for the Board.

The Applicant came before the Board for a scoping session on September 27, 2012, at which time they discussed submitting a striping plan, which would also be their existing

conditions and a striping plan. Mr. McCarthy received a letter today stating that they would patch the asphalt and do some striping, which would work toward paving the entire lot. Mr. Ruscito said they will patch and maintain the lot, and keep it as flat and safe as possible. Once the addition is done, they will stripe for handicapped spots. All of this will be done prior to the Certificate of Occupancy.

Mr. Podolski asked if there was going to be some sort of ramp. Mr. Ruscito said there will be no ramp from any of the handicapped parking spaces. The lift is on ground level. The handicapped spaces will be on some kind of paved area on a level surface to come in on a level with the lift. The front door of the building faces Churchill Place. Mr. Aldous said that, legally, the handicapped space must be closest to the door, and these are not. He suggested two other spaces that are closer, although they are not optimal. Mr. Ruscito said they will consider this, but that they are fairly equidistant. They chose the spots because they are closest to the front door.

Mr. O'Brien asked what they meant when they said they would keep the pavement to the best of their ability. Mr. Ruscito said the pavement is okay. The proposal is to pave the entire lot at some point. Holes will be flattened to keep the lot flat. Mr. Steeves had issues with the work "proposal," saying that "proposed never gets built." He told them to take this off the plans. Mr. DiVirgilio said that they intend to reconstruct and pave to standards. However, they do not have enough money to do this right now. He asked that they be given time, probably to the time they get an Occupancy permit, which would be about a year.

Ann Stano of 33 Allen Lane asked how this would affect the neighborhood. She said it is tight between Allen Lane and the club. Mr. Podolski said they are ten spaces short on their parking. He said the Board trusts them to do the right thing for the neighborhood. Mr. O'Brien said that safety has to come before everything else. He appreciates the fact that they have asked for time, but they need to do this. They should return in one year.

Mr. Podolski made a motion to approve the plan as presented as the existing conditions plan with additional striping with the condition that the parking lot will be well maintained, repaired, and striped prior to the Certificate of Occupancy, and as long as there are no glaring technical errors, the Board will accept it as a base plan. Mr. Steeves seconded the motion. The vote was unanimous at 5-0. The next time they come in, there will be a plan to work from, and the Board can subject them to the bylaw for modification of an existing site. This would require them to meet all the regulations. This meeting ended at 8:07 p.m.

Applicant:	Alfred J. Priore, Jr.
Project Address:	910 Providence Highway, Dedham, MA
Property Owner:	Alfred J. Priore, Jr.
Property Owner Address:	928 Providence Highway, Dedham, MA
Case #:	SITE-03-14-1813
Zoning District:	RDO
Representative(s):	Mollie Moran, AIA, 18 School Street, Dedham, MA Timothy J. Williams, P.E., Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01888-0118

Mr. McCarthy explained that this minor site plan review will establish a plan of record. The Applicant proposes changes to the property for some green space and a pylon on Legacy Boulevard. The plan requests several waivers: (1) required parking spaces, (2) parking dimensions, (3) loading screening, (4) loading size, (5) frontage strip, (6) lot interior landscaping, (7) lot perimeter landscaping, and (8) landscaping in general. They also request a waiver for peer review. Ms. Moran said the intent is to bring the property up into the aesthetics that surround it. There cannot be a lot of landscaping, but it will define Legacy Boulevard and continue the landscaping that is in front of the 50's Diner. They have added some parking, but need to meet the aesthetic goals.

Mr. Williams has submitted revised plans since the last meeting. The site is an existing nonconforming site, all impervious surface, with site constraints. Ron Priore gave the Applicant (his brother) an access and egress easement across the Applicant's property for the benefit of additional parking spaces on the site. This prohibits the increase of additional parking spaces on the site. Essentially, additional parking was added and the handicapped ramp was switched back for the proposed tenant. The site has two sections: the front with retail stores, and the back with a company that stores rubber/hydraulic hoses. There is an existing loading dock. They propose a total of 26 parking spaces; the required amount is 60. This is looked at as two properties: 910 Providence Highway, which requires 32 parking spaces; they have nine with two handicapped, and 61 Legacy Boulevard, which requires 31 parking spaces; they have 20 with one handicapped. There is no landscaping on the site. They will be adding landscaping areas adjacent to 81 Legacy Boulevard. Striping will be in conformance, except for the quantity. Currently, cars park in the right of way for Providence Highway; this will be pulled back onto the site. Cars that park in the right of way will not be credited for any parking. Ms. Moran explained the current parking needs for the site: New England Rubber needs two to three spaces, a photographer at 67 Legacy Boulevard needs one space, a new use will require five spaces, and one vacant business that will have adequate parking.

Waivers Requested:

1. Number of parking spaces (§ 5.1.4): 63 are required; they will provide 29.
2. Parking Dimensions and Aisles (§ 5.1.7): Parking space size: required is 9' x 19.' They propose 9' x 18' for all except one, which would be 9' x 14.'
3. Loading screening (§ 5.1.13.6): There is a wide open loading dock in the back; the question is whether this is considered screening. If it does not meet § 5.3, a waiver is requested. Loading size (§ 5.1.13.7): The loading bay is smaller than the required 12' in width and 55 feet in length. They have an existing 28' x 27' bay.
4. Frontage strip (§ 5.2.2.1): Required is a buffer along the entire front for a depth of 20 feet. Parking is head-in off Providence Highway, so they cannot have a frontage strip.
5. Lot interior landscaping (§ 5.2.2.2): Trees and shrubs are required in the interior of the parking lot. This is not the typical parking lot with head-in parking with no real landscape ability.
6. Lot perimeter (§ 5.2.2.3): Required setback for the parking area is at least 5' from the side and rear lot lines. They are on the lot line.
7. Landscaping (§ 5.2.3): Planting requirements: Screening by trees, especially evergreens, and shrubs shall be provided between parking lots and residential

areas, highways or streets, and buildings on abutting lots. They have no setbacks and are up against the existing structure.

Mr. Bethoney asked if there is a flagpole on any of the Priore properties. Mr. Williams said that the 50's Diner may have one.

Mr. Steeves said they did the best they could. He did note that the loading dock has about four feet of water in it, and asked if they would do anything about that. Mr. Williams said he did not believe there was any drainage infrastructure on site. Mr. Steeves wants to see some landscaping to dress up the front and the side building, i.e., hanging plants, flower boxes, etc., since landscaping is minimal and the building is long. Ms. Moran said that, because of the geology of the lot, it is difficult to plow. She said that perhaps landscaping in planters could be on each side of the loading dock. She said that they are going to put very long signs over each canopy to provide some interest across the building.

The Board discussed the necessity of peer review. Mr. Aldous did not think this was necessary, as there is nothing that can be done to change the site. Mr. Bethoney agreed. Mr. Steeves said there are a couple of parking spaces down in the back by the loading platform. Ms. Moran said the loading dock is not used, and asked if it could be blocked. The Board was polled as to the necessity of peer review. Mr. O'Brien asked that Mr. McCarthy look at it, but said it needed peer review. Mr. Steeves said peer review is necessary since it is over nine spaces, and Mr. Podolski agreed.

Mr. Bethoney advised Ms. Moran and Mr. Williams to see what they could do to add anything into it such as landscaping, and look at any glaring problems. Mr. McCarthy will look at the plan as well. They will revise the plan, then resubmit it and submit it for peer review for the June 26, 2014, meeting. This meeting ended at 8:41 p.m.

Mr. Bethoney asked Mr. McCarthy to inform any applicant with more than nine parking spaces that the Planning Board requires a peer review.

Applicant:	Rebecca Gates, d/b/a The Purple Tea Café
Project Address:	360 Washington Street, Dedham, MA
Property Owner:	354-360 Washington Street, Legacy Place
Property Owner Address:	c/o Kanodia A & R, 8 Crescent Hill, Wakefield, MA 01880-2403
Case #:	SITE-02-14-1806
Zoning District:	Central Business
Representative(s):	Mollie Moran, AIA, 18 School Street, Dedham, MA Rebecca Gates, 35 Goshen Road, Dedham, MA James Conviser, Conviser Property Group, Inc., Owner Representative

The Applicant is here regarding site plan modification at 360 Washington Street, Dedham, MA. Mr. McCarthy said that on April 16, 2014, the Zoning Board of Appeals approved a Special Permit to operate a tea café. She is now requesting a parking waiver since there are only eight spots on the lot. The property had had a waiver for parking spots on another lot,

which then became developed. The proposal relies on the existing parking in Dedham Square. Mr. McCarthy said that the Zoning Bylaw gives the Board more latitude to grant waivers in the Square than the other districts. Mr. Aldous said that he was always under the impression that businesses in the Central Business District did not have to have parking because there is no parking for the stores along High Street. Mr. McCarthy explained the change in the bylaw in 2012. The building is currently vacant.

Mr. Bethoney asked if the Board would be voting on the parking plan that currently exists. Ms. Moran said they are asking for a waiver to allow the Applicant not provide any on-site parking. Mr. O'Brien asked about handicapped spaces. Ms. Moran said there are two handicapped spaces on site, and she believes the main entrance is handicapped accessible. Her entrance on Washington Street would have to be made handicapped accessible as well. One of the spaces may have to be moved.

No one on the Board had any problems with the proposal. Mr. Steeves made a motion to approve as presented, seconded by Mr. Podolski. The vote was unanimous at 5-0. The meeting ended at 8:50 p.m.

Applicant:	FedCorp
Project Address:	1039 East Street, Dedham, MA
Property Owner:	The Federico Realty Trust
Property Owner Address:	1039 East Street, Dedham, MA
Case #:	SITE-06-14-1854 - SCOPING SESSION
Zoning District:	RDO
Representative(s):	Kevin F. Hampe, Esq., 411 Washington Street, Dedham, MA

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 Mr. Federico. He left the hearing room at 8:52 p.m. and did not participate in any part of this meeting or consideration of the proposal. Mr. Steeves took the chair.

Mr. Hampe said that this brief scoping session is to ask the Board for direction on a plan that will be filed in the future. Amended parking plans were approved in 2012 and 2008; the 2012 plan was reviewed by Mr. McCarthy. An approximately 4,900 square foot addition was to have been built to be attached to the existing building for the purposes of a garage and storage of construction equipment. After discussion with the Building Department, it was learned that the building, if attached, would require a sprinkler system. However, there is no town water on the site, only well water. Discussion with the Fire Department led the building to be separated from the existing building by 30 feet, thus not requiring a sprinkler system. Because the building is a nonconforming use, it needed approval from the Zoning Board of Appeals to expand the nonconforming use and build an accessory building. Approval was given on April 16, 2014, for a 7,000 square foot accessory building instead of the 4,900 square foot building that was originally proposed. This will now require major site plan review by the Planning Board. The building will be single story, and strictly for storage of vehicles on the site. They are asking for a waiver of a traffic study because the

only traffic coming to and from the site will be the construction vehicles. This will not be changed with the new building. The second issue is the requirement for peer review. The site was reviewed in 2008 by Timothy Williams of Allen and Major, and in 2012 by Mr. McCarthy. As a result, Mr. Hampe is wondering if the Board would consider waiver of a peer review and allow Mr. McCarthy to review the plans.

Mr. Podolski asked if a traffic study had been done previously, and Mr. McCarthy said it was never required previously. They are required to have 36 parking spaces, and at the present time, they have 36. There are seven employee spaces, seven business spaces, two handicapped spaces on the side, and 20 employee spaces along the side of the fence. The Board agreed that there is no need for a traffic study since it was peer reviewed previously and there will be no increase in traffic. The meeting ended at 9:07 p.m.

Mr. Bethoney rejoined the Board at 9:10 p.m.

OLD/NEW BUSINESS

Review of Minutes was postponed to a later date.

Mr. McCarthy gave the Board updates on various projects.

- **Manor Fields:** The Applicant has met with the Fire Department and is addressing outstanding issues. They are still working with Conservation re: stormwater. Once that is done, it will go back to Steve Findlen so he can finish his review for the next meeting.
- **Kelly Clerkin, 383 Westfield Street:** The Applicant has met with the Fire Department and will put in a 20-foot road. There will be no fire hydrant. They have not yet filed with the Conservation Commission for stormwater. If they finish with the Planning Board, they may need to return after they receive their permit.
- **Legacy Donuts:** The Applicant has met with the Conservation Commission, Engineering, and the Building Department. There may be a revised way to put the handicapped parking closer to the building. Currently, the spaces are in the parking lot, and they will need to do a lot of re-grading. The Applicant may not proceed depending on how much the Town requires.
- **Brothers Roast Beef, 356 Bridge Street:** They will be returning now that they have resolved their engineering costs. Plans will be coming in, but they need to submit plans to the Conservation Commission for stormwater by next Tuesday. The plans will then need to go to Steve Findlen for his review.
- **320 Washington Street:** There is interest in putting in a pizzeria and office space. This will require waivers.

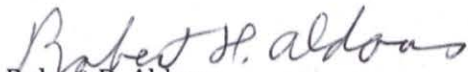
- NIP Trust, 480 Sprague Street: The Applicant filed for to open up a loading dock on the left to be able to get to the access road on that side of the property to Sprague Street. A meeting discussed joint access between the Manor Fields and the property, and they do not want to mix the two because of liabilities. They are thinking of kicking the road a bit further east. This will be peer reviewed and come before the Board at the next meeting.
- 55 McNeil Way: A business is interested in putting in a lighting store with showroom space and a warehouse next to Best Tile. Ned Richardson will represent this application. They will come in to the next meeting to see if a traffic review is required. The space will be over 5,000 square feet.
- Amira Abdal-Khallaq, 284 Washington Street: She will be returning because the owners will be selling her the property after all.
- Oddfellows Building, 624 High Street: Someone wants to put in a tavern. He will need to go before the Zoning Board of Appeals for a Special Permit, and will need a common victualler license from the Board of Selectmen. He is speaking with the County about using their back parking lot, which will not be in use at night.

Representation on town committees will be discussed after Mr. McCarthy obtains a list.

Mr. Steeves made a point of thanking Mr. Podolski for his great job representing the Board as Chairman.

Mr. Steeves made a motion to adjourn, seconded by Mr. Podolski. The vote was unanimous at 5-0. The meeting ended at 9:20 p.m.

Respectfully submitted,



Robert D. Aldous
Clerk, Town of Dedham Planning Board