

**Board of Selectmen's Meeting  
September 30, 2019 – 7:00 PM  
Sanford Hall  
155 Village Street**

**Present:** Glenn Trindade, Vice Chair; Dennis Crowley, Clerk; Richard D’Innocenzo, Member; Maryjane White, Member.

**Absent:** John Foresto, Chair.

**Staff Present:** Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Barbara Saint Andre, Director, Community and Economic Development; Dave D’Amico, Director, Department of Public Works (DPW), Susy Affleck-Childs, Coordinator, Planning and Economic Development Board (PEDB); Stephanie Carlisle, Compliance Coordinator; Sandy Johnston, Communications Director.

**Others Present:** Frank Rossi, Chair, Finance Committee; Andy Rodenhiser, Chair, PEDB; Oak Grove Zoning Taskforce Members: Jessica Chabot, Matthew Buckley, and Matthew Hayes.

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At 7:00 PM Selectman Trindade called the meeting to order and led the Pledge of Allegiance.

**Public Comments:** None

**Approval of Minutes**

*The Board reviewed the draft minutes of September 16, 2019.*

**Selectman D’Innocenzo moved that the Board approve the minutes of September 16, 2019.**

**Selectman White seconded.** Discussion: Selectman Crowley asked that his following question be added to the minutes on page 2, “Selectmen Crowley asked if the developer sells the property at full market value, who gets the delta difference between the affordable and full market price.” Town Administrator Boynton stated the Town does, per a discussion he had with Town Counsel today. **VOTE: 4-0-0.**

**Approval: Contact with Public Archeology Laboratory, Inc. for the Evergreen Cemetery National Historic Register Nomination - \$10, 550**

*The Board reviewed the (1) memo dated September 25, 2019 from Barbara Saint Andre, (2) bid summary, and (2) contract.*

Ms. Saint Andre stated this contract with the consultant is to assist the Town in preparing a nomination to get Evergreen Cemetery placed on the National Historic Register. She noted that: (1) Town Meeting approved \$13,000 for this effort, (2) after going out to bid, Public Archeology Laboratory, Inc. was the lowest bidder and, (3) the amount is well within the appropriation from Town Meeting. The Medway Historical Commission as well as the Massachusetts Historical Commission have both approved this consultant. She explained the reason for applying for this nomination: (1) this is the oldest cemetery in Medway, (2) there is a specific stone cutter who was well known who carved many of the stones located in the cemetery, (3) this has been in continuous use and shows the history of Medway, and (4) is part of a Medway historic district. Selectman White asked if being on the historic register allows for grant funding opportunities. Ms. Saint Andre stated no. Selectman Crowley asked what the benefit to the

Town is to spend these funds. Ms. Saint Andre stated that (1) it provides national recognition for attracting visitors, (2) assists those doing genealogy research, and (3) provides a level of prestige to the Town. Selectman Trindade noted that one-half of the cost will be State funded.

**Selectman White moved that the Board vote to authorize the Vice-Chair to execute the contact with Public Archeology Laboratory, Inc. for the Evergreen Cemetery National Historic Register Nomination in the amount of \$10,550 as presented. Selectman D’Innocenzo seconded. No Discussion. VOTE: 4-0-0.**

**Approval: Contract with BETA Group for Construction Inspection Services for the Exelon Project - \$6,205**

*The Board reviewed the (1) memo dated September 25, 2019 from Susy Affleck-Childs, and (2) contract.*

Town Administrator Boynton stated that the Exelon project is essentially done with only the final landscaping and close out process outstanding. He noted we still have funding from Exelon to cover these costs. Selectman Crowley asked why the Building Inspector is not completing these inspections. Mr. Boynton stated this is under the jurisdiction of the PEDB as part of the site plan process.

**Selectman D’Innocenzo moved that the Board vote to authorize the Vice-Chair to execute the contact with BETA Group for construction inspection services for the Exelon project in the amount of \$6,205 as presented. Selectman White seconded. No Discussion. VOTE: 4-0-0.**

**Authorization to Expend Grant Funds: Medway Community Compact Grant for Preparing a Succession Plan - \$10,000**

*The Board reviewed the (1) Notice of Grant Award, and (2) contract.*

Town Administrator Boynton stated that the Town was an early participant in the Community Compact program. Governor Baker’s administration has reauthorized additional funding and one of the eligible projects is succession planning. The concept is to work diligently to replace senior staff in Town as they retire or leave our employ with the goal of current staff moving into those upper level positions with the appropriate training. We anticipate that this individual will work directly with Ms. Potter and Ms. Bird in Human Resources to develop the appropriate plan. Selectman Crowley commended Ms. Potter on writing the grant.

**Selectman White moved that the Board authorize the expenditure of the Medway Community Compact Grant in the amount of \$10,000 as discussed. Selectman D’Innocenzo seconded. No Discussion. VOTE: 4-0-0.**

**Discussion: Main Street Banner Options**

*The Board reviewed the PowerPoint presentation.*

Selectman Trindade explained the process to date regarding the banner options. Selectman Crowley reminded all that, at the time of the last discussion, he had discussed his involvement with the banner project with the State ethics commission, as his wife was on the committee. The last time he recused himself and did not participate in the voting but he will not recuse himself this time and will be voting tonight. Ms. Saint Andre reviewed the final recommendations from the committee. The request from the committee was to keep the font consistent for all banner types. There was discussion on two potential options for the arrangement of the banners: (1) Welcome to Medway, Shop/Dine/Play, Seasonal, Right To Farm, and then repeat or (2) Welcome to Medway, Shop/Dine/Play, Welcome to

Medway, Seasonal, Welcome to Medway, Right To Farm and then repeat. Town Administrator Boynton preferred the second option as this results in less manpower for DPW operations. Selectmen Crowley and White also confirmed their preference for the second option. Mr. D'Amico noted that since the banners are on both sides of the street, the second option would look more uniform. Selectman Trindade stated his desire to support the Medway business community so would like to support their request which was the first option. There was further discussion on which option should be utilized. The Board then voted on each of the banner types along with their order of appearance.

**Selectman Crowley moved that the Board approve the Welcome to Medway banner option 1. Selectman White seconded. No Discussion. VOTE: 4-0-0.**

**Selectman Crowley moved that the Board approve the Shop/Dine/Play banner option 1. Selectman D'Innocenzo seconded. No Discussion. VOTE: 4-0-0.**

**Selectman Crowley moved that the Board approve the Sunflower and Snowflake season banners as presented. Selectmen White seconded. No Discussion. VOTE: 4-0-0.**

**Selectman D'Innocenzo moved that the Board approve the Right To Farm cow banner only. Selectman Crowley seconded. No Discussion. VOTE: 4-0-0.**

**Selectman Crowley moved that the Board approve the cow Right To Farm banner with the yellow background. Selectman White seconded. No Discussion. VOTE: 4-0-0.**

**Selectman Trindade moved that the Board approve sequencing option 2 with the addition of a minimum of two more Shop/Dine/Play banners implemented in such a way as to not lose the sequencing. Selectman D'Innocenzo seconded. No Discussion. VOTE: 4-0-0.**

Selectman Crowley noted that this was a long process to come to a final decision and thanked all members of the committee for their efforts. He specifically thanked Rachel Wolff Lander and Kathy Foresto for their efforts.

**Discussion: Main Street Zoning for Auto Dealers**

*There were no materials for the Board to review.*

This agenda item was not addressed.

**Vote Recommendations: Fall Town Meeting Warrant**

*The Board reviewed the November 18, 2019 Fall Town Meeting Warrant.*

Selectman Trindade reviewed the purpose of Fall Town Meeting on November 18, 2019 at 7pm.

Town Administrator Boynton referred the Board to the additional handout with two articles and the impact on the numbering of the articles moving forward.

**ARTICLE 1: (Prior Year Bills)**

Selectman Trindade explained this is a requirement of Massachusetts State Law. Town Administrator Boynton stated this will require a 9/10ths vote at Town Meeting.

**Selectman White moved that the Board approve Article 1 as presented. Selectman Crowley seconded. No Discussion. Vote: 4-0-0.**

ARTICLE 2: (Rescind Borrowing – Memorial and McGovern School Boilers)

Town Administrator Boynton stated this article is at the request of Finance Director Pratt as this project has been completed and these funds are no longer needed.

**Selectman Crowley moved that the Board approve Article 2 as presented. Selectman D’Innocenzo seconded. No Discussion. Vote: 4-0-0.**

ARTICLE 3: (Transfer to Athletic Fields Stabilization Fund)

Selectman Crowley asked if the Parks Commission is aware of this transfer. Town Administrator Boynton confirmed.

**Selectman D’Innocenzo moved that the Board approve Article 3 as presented. Selectman White seconded. No Discussion. Vote: 4-0-0.**

ARTICLE 4: (Purchase 74 and 82 Lovering Street – CPA Funds)

Town Administrator Boynton reported the anticipation of an updated Purchase and Sale agreement by the end of this week noting this will be fully funded by Community Preservation Act (CPA) funds. Selectman Trindade reviewed the location of both parcels and their Chapter 61A status. Mr. Boynton reviewed the available CPA reserves from all sources.

**Selectman Crowley moved that the Board approve Article 4 as presented. Selectman D’Innocenzo seconded. No Discussion. Vote: 4-0-0.**

ARTICLE 5: (Amend General Bylaws: New Bylaw – Plastic Bag Reduction)

Selectman Trindade stated this article would ban single use plastic bags in Medway. Mr. Boynton explained this has been an ongoing discussion and the Energy and Sustainability Committee is bringing this forward at this time for the Boards consideration. Selectman Crowley stated his surprise that this was the first time the Board has seen a major potentially controversial issue such as this without the option for discussion. He noted he is in support of it and that the residents will ultimately decide at Town Meeting. Both Selectman White and Trindade stated their support as well. Selectman Trindade explained the impact on the resident and the recycling machinery. Selectman Crowley asked why we are not also considering banning plastic bottles and if the Town could impose a nickel deposit. Selectman Trindade explained how the Town of Concord implemented this, as they are the only one at this time. Mr. Boynton stated the Town could not impose a nickel deposit.

**Selectman White moved to approve Article 5 as presented. Selectmen D’Innocenzo seconded. Discussion: Selectman Crowley requested that the offenses be modified as follows: first offense = warning, second offense = \$50 fine, third and subsequent offenses = \$200. All Board members concurred. Selectman White rescinded her motion. Selectman Crowley moved that the Board amend Article 5, section 31.5 as discussed. Selectman White seconded. No Discussion. Vote: 4-0-0.**

ARTICLE 6: (Amend General Bylaws: Stormwater)

Ms. Carlisle explained the purpose of these revisions was to provide clarity to the existing by-law thereby improving applicants' understanding of the requirements, making it easier for them to comply, and easier for the Town to enforce the State MS4 permit requirements. She noted there were seventeen newly added definitions along with clarification on what was included in the categories of prohibited, allowable, and allowable with permit. She noted that all changes were in accordance with and reflective of the State MS4 permit requirements and the stormwater by-laws of surrounding towns. Selectman Crowley stated his understanding was that if you had a well that was utilized for lawn watering and irrigation then that was excluded. Ms. Carlisle clarified that regardless of the source of the water, any run-off that overflows into the street and therefore into the Town stormwater system is considered in violation. She noted we are not prohibiting those activities, but prohibiting allowing that water to run-off into the street and the Town's stormwater system. Selectman Crowley asked if these changes will impact the Medway Plaza stormwater plans. Town Administrator Boynton stated there are no changes that should impact these plans.

**Selectman White moved that the Board approve Article 6 as presented. Selectman D'Innocenzo seconded. No Discussion. Vote: 4-0-0.**

ARTICLE 7: (Amend Zoning Bylaw: Multi-Family Housing)

Ms. Affleck-Childs reviewed the history of the by-law noting two permitted developments since its inception with others in the pipeline. Based on the PEDB's experience to date, she explained the purpose of these revisions was to provide clarity to the existing by-law so that applicants can understand the requirements thereby making it easier for them to comply and for the PEDB to enforce. She reviewed specific definition and terminology revisions that include: (1) revised definitions of multi-family building, multi-family development, (2) added a definition of apartment building, (3) added a requirement that a multi-family development must have at least one building with three units, (4) added the ability for a multi-family development to incorporate existing buildings on the property, (5) multi-family "dwelling" changed to building, and (6) apartment "house" changed to building. She also reviewed the following changes: (1) to the schedule of uses table, (2) minimal lot size for an apartment building to one acre, (3) density changes to lots 1 acre or greater reducing the density from twelve to eight units and if an apartment, allowing twelve units, (4) density changes to ½ acre lots matching the proportions of the 1 acre lots, i.e. 4 units, and (5) provides the PEDB the ability to adjust density based on site specifics. She then reviewed the language changes specific to historical buildings (75 years of age or older) which includes built-in preservation: (1) ties decisions to the Historical Commission, (2) requires both historical significance and preferably preserved/viable structure, and (3) adds a three year look back provision. Selectman Crowley requested clarification of the three year look back provision. Ms. Affleck-Childs and Mr. Rodenhiser then explained the: (1) process, (2) the purpose to provide both economic relief and the opportunity for economic investment to residents and (3) the process for determining the historical significance and viability of the structure. Selectman White asked why there is a need for this by-law, referring to a past situation with a property on Main Street where the developer stated the Town invites developers into the historic district for multi-unit developments. She feels this negatively impacts the historical district and its significance. There was further discussion on this specific property, 179 Main Street and the past situation. Selectman Crowley voiced his concern as well about the density on one acre and allowing an apartment building/multi-family building with eight units. Mr. Rodenhiser explained that these developers must go to the PEDB for approval via the special permit process and the feedback of the neighborhood it taken into consideration. He noted the only one to date moving forward is on the old APECS property on Village Street where most of the development will be well to the back of the property and the existing Anderson School. There was further discussion about 21 High Street noting that nothing has been applied for to date with only the

occurrence of informal discussions. Mr. Rodenhiser pointed out that density has been and is being further reduced to address the density concerns expressed by residents and the Board most recently resulting from the 33-39 Main Street development. Selectman Crowley asked if any development has occurred within this existing by-law. Ms. Affleck-Childs stated (1) 143 Village Street, the old Elm Club, renovated into three units, and (2) the eight townhouses on the corner of Main and Mechanic Street. Ms. Affleck-Childs also stated the purpose of this by-law is to allow for more diverse housing types in the community to provide a need for those who do not want or cannot afford single family detached housing.

**Selectman Trindade moved that the Board approve Article 7 as presented. Selectman White seconded. No Discussion. Vote: 4-0-0.**

ARTICLE 8: Amend Zoning Bylaw: Site Plan Review)

Ms. Affleck-Childs explained the three types of site plans; major, minor and administrative. Major and minor go through the PEDB and administrative goes through a smaller process in the Community and Economic Development office. Currently, the installation of a wireless communication system is under the administrative category but due to the anticipated changes with upcoming small cell 5G, this will be moved to the minor site plan category. The other changes include language revisions related to tree removal for those with diameters greater than 18-24 inches.

**Selectman D’Innocenzo moved that the Board approve Article 8 as presented. Selectman White seconded.** Discussion: Selectman Crowley asked what the change was related to the donation box. Ms. Affleck-Childs stated this was adding a definition and that it be under the administrative category for new ones only. Selectman Crowley asked for the duration of a decision for an administrative site plan. Ms. Affleck-Childs stated it is an in office brief meeting with herself, the Building Inspector, and the Director of Community and Economic Development. **Vote: 4-0-0.**

ARTICLE 9: Amend Zoning Bylaw: Parking – Electrical Vehicle Parking Stations)

Ms. Affleck-Childs explained this would add a component to the parking section of the by-law that any development with 15 or more parking spaces shall provide electrical vehicle parking spaces at the same ratio as what is required for handicapped parking. Selectman Trindade noted that it does not direct if they will be free or at a cost to the users. Selectman Crowley asked is there are any exceptions, i.e. the West Street affordable complex, or 40Bs. Ms. Affleck-Childs stated West Street has already been permitted and 40Bs do not go before the PEDB.

**Selectman D’Innocenzo moved that the Board approve Article 9 as presented. Selectman White seconded. No Discussion. Vote: 3-1-0. (Crowley opposed due to the number of required parking spaces for electronic vehicles.)**

Ms. Saint Andre reminded all that the PEDB is having a public hearing on all of these zoning articles on October 22<sup>nd</sup> in Sanford Hall.

ARTICLE 10: (Amend Zoning Bylaw: Special Permits and Site Plan)

Ms. Affleck-Childs explained this pertains to coordinated permitting when the Zoning Board of Appeals (ZBA) is the permitting body and the PEDB is the site plan body. This combines both of these under the jurisdiction of the PEDB to be more efficient for both the applicant and the Town.

**Selectman White moved that the Board approve Article 10 as presented. Selectman D’Innocenzo seconded. No Discussion. Vote: 4-0-0.**

**ARTICLE 11:**    (Amend Zoning Bylaws: Outdoor Storage)

Ms. Affleck-Childs explained the current language states outdoor storage is allowed as an accessory use in certain zoning districts for businesses; as long as they have a business operating on the property, they are allowed some outdoor storage. The definition has been expanded to include and define more specific types of containers. This will provide more specific parameters for outdoor storage including: (1) the allowable size of a site that can have outdoor storage, (2) screening requirements when abutting a residential property, (3) it can only be for items pertinent to the property, and (4) it cannot be located in fire lanes, etc. She stated there is still some fine-tuning needed regarding outdoor storage at residential sites. The intent with this revision is that it is directed to commercial storage. Selectman Crowley requested that a time limit on residential storage be discussed when this is addressed at later date. Town Administrator Boynton asked if this would impact projects like the Route 109 project and the DPW new facility project. Ms. Affleck-Childs stated these do not apply to temporary storage for permitted active construction projects. Mr. Boynton asked about storage related to school and youth sports. Ms. Affleck-Childs stated that is still to be determined and addressed.

**Selectman Crowley moved that the Board vote Article 11 as to be determined. Selectman D’Innocenzo seconded. No Discussion. Vote: 4-0-0.**

**ARTICLE 12:**    (Amend Zoning Bylaw: Oak Grove)

Mr. Boynton reminded the Board of the presentation by the Oak Grove Zoning Taskforce of these changes, noting this is the article that will insert the new overlay district for Oak Grove. Selectman Trindade commended the Oak Grove Zoning Taskforce for their efforts.

**Selectman Crowley moved that the Board approve Article 12 as presented. Selectman D’Innocenzo seconded. No Discussion. Vote: 4-0-0.**

**ARTICLE 13:**    (Street Acceptance – Applegate Road and Forest Road)

Mr. Boynton stated this will also need to be a to be determined as we are still determining the steps moving forward for Applegate Road. He reminded all that the developer walked away, the issues have been in the hands of Needham Bank, and they have stated they want to complete the roadway project. He noted that we would not accept the street until it is completed to a standard acceptable to the Town. Mr. Boynton noted that if the Bank walked away tomorrow and the Town needed to go after the bond, there may not be enough funds to complete the project. He commended the staff currently working on a resolution. Ms. Affleck-Childs is hoping to get a resolution in time to allow this to remain on the warrant.

**Selectman White moved that the Board vote Article 13 as to be determined. Selectman D’Innocenzo seconded. No Discussion. Vote: 4-0-0.**

Selectman Crowley asked why the acceptance of the property is tied into the street acceptance article and not a separate article. Ms. Affleck-Childs explained that it is tied into the acceptance of the street as drainage for Applegate Road. The process of when you accept the street includes the acceptance of the stormwater drainage infrastructure. Selectman Crowley asked why the Town would want to accept that

liability. Ms. Affleck-Childs explained that this is part of the MS4 system and there is no other mechanism in place for management of this system. Mr. D'Amico stated that as part of the MS4 system, the Town is responsible for it whether owned by the Town or not according to the Federal regulations. There was further discussion about allowing developers to tie into the Town's stormwater drainage system, the determination of the bonding amount on these projects, and addressing sewer pump stations and stormwater drainage systems as they impact the Town's liability.

**Consideration of Public Event Application: Nightmare on Choate Trail – October 26, 2019**

*The Board reviewed the (1) Nightmare on Choate Trail Public Event Application, and (2) Chief Tingley's approval.*

**Selectman D'Innocenzo moved that the Board vote to approve the public event permit for the Nightmare on Choate Trail to be held on October 26, 2019, subject to the Police Chief's recommendation and proof of appropriate insurance coverage. Selectman White seconded.**

Discussion: Selectman Crowley voiced his concern regarding how the participants will be getting back to the high school from Choate Park and parking congestion. It was noted that there will be two rotating buses to return participants back to the high school along with two detail police officers for traffic and participant safety. **VOTE: 4-0-0.**

**Action Items from Previous Meeting**

*The Board reviewed the Action Items dated September 17, 2019.*

Route 109 Project: Town Administrator Boynton stated the line painting is planned for next week barring any weather related delays.

**Town Administrator's Report**

*There were no items for the Board to review.*

Possible Clean Energy Facility: Town Administrator Boynton stated that the Town has had interest from a company looking to build a clean energy facility. The company would purchase the energy from the grid, store it, and then resell it back. The location would be in the Milford and West Street corridor. Selectman Crowley asked who owns the land. Mr. Boynton was not sure noting there may be a need for zoning adjustments at the May Town Meeting. He explained that the company is aware that both a Payment in Lieu of Taxes (PILOT) agreement and Host Community Agreement (HCA) would be needed for this type of project.

Oakland Trail Update: Town Administrator Boynton stated this was completed on Friday with a walk through completed today by both the Parks and Water Departments. Mr. D'Amico stated the pavement is down and the painting will be completed once it is dry.

Route 109 Ribbon Cutting – October 16 – 10:00AM: Town Administrator Boynton reminded all of the Route 109 Ribbon Cutting ceremony noting the use of pavilion following the ceremony.

Community Resiliency Workshop – October 29 - Thayer: Town Administrator Boynton stated this is a requirement of the Municipal Vulnerability Preparedness grant that the Town received.

Rossetti Corner Dedication – October 19 – 9:00AM: Town Administrator Boynton reminded all of this dedication scheduled for October 19<sup>th</sup>.



Town Administrator Out of Office: Town Administrator Boynton reported he will be out of the office as follows:

- Wednesday, October 2 – MMMA Training - Sharon
- October 19-23 – ICMA Nashville – Carol Pratt Acting Town Administrator

NEXT Selectmen's Meeting – Monday, October 28, 2019

**Selectmen's Reports**

*There were no items for the Board to review.*

Selectman D'Innocenzo noted that fall sports are in mid-swing and encouraged all to attend. He reported that there will be an EPFRAC meeting this Wednesday at 7pm in Sanford Hall.

**Approval: Re-sale Agreement for 7 Kingson Lane, Unit 5**

*The Board reviewed the (1) e-mail dated September 25, 2019 from Lee Smith, Town Counsel and (2) agreement.*

This agenda item was not addressed as there were changes required to this agreement.

**At 9:05 PM, Selectman White moved to adjourn. Selectman D'Innocenzo seconded. VOTE: 4-0-0.**

Respectfully submitted,  
Liz Langley  
Administrative Assistant  
Town Administrator's Office