

PLANNING BOARD

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



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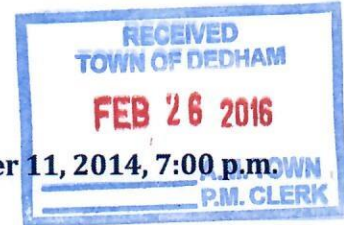
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**TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS**

PLANNING BOARD MEETING MINUTES

Lower Conference Room, Town Office Bldg, Thursday, December 11, 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 7:03 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. Mr. Podolski led everyone in the Pledge of Allegiance.

Prior to the beginning of the meeting, Mr. Podolski said that Mr. Bethoney is recusing himself from the first item on the agenda. He explained that the agency at which Mr. Bethoney works has a professional relationship with David Raftery. He was not present in the building for any part of this meeting or consideration of the proposal. Mr. Podolski assumed the role of Chair.

Applicant: David Raftery
Project Address: 321 Washington Street, Dedham, MA
Property Owner: Glencar Washington 321, LLC
Property Owner Address: 408 Whiting Avenue, Dedham, MA
Case #: **SITE-07-12-1572**
Zoning District: Central Business
Representative(s): David Raftery, owner
Michael McKay, AIA, 35 Bryant Street, Dedham, MA
Peter A. Zahka II, Esq., 3 School Street, Dedham, MA

The meeting began at 7:03 p.m. Mr. Raftery was asked to explain the brick he is using at 321 Washington Street. It was noted that there were score lines on plywood, indicating that he would be using brick-faced material; the decision called for full brick. Brick face is not what was represented, and not what the Board signed in the COA. The issue is whether brick face fits the definition of brick. Mr. Podolski said he is not against brick face as long as there is a

good reason and the product looks like real brick. The newer color nearly matches the color of the brick on the Schortmann Insurance building, which was a DRAB requirement. Mr. McKay said that brick face has evolved, and explained that they chose brick face because of a weight issue on the 20 foot lintels on the first floor. He said that it will look as good as conventional brick. He said they expected to use thin brick as shown on the plans, but agreed that the Board's impression was correct, and he erred in not being clear. The Building Department asked the Planning Board to decide if this is acceptable.

Mr. Zahka, who represented the Applicant originally, agreed with Mr. McKay. He is not sure that this can be "fixed" because the materials list has been incorporated specifically into the decision. Mr. Podolski said the Board can make suggestions about doing something different, and applicants usually comply, but he does not know if it has the authority. Mr. Steeves was concerned that the base of the back of the product is nothing but vinyl siding, and then the brick is installed. He did not want the building to be a vinyl siding job with brick on it. Mr. McKay said it is metal, and the work is done by a mason. There was extensive discussion about the issue, including comments from DRAB member Mollie Moran, AIA, who said that she did not believe anyone could tell the difference. A sample board had been brought to DRAB. Mr. O'Brien said he would not ask them to go back and put in a full brick because it is too expensive. Mr. Steeves asked about the base of the building. It will be painted AZEK. All the bays will be painted. Mr. O'Brien suggested Hardy board instead of vinyl, and Mr. Raftery will do this. Further discussion took place regarding various parts of the building, including the windows and the front of the building. They will return to DRAB regarding the base color.

The project will go forward as Mr. McKay has proposed, but inspections of the grid will be required prior to installing the brick. The meeting ended at 7:50 p.m.

Applicant:	Gregory Carlevale/Concinnitas Corporation
Project Address:	255 West Street, Dedham, MA
Property Owner:	Gregory Carlevale, Concinnitas Corporation
Property Owner Address:	21 Boulevard Road, Dedham, MA
Case #:	Scoping Session
Zoning District:	SRA
Representative(s):	<ul style="list-style-type: none">• Peter A. Zahka II, Esq., 12 School Street, Dedham, MA 02026• Gregory Carlevale, owner• Mollie Moran, AIA, 18 School Street, Dedham, MA• Scott Henderson, P.E., McKenzie Engineering, 150 Longwater Drive, #101, Norwell, MA 02061

Mr. Bethoney joined the board. The **scoping session** began at 7:53 p.m. This is Dedham's first Planned Residential Development (PRD). The Planning Board reviews and approves a comprehensive plan, and gives direction on detail. Once the Board is satisfied, it makes a recommendation to Town Meeting to approve it. A detailed site development plan would then be submitted. According to the ZBL, the procedures and review for this are the same or close to a definitive subdivision. At least 20% of the land being developed must be natural open space. A density bonus is allowed, and there can be 1.5 times as many dwelling units as in a conventional subdivision. The property is in the Single Residence A zoning district. Under a conventional subdivision, five single family dwelling lots would be allowed; under the

comprehensive plan, it would allow seven. The Applicant wants to ascertain that the Board is happy with the development plan, the site, the types of dwellings, and the architectural features. The Applicant would leave with some understanding as to what level of detail needs to be achieved before coming back to the Board. They would like to return in January to present the formal plan and have an article submitted to Town Meeting.

The property is 6 acres of land on West Street abutting residential property and the Charles River. There is 480 feet of frontage on West Street. There is currently an existing single family dwelling on site. The topography slopes from West Street, flattens out, and then slopes to the River. The project is subject to Conservation Commission approval due to wetlands, being close to the river, FEMA flood zone, and an endangered species called umber shadowdragon.

They are required to establish a maximum development plan allowed per the ZBL. They have created a conventional subdivision concept plan of five single family dwelling lots, all in compliance with the Subdivision Rules and Regulations. The existing roadway will be used, resurfaced, and enlarged to 22 feet wide for Fire Department access (they are able to make the radius of the loop). Mr. Zahka said they may want to submit plans simultaneously because they will have to wait five months for Town Meeting. If Town Meeting says no, they will go immediately to subdividing the property and situating houses outside of the conservation buffers. The comprehensive plan will be submitted for recommendation to Town Meeting.

All resource areas have been accommodated. The layout for the PRD will have one single family dwelling and three two-family "townhouses." Part of the drive will be a two-way road turning into a 16 foot wide one-way internal loop. Each unit will have its own driveway, and there will be parking for visitors. The plan complies with the zoning regulations for SRA and what is shown in the PRD bylaw. The resource areas were considered in placement of the buildings. The detailed site development plan follows the Subdivision Rules and Regulations; it does not say that any of the substantive requirements of the regulations are applicable.

Twenty percent of the property must be dedicated open space in perpetuity; this plan includes the resource area adjacent to the river and 2.25 acres of upland space. There would be a total of 3.1 acres of dedicated open space, more than half of the parcel. They propose recreational features for use of the riverfront, which will only be open to residents. There will be a common storage building for maintenance equipment. Mr. Henderson explained stormwater management. The interior of the turnaround will have a small bio-retention area, but will otherwise be undisturbed. Plans showed just over an acre of undisturbed area in the PRD plan compared to the conventional subdivision. They will maintain a buffer of 80-100 feet along the frontage. The area between the river and the houses will be deeded area that cannot be built upon, and will be dedicated open space. The PRD will have 51% undisturbed area, 14.8% lot coverage vs. 34% undisturbed and 17.4% lot coverage. Ultimately, more than half of the property will be untouched in the PRD. Mr. Henderson also showed comparisons between the conventional subdivision and the PRD, including earthwork. This is found in the Applicants file. They have met with MassDOT about the curb cut and presented both plans.

Ms. Moran showed renderings of the architecture. Construction exceeds the STRETCH energy code with LED lighting and low flow water. Shared parking courts are at the back of the houses with access between buildings, minimizing impervious area. Mr. Carlevale tried to make the best use of PRD and maximize the use of the lot to cluster the houses. He has had no

luck reaching out to neighbors. The plan shows four large dwellings, two small dwellings, and a 3,600 square foot single unit that will be custom designed. He plans to build out half of the units, but could pre-sell prior to construction. There will be two alternative units that will be specific choices. Mr. Bethoney said the Board would not be approving something specific, and he should think about that. Mr. Zahka suggested showing the Board the largest footprint, and anything smaller would be acceptable. The units will be sold as condos, and there would be a condo association. They would not require relief from the ZBA.

Mr. Bethoney said this use that makes sense, and he is impressed with the project. If a PRD is in the Zoning Bylaw, it should be used. If Mr. Carlevale is looking for Planning Board recommendation to Town Meeting, he needs to give the Board strong, convincing benefits. He would recommend it only if he was overwhelmingly convinced that this proposal is so much more beneficial than a standard subdivision. The presentation should be sharpened point by point, and the bullet points should be one sentence. He liked the proposal in general, the architecture, and the hammerhead in the back courtyard. Mr. Zahka said they are ready to return to the next meeting and will officially file. Since they cannot deviate to any great extent, he needs to know what else the Board wants. Mr. Bethoney said all department heads need to review the plan before their return, and responses should be incorporated. If it is in any way deceptive, they should not do it. The Board gave Mr. Henderson direction as well. Mr. Podolski said the Board would carefully review it. The *scoping session* ended at 8:43 p.m.

Applicant: Div CMM Rustcraft, LLC, c/o The Davis Companies
Project Address: 100-280 Rustcraft Road, Dedham, MA
Property Owner: Div CMM Rustcraft, LLC, c/o The Davis Companies
Property Owner Address: 125 High Street, 21st Floor, Boston, MA 02110
Case #: **SITE-09-14-1880**
Zoning District: RDO
Representative: Peter A. Zahka II, Esq., 12 School Street, Dedham, MA

The meeting began at 8:44 p.m. Mr. Zahka made corrections to the Certificate of Action per Mr. McCarthy. When the main driveway went entrance-only, Mr. Zahka said it would be signed "No Entrance" on the parking lot side. Mr. McCarthy reminded him that there should also be signs in different areas of the parking lot that direct cars where to go. This will be on the final plans. With regard to the contribution that will go towards the sidewalks, it will now be done on May 1, 2015, and be characterized so that the Town itself can handle it and make sure it is used for that purpose. It is not mitigation money; it is a gift and will go into a gift account. The Board asked if it could be expanded to include "or construction." Mr. Zahka will change the last page and send it to the Board. Drawings and a materials list will be attached as part of the record plan. Mr. Podolski made a motion to approve the Certificate of Action as presented and amended, seconded by Mr. Steeves, voted unanimously. Mr. Aldous will sign the Certificate of Action when the last page is changed. Discussion ended at 8:47 p.m.

Applicant/Owner: Alfred J. Priore, Jr.
Project Address: 910 Providence Highway, Dedham, MA
Case #: **SITE-03-14-1813**
Zoning District: RDO
Representative(s): Mollie Moran, AIA, 18 School Street, Dedham, MA

Ms. Moran asked for an extension of the site plan review for 910 Providence Highway; this is the third extension. The property is one of the last properties in the Legacy Place area that has not been upgraded. When they came before the Board many months ago, there was a discussion as to whether it required peer review, and there was a mixed reaction. They worked hard to get whatever benefit they could to get extra spaces and green space. There are more than nine spaces, but there is no parking plan. She has pushed her client to get as much green space possible, either in the ground or in planters. They received a proposal for \$7,700 for peer review. She has not told her client yet. They have already spent thousands of dollars to get to this point, but the net result is no change. She said the Board needs to think about this. If the Board subjects an existing property with extreme limits on how to improve the site, overall review of that magnitude is not going to generate anything that has not been already looked at. She said the owner just may not do anything. Mr. Bethoney told her to request the extension and the Board will think about it. Discussion ended at 8:50 p.m.

Applicant:	Manor Fields
Project Address:	450 Sprague Street, Dedham, MA
Property Owner:	Town of Dedham
Property Owner Address:	26 Bryant Street, Dedham, MA
Zoning District:	LMB and GR
Representative(s):	Jim Maher

The Applicant is seeking approval of the buffer at Manor Fields. The committee adjusted the site plan for more screening. The reason for this meeting is to recap the roadway, the proximity of the roadway to the neighbors' properties, and how this would best be handled. The plan has been approved, but the narrative for the plan is to be determined at this meeting. The 8-foot fence has been moved to the road to give more screening and privacy to the houses closest to the access road. There is a concern about people crossing their property onto the Manor Fields area, so a six-foot chain link fence was put in to prevent cutting through. Mr. McCarthy said they discussed adding into the draft Certificate of Action that there would be an evaluation done during construction regarding additional plantings.

Robert Scheffler, 197 Tower Street, said the chain link fence was not discussed; he preferred not to have it. He was concerned about maintenance between an 8 foot vinyl fence and a chain link fence. The area will have plantings of grass, eventually on both sides to prevent people using it as a short cut. Parks and Recreation Director Bob Stanley said the black chain link fence would delineate the property lines. The neighbors want the eight-foot fence closer to the road. Mr. Maher said plantings would protect the property line. The plan was sent to neighbors, but it may have been printed in the wrong scale; they will be given a plan to scale. Mr. Maher will get the plans to the neighbors.

William Carroll, 58 Poplar Street, did not like the chain link fence and questioned maintenance of the plantings. He wanted the vinyl fence right up to the road so it will block people invading his privacy. Mr. Maher said the engineer put it as close to the road as reasonably possible, but they could try to move it closer. Mr. Bethoney said if it means putting the fence against the road, or ten feet from the road, so be it. There is supposed to be a berm between the sidewalk and the residential properties because that area had all been cut down. They need to put in a berm and trees on top of the berm with a fence to give enough screening; this was one of the original things agreed to. The fence will be either brown or green to blend

in. It does not go the whole perimeter of the road, and there is a break in the fenced area because it is being used more as a screen than a fence. It will be 23 feet from the road or the walkway. Mr. Maher said this would create a cut through point, which is why there would be plantings. It would be easier to walk the trail than to try to cut through. It is not right up against the road because there are plantings between the road and the fence, and there is a sidewalk. Mr. Bethoney asked if it meandered or changed, and Mr. McCarthy said it follows the curves as shown on the plans.

Kevin Nangle, 7 Capen Lane, did not want the fence or the road location as proposed. Mr. Bethoney said the road has already been approved; this meeting is to create the narrative that outlines the project. The screening and the fencing are being discussed prior to filing the decision. The Board would see what it could do to minimize the impact of the road on the neighbors. There is a hill by Mr. Carroll's property, and Mr. Nangle said the 8 foot fence will not block anything. He has a 6 foot fence on top of some landscaping timbers, making it 8 feet in some spots. The proposed fence would be below his fence, which does not make sense.

Mr. Podolski said that neither fence is needed, and the property line does not need to be defined. Mr. Nangle said that other than moving the road, there was nothing else that could be done to minimize the impact. Mr. Podolski asked if he thought that his personal fence was sufficient screening for him. He said he was pretty sure the proposed fence would be below his, but this is only in his back yard, so it would be prudent to put the fence up, possibly only a section of it. Mr. Bethoney said that is likely why the suggestion was to put a fence all the way across, and it would be more aesthetically pleasing and consistent.

Mr. Nangle said that no one was listening to the neighbors. He asked if there was any other avenue to take to address these problems. Mr. Steeves suggested Town Meeting. Mr. Podolski said he could hire an attorney and file suit against the Town to prevent the project. Mr. Nangle did not want to do that, but said he would because he believes it will destroy his property value. Mr. Maher said the plantings will not exceed the fence height yet. The 8-foot fence was for his benefit. Mr. Nangle said they should move the road if they were concerned about his benefit. Mr. Podolski asked why they could not better screen Mr. Nangle's lot with bigger plantings, rather than a fence. He suggested that an engineer or the consultants review the site. The area needs to be cleaned up, since this is where the Fire Chief wanted the full access loop. That area is not near Mr. Nangle's house; the cut through for the Fire truck is to the right. It is a better layout for Mr. Nangle since it does not run along his property line; the present one runs adjacent to his property.

Mr. Nangle said there is nothing the Applicant can do to minimize the impact of the roadway on his quality of life. He was surprised that the Manor Fields Committee, Pat Maguire, the landscape designer, and the engineer could not come up with something. Mr. Podolski suggested using bigger trees; they are planning to put in arborvitae trees at Mr. Scheffler's suggestion. If the arborvitaes are chosen, they will plant as many trees as they need to. Mr. Podolski said that a large planting of fairly mature trees might give enough screening, and these trees need to be above the top of his fence. The Board agreed that they could use the money that would be spent on the chain link fence, as it is likely that it would not allow two fences. Because this is a major change for certain people, the Committee has an obligation to do as much as it can without being asked. Terrie Tadsen, 7 Capen Lane and 10 Capen Lane, asked where the fire access entry was; this will be at the end of Capen Lane. She asked if there

was any way to put up a barrier to prevent people from accessing it there. There is an angled gate coming across that the Fire Department or ambulance opens to get to that end of the facility; access is needed from both sides. Ms. Tadsen said not much can be done to put up an acceptable barrier, given that they have a pool in their backyard and will lose privacy. At a minimum, whatever is being done for their property should be done for their house across the street. There are other properties abutting this, but the neighbors are not present.

This process has been going on for 2½ years. Abutters over 500 feet from the property were notified per Mr. Stanley, public meetings were held, at which a number of abutters were present, and e-mails have been sent to those people who asked for updates. The meetings have been posted and put in the *Dedham Times*. The Committee only heard from Mr. Carroll and Mr. Scheffler, while others communicated with Mr. McCarthy. Mr. Podolski said more trees should be put down the line against Ms. Tadsen's property. He asked if all the trees against her property line are being removed. Mr. Maher said that they are limited as to what trees can be removed, as removal of any tree over 6" in diameter has to be approved by the Conservation Commission; this is also the case for the walking trails. Mr. Podolski said there would be no construction in the areas abutting these homes, including 10 Capen Lane. Mr. Maher agreed. The only thing is that the fire access road will be a bit closer to the property than before. Mr. Podolski asked Mr. Maher if he would recommend to the Committee that more trees be put in across the new fire road. Mr. Maher said that they could put in new plantings between the trees that are already there and will not be removed.

Mr. Bethoney felt it was not fair that Mr. Maher's associates on the Manor Fields Committee and landscape architects are not present. He needs to hear the residents' thoughts, and then come up with the most significant solution. They should not wait to tell the Board what they want. Problems should be addressed after determining what needs to be done to solve them. Moving the road is not an option. Their professionals should give advice and present solutions. After that, the solutions should be proposed to the neighbors, then to the Board. He said he will not vote for two fences; Mr. Podolski agreed. Mr. McCarthy said the Board needs to approve the Certificate of Action, including a resolution to the buffer issue. If the neighbors are interested in some other type of creative buffering, they should speak now. He suggested that the Applicant needs to figure out what the best type of buffering is to satisfy the neighbors, then propose it to them at a meeting. The Applicant will return to the Board for a decision. Mr. Bethoney advised him not to do it alone; a team should be put together for this.

Mr. Maher was advised to have professional engineers mark the road with sticks to show the neighbors where the road would be prior to taking anything down, and report on why this would work. Mr. Maher explained that the contract expired on July 3, 2014. Mr. Podolski said it should be done for free or the Committee should obtain a special appropriation. The engineers should be obligated to see the project through. Mr. Maher said the engineers have been helpful, but he did not know if they would survey the property and put in sticks. Mr. Bethoney said the property needs to be surveyed again prior to building the project. He said the trees should be marked. Mr. Podolski said they should seek help from Town Engineer Jason Mammone.

Mr. Maher will reach out to Activitas to see if they can come up with a solution for appropriate screening. Mr. Bethoney highly recommended that Activitas be present for the next meeting. Mr. Steeves said he should get some stakes and explain on the stakes what is going there. Ms.

Tadsen said she wanted to go on the record that, when she first saw the plan and the size of the property, she was shocked that a road had to go in next to the only abutters; this was discussed again in detail. There were a number of plans that were presented to the Board and the Conservation Commission. Some plans were rejected because of traffic flow concerns. They could not have dead-ended parking at the other end of the complex, so a loop access was made to help control the traffic flow. Activitas came to the Board several times to explain why the road had to be there: wetlands, program design, and topography. Mr. Nangle said he did not want to kill the loop road, but it should not be brought over to the abutters. Mr. Maher said the reason why the loop road was extended out is that there is a brook there, and the Conservation Commission would not allow a road adjacent to the brook. It will go above the brook and they received approval for a bridge. As part of the Conservation Commission approval, they put in water calming controls for the brook in that general area. Activitas worked with the Conservation Commission on putting the loop road in, and the benefits of this to the overall project.

Mr. Bethoney asked Mr. Maher when he thought this could be resolved. Mr. Maher said he has to first call a meeting of the Committee. He guessed it would probably be February; the Board found this reasonable. When Mr. Maher talks to the engineer and the other "experts," he should express to them what needs to be done and ask them to determine how to do it. Once this is known, he is to reach out to the neighbors with what he believes best serves the purpose. This will be put on the agenda once this is determined. Mr. Bethoney said this is the best the Board can do. The meeting ended at 9:32 p.m.

The Board took a short recess and reconvened at 9:38 p.m.

Tesla Motors, 840 Providence Highway: Tesla Motors, which sells electric cars, would like to lease Owen Motors, which is moving to Braintree. An architectural rendering was included in the packet. Originally they did not want to touch the site at all or have any site modifications. They want to install "superchargers" on site for their customers; this will change the site (these chargers are not the same as those in the municipal parking lot). The site plan bylaw allows them to come in for an occupancy permit before site plan review, so they will do this unconventionally. They want to fit up the building interiorly, and then file for site plan review. This is just a heads up if the Board sees work on the site without site plan approval. This discussion ended at 9:43 p.m.

Pancho's Taqueria, 549 High Street: The Applicant received a Special Permit from the ZBA for change of use. The restaurant will have 14 seats, increasing parking from 7 spaces to 13. The Planning Board can waive parking, but there is no plan of record for the building. Dumpsters will be in the back, and deliveries will be made in the back. They will be asking for a waiver and rely on on-street parking and public parking. The ZBL says that if the parking numbers change, they must go before the Board for review. Mr. Steeves asked how the Board could say no. There is no parking anywhere in the Square. Mr. Aldous said that if the Board said no, every business would have to shut down. Mr. Bethoney said that this is procedural because the parking demand for the use increases. The Board needs to determine if they need a surveyed plan of the property and then they can come before the Board to ask for a waiver. To grant a waiver, there must be a plan. Mr. O'Brien said that if the landlord wants to rent the space, he should have a plan on file or pay for one. Mr. McCarthy said this is the only way to approve their application. Either the landlord could do the parking plan himself, or he can do

it at the tenant's expense. Mr. Podolski said the owner should get the site plan on the recommendation of the Board. He will be informed. Discussion ended at 9:52 p.m.

2015 Schedule: The Board was fine with the schedule with the exception of April 23rd, which is school vacation. This will be changed to April 30th.

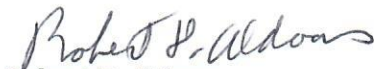
East Dedham Revitalization Committee: The EDRC will come in to see the Board on January 8, 2015, to present potential zoning changes for the Arts Overlay District. Mr. O'Brien said that one of the members wanted an endorsement vote in support of a development project that does not yet exist (Dunkin' Donuts). At least two members (he and Dennis Guilfoyle, a selectman) would have to recuse themselves because of potential future votes/conflict of interest. Therefore, there would be no quorum, and it could not go forward. Someone investigated this in Roberts Rules of Order and determined that they could potentially have voted on it. No position was taken in this regard. The Board discussed the ethics of this.

Applicant:	Michael and Laura Arends
Project Address:	6 Wampatuck Road, Dedham, MA
Property Owner:	Michael and Laura Arends
Property Owner Address:	20 Rodman Place, Dedham, MA
Case #:	ANR-12-14-1918
Zoning District:	SRB

The ANR came to the Board today. The Board will not meet again until January 2015; this is not within the 21 days allowed. The Applicants are buying 13,032 square feet to enlarge their lot at the back line. The lot is not to be considered as a separate building lot. Mr. Podolski moved to approve the ANR plan as presented, seconded by Mr. Steeves, unanimously voted. The Mylar and the plans were signed by the Board. Discussion ended at 9:50 p.m.

Mr. Steeves made a motion to adjourn, seconded by Mr. Aldous, unanimously voted. The meeting ended at 9:54 p.m.

Respectfully submitted,



Robert D. Aldous
Clerk