

**Board Members**  
Brian White, Chair  
Gibb Phenegar, Vice Chair  
Christina Oster, Clerk  
Joe Barresi, Member  
Tom Emero, Member  
Adam Kaufman, Associate  
Member



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Telephone (508) 321-4890  
zoning@townofmedway.org

**TOWN OF MEDWAY**  
**COMMONWEALTH OF MASSACHUSETTS**  
**ZONING BOARD OF APPEALS**

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**DECISION**  
**COMPREHENSIVE PERMIT MODIFICATION**  
**GLEN BROOK WAY, MEDWAY, MA**

**Date of Decision:** March 20, 2024

**Applicant:** GBW Senior Apartments, LLC, and Glen Brook Way Apartments, LLC (collectively the "Applicant")  
79-B Chapel Street  
Newton, MA 02458

**Location of Property:** The property is comprised of 5.87 +/- acres and consists of parcels at 0 Glen Brook Way (Assessor Parcel No. 65-025), 1 Glen Brook Way (Assessor Parcel No. 66-001), 3 Glen Brook Way (Assessor Parcel No. 65-026), and 33 West Street (Assessor Parcel Nos. 66-002), 31 West Street (Assessor Parcel No. 65-003) and 37 West Street (Assessor Parcel No. 65-024) (collectively the "Property" or "Project Site"). The Property is located in Agricultural Residential II Zoning District.

**Approval Requested:** Modification of Comprehensive Permit, G.L. c. 40B, §§ 20-23

**Members Participating:** Brian White, Chair, Christina Oster, Tom Emero, Joe Barresi, Adam Kaufman

**Members Voting:** Brian White, Christina Oster, Tom Emero, Joe Barresi, Adam Kaufman

**Date Modification Filed:** January 29, 2024

**Hearing Opened:** March 6, 2024

**Hearing Closed:** March 20, 2024

**Date of Original Permit:** Original comprehensive permit granted August 17, 2017

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## **I. PROCEDURAL HISTORY**

1. On August 17, 2017, the Board granted a comprehensive permit to Metro West Collaborative Development, Inc. to construct a multi-family housing development of 48 units at 0 Glen Brook Way (Assessor Parcel No. 65-025), 1 Glen Brook Way (Assessor Parcel No. 66-001), 3 Glen Brook Way (Assessor Parcel No. 65-026), and 33 West Street (Assessor Parcel Nos. 66-002). On August 15, 2018, the Board granted a modification to the comprehensive permit to allow for the construction of an additional 44 age-restricted housing units, and to include additional land as part of the development: 31 West Street (Assessor Parcel No. 65-003) and 37 West Street (Assessor Parcel No. 65-024).
2. The developer submitted additional requests for modification of the comprehensive permit through January 30, 2020, which were found by the Board to be insubstantial, and therefore approved, under 760 CMR 56.05(11), on February 5, 2020. The Board issued a Decision incorporating the insubstantial changes into the Modified Comprehensive Permit, and that document is recorded at the Norfolk County Registry of Deeds at Book 38227, page 37.
3. Additional subsequent requests for modification of the comprehensive permit were found by the Board to be insubstantial and thus approved. See requests dated April 14, 2022 (dumpster, shed, and ancillary plan changes); June 29, 2022 (generator and curbing); and March 9, 2023 (electric vehicle parking).
4. On January 29, 2024, the Applicant filed for a request for a modification and asked that the Board find that it was an insubstantial modification. The Board considered the request at its meeting of February 7, 2024, and found that the request constituted a request for a substantial modification, therefore requiring that the Board hold a public hearing.
5. Notice of the public hearing was published in the Milford Daily News on February 21, 2024, and February 28, 2023, and notice sent by mail to all interested parties and posted in Town Hall as required by G.L. c. 40A, §11.
6. The public hearing was opened on March 6, 2024, with no evidence being taken, and the public hearing was continued to March 20, 2024, at applicant's request. The hearing was closed that same evening.
7. The Board notified Town departments, boards, and committees of this application.
8. All documents and exhibits received during the public hearing are contained in the Zoning Board of Appeal's files and listed in Section V of this Decision.

## **II. SUMMARY OF EVIDENCE**

The applicant requests that the Board waive the requirements of Section 7.1.2.E.3 of the Zoning Bylaw, which provides that outdoor lighting shall not be illuminated between the hours of 11:00 p.m. and 6:00 a.m. except for low-level lighting with an average illumination on the ground or any vertical surface no greater than 0.5-foot candles. The applicant requests a waiver to allow the current lighting plan at the site, which is in operation until 11:00 p.m., to be continued throughout the night. The current lights and lighting plan is shown on Photometric Plan 26-3A, which shows four lights located at the front of the property turned off to avoid light trespass onto the adjoining Town street, and all other current lighting turned on. A copy of Photometric Plan 26-3A is attached hereto.

Michael Wolfson, Registered Architect, of Meander Studio and Chris Ripman of Ripman Lighting Consultants testified on behalf of the applicant. The applicant submitted a comprehensive analysis of the lighting at the site prepared by Ripman Lighting Consultants, showing the level of lighting in place until 11:00 p.m., and the level of lighting from 11:00 p.m. until 6:00 a.m. when a number of lights are dimmed or shut off in order to comply with Section 7.1.2.E.3 of the Zoning Bylaw. This analysis includes photographs showing the difference in the lighting levels, as well as photometric plans demonstrating that, in order to comply with Section 7.1.2.E.3, the lighting at the site during the time period from 11:00 p.m. to 6:00 a.m. does not meet the minimum illumination standards of Illuminating Engineering Society (IES). IES recommends a minimum of .2-foot candles for roads, parking lots, and sidewalks horizontal at grade. The applicant argues that this lack of proper lighting creates a dangerous situation for its residents who may be outside during the 11:00 p.m. to 6:00 a.m. hours when it is dark. This is multi-family housing which is open 24 hours a day, and residents must be able to safely use the site at all hours. If the waiver is granted as submitted, the lighting will meet the IES standards.

The applicant's representatives also explained that steps have been taken to reduce any impacts on the abutting property, by installing shields on the outdoor lighting fixtures closest to the property abutting the site to the northwest. The photographs and analysis demonstrated that granting the waiver would have minimal if any impact on the abutting property. The current lighting plan is essentially the plan that was submitted to the Board for the comprehensive permit, with the exception of turning off the four lights along the street, and the additional shielding that has been added to diminish any impact on the abutting property.

## **III. FINDINGS**

In making its findings and reaching the decision described herein, the Board is guided by G.L. c. 40B and applicable regulations, and by the Medway Zoning Bylaw. The Board also considered evidence and testimony presented at the public hearing. The Board found that granting the requested modification, to waive Section 7.1.2.E.3 of the Zoning Bylaw to allow lighting at the site as it currently exists in accordance with Photometric Plan 26-3A, during the time period from 11:00 p.m. to 6:00 a.m., is consistent with local needs.

#### **IV. CONDITIONS OF APPROVAL**

1. Any replacement lights, light fixtures or lightbulbs shall meet the same illumination, shielding, and other requirements as the light, light fixture or lightbulb being replaced, so that the site will continue to comply with Photometric Plan 26-3A.

#### **V. INDEX OF DOCUMENTS**

**A.** The application included the following plans and information that were provided to the Board at the time the application was filed:

1. Letter to ZBA from applicant dated January 29, 2024
2. Letter to ZBA from Meander Studio dated January 29, 2024
3. Letter to ZBA from Ripman Lighting Consultants dated January 29, 2024

Other information submitted by the applicant:

4. Letter to ZBA from attorney Haverty dated March 4, 2024
5. Waiver request dated March 6, 2024
6. Photos dated March 4, 2024

**B.** During the course of the review, the following materials were submitted to the Board:

1. Letter to applicant from Barbara J. Saint Andre dated February 8, 2024
2. Email from Derek Kwok, Health Director, dated January 31 and February 20, 2024
3. Email from Police Chief William Kingsbury dated January 30, 2024
4. Email from Police Chief William Kingsbury dated February 16, 2024
5. Email from Bridget Graziano dated December 5, 2023.
6. Means of Egress Definitions from Building Commissioner
7. Comprehensive Permit Modifications Procedure

## VOTE OF THE BOARD

By a vote of 5 to 0, the Zoning Board of Appeals hereby GRANTS the Applicant GBW Senior Apartments, LLC and Glen Brook Way Apartments, LLC, the requested modification of the comprehensive permit, to grant a waiver of Section 7.1.2.E.3 of the Zoning Bylaw to allow lighting of the property as shown on Photometric Plan 26-3A, and in accordance with the application.

Member:	Vote:	Signature:
Brian White	Aye	_____
Tom Emero	Aye	_____
Christina Oster	Aye	_____
Joe Barresi	Aye	_____
Adam Kaufman	Aye	_____

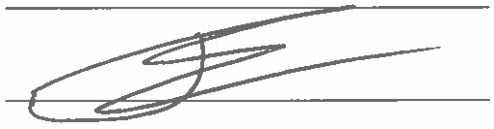



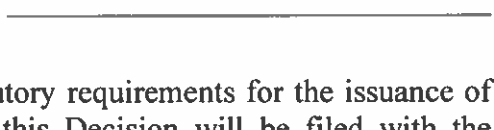
The Board and the Applicant have complied with all statutory requirements for the issuance of this modification to Comprehensive Permit. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Applicant, and notice will be mailed to all parties in interest as provided in G.L. c. 40A §15.

Appeals, if any, by any party other than the Applicant, shall be made pursuant to Massachusetts General Laws, Chapter 40B, §21 and Chapter 40A, §17, and shall be filed within twenty days after the filing of this notice in the office of the Medway Town Clerk. Any appeal by the Applicant shall be filed with the Housing Appeals Committee pursuant to G. L. c. 40B, § 23, within twenty days after the filing of this notice in the office of the Medway Town Clerk.

The modification to Comprehensive Permit granted by this Decision shall not take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed within said twenty day period or that any duly filed appeal has been dismissed or denied. The fee for recording or registering shall be paid by the Applicant. A copy of the recorded Decision, and notification by the Applicant of the recording, shall be furnished to the Board.

## VOTE OF THE BOARD

By a vote of 5 to 0, the Zoning Board of Appeals hereby GRANTS the Applicant GBW Senior Apartments, LLC and Glen Brook Way Apartments, LLC, the requested modification of the comprehensive permit, to grant a waiver of Section 7.1.2.E.3 of the Zoning Bylaw to allow lighting of the property as shown on Photometric Plan 26-3A, and in accordance with the application.

Member:	Vote:	Signature:
Brian White	Aye	
Tom Emero	Aye	
Christina Oster	Aye	
Joe Barresi	Aye	
Adam Kaufman	Aye	

The Board and the Applicant have complied with all statutory requirements for the issuance of this modification to Comprehensive Permit. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Applicant, and notice will be mailed to all parties in interest as provided in G.L. c. 40A §15.

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**NORMAL (PRE-CURFEW) CONDITION: 11PM TO DAWN**  
**ALL FIXTURES ON, BOTH NON-EGRESS AND EGRESS.**  
**AVERAGE VALUE CALCULATED HORIZONTAL FOOTCANDLES FOR LIMITED SITE: 2.14 FC.**



Scale: 1 inch= 40 Ft.  
GRIDS ARE 10'X10' TYP.

**Notes on Calculations:**

Reflectance: Walls - 0.5 (Unless Otherwise Noted)  
Building E - Exterior Walls - 0.25  
Fixture LUF As Noted Below on Page 2

All site lighting fixtures including both non-egress (conforming to the zoning ordinance requirements for curfew lighting) and egress lighting fixtures (conforming to requirements of the State Building Code) included in this calculation for purposes of confirmation of overall lighting data points for proposed lighting.

Software used: Calculations run using AGI32, industry standard software (Version 21.1.77)

IES files: Industry standard IES files, provided by others, were downloaded and incorporated into the model, for all fixtures modeled, including where so specified, and available as an IES file, house side shielding provided by the fixture manufacturer where so noted "HSS".

Topography: Previous permit model treated the site and adjacent properties as flat. The current model treats the site and the areas to the north of the site (towards West Street) as flat, but incorporates estimated topography for the east and west properties adjacent. Estimated by visual observation on site.

Calculation data: Data is in horizontal footcandles (as if measured with a meter lying on the ground, aimed up), per the Zoning Ordinance.

Reflectances: Reflectances of buildings and ground surfaces included per industry standard reflectances.

Interferences: Calculations include only direct illumination of the target grid points, cosine corrected for angle of incidence, and do not include interreflected light from building surfaces.

Data Grids: 10' x 10' spacing.

Interstitial light levels: Note that measurements taken at other locations than the grid points shown may vary from those of the surrounding grid points.

Data rounding: Note that, as is common for all calculation programs, data rounding occurs. Thus, data calculated as 0.001 to 0.005 will round down to 0.00, while 0.006 to 0.009 will round up to 0.01. And 0.011 through 0.015 will round down to 0.01, while 0.016 through 0.019 will round up to 0.02.

All notes above apply to the current models.

Grid alignment: Note data grid points in this model do not exactly correspond to permit set grids due to orientation of grids, precluding data point to data point comparisons. But comparison of maximum, minimum and average values remains possible and appropriate.

Fixture status: Where noted, some fixtures have been turned off, and/or the aiming of fixtures may have changed, and/or custom shields may have been included in the model to minimize overspill.

Photometry: AGI32 uses "far field photometry" which means that it does not allow modelling of additional custom shielding added to the fixtures, where no IES file is available. We have modelled custom shields where called out using simulated shields at an appropriate distance from the fixture(s) to enable AGI32 to reasonably accurately calculate the impact of custom shielding.

Fixture output: All fixtures are, unless otherwise noted, calculated with an Industry standard Light Loss Factor (LLF) of 90%. This means that initial installation values at data points will be 10% higher than the model reports. The same value for LLF was carried in the 5-16-22 Calculations submitted for permit. Where fixtures are dimmed in a specified rev of the model, a lower LLF is used to indicate the level dimmed to.

Site visit check measurements: If site visit check measurements are required, the installation must be complete and programmed for light output percentages as noted in the model, and there must be no snow on the ground, and ideally, no moon in the sky. Note that field measurements will include interreflected components from building surfaces and will therefore be higher than calculated values.

The scope of services for this project for Ripman Lighting Consultants and Drafting & Photometric Consulting, LLC, our sub-contractor, is limited to running calculations of designs provided by others. We are providing data only. Neither Ripman Lighting Consultants nor Drafting & Photometric Consulting are making recommendations or approving or disapproving designs by others and we accept no liability for the implementation or modification of designs by others. For evaluation, these data calculations should be reviewed and commented on and the designs calculated, modified if required, by Tetra-Tech, the town's consultant, for conformance with the state building code and recognized standards of good practice.

**SITE AVERAGE HFC = 2.14 FC**  
**DIRECT ONLY CALCULATIONS**  
**NO INTERFLECTIONS**

**GBW - PHASES 1 + 2 - PHOTOMETRIC SITE PLAN 26.3A-V5**  
**ALL FIXTURES TURNED "ON" = 90%**