

Board Members

Andy Rodenhiser, Chair
Sarah Raposa, A.I.C.P.,
Vice-Chair
Timothy Harris, Clerk
Jessica Chabot, Member
John Parlee, Member
Alexandra Vinton,
Associate Member



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TOWN OF MEDWAY COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Meeting Minutes

Tuesday, March 26, 2024 @ 7:00 p.m.

Medway Town Hall, 155 Village Street, Medway, MA

| | Andy Rodenhiser Chairperson | Sarah Raposa Vice Chairperson | Timothy Harris Clerk | Jessica Chabot | John Parlee | Sasha Vinton |
|------------|--------------------------------|--|-------------------------|----------------|-------------|--------------|
| Attendance | X | X | X | Zoom | X | X |

Also in attendance:

Barbara J. Saint Andre, Director of Community and Economic Development

Jeremy Thompson, Planning and Economic Development Coordinator

The Chair opened the meeting at 7:00 p.m. and announced that the meeting is being recorded by Medway Cable Access.

CITIZEN COMMENTS:

There were no citizen comments.

PUBLIC HEARING – Energy Resource District Map:

The Chair opened the public hearing for the Energy Resource District Map and read the public hearing notice: Pursuant to G.L. c. 40A, §5, the Town of Medway Planning and Economic Development Board will conduct a public hearing to receive comments on a proposed amendment to the Medway Zoning Map by re-zoning the following properties to Energy Resource District: Assessors' Parcels 66-005, 66-008, 65-027, 65-028, 65-031, 65-033, 65-034, 65-035, 65-036, and 75-003.

It was explained that these parcels are on West Street adjacent to the other Energy Resource (ER) district area. There is also a proposal to place a battery energy storage facility on this site. It is a logical place for ER zoning since it is located adjacent to existing energy infrastructure is in place. There was a lengthy

discussion about this at the Board's meeting of February 27th and it was suggested to incorporate that discussion in the record of the public hearing. Ms. Raposa also noted that this re-zoning will allow for local review of the proposed battery energy storage facility under the Town's Battery Energy Storage facility zoning bylaw, rather than the state taking jurisdiction as with the last BESS. The Board spent considerable time to carefully craft the battery storage bylaw to provide protections for the Town.

There were no comments from the public.

On a motion made by Sarah Raposa, seconded by Tim Harris, the Board voted unanimously (4-0) to close the public hearing for the energy resource zoning district.

On a motion made by Sarah Raposa, seconded by Tim Harris, the Board voted unanimously to recommend approval of the proposed re-zoning of Assessor's Parcels 66-005, 66-008, 65-027, 65-028, 65-031, 65-033, 65-034, 65-035, 65-036, and 75-003 to the Energy Resource District.

Approval of Minutes: February 27, 2024

On a motion made by Sarah Raposa, seconded by Tim Harris, the Board voted unanimously (4-0) to approve the minutes from February 27, 2024.

Discussion of ZBA Special Permit Application – 165 Main Street:

The Board is in receipt of an application to the Zoning Board of Appeals (ZBA) to modify a special permit for 165 Main Street. The application is for the Top Dog Doggie Day Care. The applicant wants to add an additional 7 dogs and remove the requirement for an overnight attendant when there are dogs overnight. The Board does not want to take any action on this application.

Notification of Administrative Site Plan Review Decision:

The Board was made aware that there was an administrative site plan review for Master's Touch. The applicant wants to construct a shed.

Construction Reports:

- None

Discussion of Proposed Zoning Bylaw Amendments for Annual Town Meeting including OSRD:

The Board discussed not taking any action on the proposed amendments to the lighting zoning bylaw. There have been some complaints about excessive lighting. Ms. Saint Andre noted that Glen Brook's expert submitted very detailed and technical comments on the outdoor lighting on that site which was very informative, and indicates that there is a lot to this issue that needs to be reviewed. It was recommended that the Town reaches out to a lighting expert to look at the bylaw and provide technical assistance with any proposed amendments. There is also a suggestion that the OSRD not be moved forward to the Town Meeting since there continues to be more work needed on this relative to the yield analysis. Mr. Thompson indicated that there is an on-going study by a regional planning agency on OSRD's that is not completed yet. He is also looking at what other communities are doing.

On a motion made by Sarah Raposa, seconded by Tim Harris, the Board voted unanimously (4-0)

to advise the Select Board that it does not want to move forward with the proposed lighting and OSRD bylaw amendments at the Annual Town Meeting.

5.4.1 Outdoor Displays:

The Board was informed that Town Counsel reviewed the article for outdoor displays. Counsel recommended inclusion of language noted in amendment. This language was shown on the screen share. There is language added that the requirements are allowed as of right in zoning district Central Business, Village Commercial, Neighborhood Commercial and Business Industrial.

MBTA Communities multi-family Zoning:

Ms. Saint Andre informed the Board that it is recommended that the Town request an advisory opinion from the Executive Office of Housing and Livable Communities (EOHLC) on whether the proposed Multifamily Overlay districts as set forth in the warrant are “eligible locations” under chapter 40A. If the locations are deemed to be “eligible locations”, the proposed zoning amendment will only need a majority vote at Town Meeting, rather than the two-thirds vote usually required for zoning amendments. Eligible locations include under-utilized sites, areas of concentrated development, and other categories. She indicated that EOHLC requires that either the planning board or select board request the advisory opinion, so she is asking the board to vote this request.

On a motion made by Sarah Raposa, seconded by John Parlee, the Board voted unanimously (4-0) to request an advisory opinion from EOHLC on whether the proposed Multifamily Overlay districts as set forth in the Town Meeting warrant are Chapter 40A eligible locations.

Ms. Saint Andre noted that Town Counsel has reviewed the proposed MBTA Communities bylaw and provided comments, those have been incorporated into the proposed bylaw. Also, a provision has been added that Section 4.3 regarding split lots does not apply.

Proposed Amendments to the Scenic Road Regulations:

On a motion made by Sarah Raposa, seconded by Tim Harris, the Board voted unanimously to open the public hearing and also waive the reading of the hearing notice for the proposed amendments to the scenic road regulations.

The Board is in receipt of the draft amendments to the Scenic Road Regulations. The goal of this was to simplify the regulations which will be included pursuant to the Scenic Roads Act, M.G.L. Chapter 40, Section 15C. Mr. Rodenhiser stated that it is critical to have a surveyor determine the road layout and which resources are within the road layout. Currently, the Highway Superintendent reviews the site and determines what is in the layout. Ms. Vinton also commented on the need to know who owns the stone walls. There was a comment from the public about how it is determined who owns and maintains the stone walls. This needs to be made clear with a land surveyor to survey the front property line. Anything on private property and not within the right of way it is outside the Board’s jurisdiction. It was suggested that a plan submitted with any application. It could also be an enforcement situation. The biggest issue for the Board is where the wall is located. There were no comments from the public.

The Chair announced that member Jessica Chabot joined the meeting at 7:30 p.m. remotely, therefore all votes going forward will be by roll call.

On a motion made by Sarah Raposa, seconded by Tim Harris, the Board voted by roll call to continue the hearing for the Medway Scenic Road Regulations to April 23, 2024, at 7:15 p.m.

Roll Call Vote:

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|-----------------|-----|
| Jessica Chabot | aye |
| Sarah Raposa | aye |
| Andy Rodenhiser | aye |
| Tim Harris | aye |
| John Parlee | aye |

Hill View Estates Subdivision – Modify Definitive Subdivision:

The Chair opened the public hearing and read the public hearing notice: This is an application from One Nirvana Development, LLC to Modify an Approved Definitive Subdivision and to request a deadline extension for the completion of construction of the subdivision.

Dan Merrikin from Legacy Engineering was present on behalf of his client. He stated that this is a new hearing due to a glitch in the notice for the first public hearing date, so he is going to repeat his presentation. This is a subdivision that was approved in 2014. Allowed for a permanent private way converting an existing driveway feeding an existing house into a private way. It added a gravel turn around for emergency vehicles.

The stormwater needed to be updated to meet the new regulations to account for larger rain storms. This included adding a third shallow basin to the left of the house. This has been reviewed and approved by Tetra Tech. Conservation Commission has issued an Order of Conditions and Land Disturbance Permit. They are also looking for a two-year extension of time for completion. The plan also needed to have a turnout area for the Fire Department. The Fire Department did not comment on the modification. The Board would like a sign off or letter from the Fire Department for the next meeting. There is an operations and maintenance plan.

Ms. Saint Andre reviewed some proposed conditions to be included in the decision, there were no objections.

On a motion made by Sarah Raposa, seconded by Tim Harris, the Board voted by roll call to continue the public hearing to April 9, 2024, at 7:00 p.m.

Roll Call Vote:

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|-----------------|-----|
| Jessica Chabot | aye |
| Sarah Raposa | aye |
| Andy Rodenhiser | aye |
| Tim Harris | aye |
| John Parlee | aye |

Other Business:

The Board was made aware that the Chair of the Conservation Commission would like to speak with the Board about micro forests and how to access the tree fund.

The Chair recessed the meeting at 8:00 p.m. for 30 minutes.

Continuation Public Hearing – 56 Summer Street:

The hearing for 56 Summer Street was reopened.

The Engineer for the project Bob Murphy from Environmental Consulting was present. He explained that there is a revised lighting plan. There was also provided a color coded map to show the tree areas. This was shown on page 6 The tree line in phase one will not change. The basin will be removed in phase 2. All of the areas will be marked out prior to the preconstruction meeting. The landscape plan was shown indicating the number of trees.

The waivers were reviewed. One of the waivers discussed was from the number of replacement trees required by the regulations. Based on the number of trees being removed from the site, and the formula in the regulations, a total of 480 replacement trees would need to be planted on the site assuming that each is the minimum 2 ½ caliper required by the Regulations. Mr. Murphy stated that it would not be healthy to plant that many trees, as they would be too crowded. A suggestion was made that a monetary amount be provided by the applicant in lieu of planting all the trees. The applicant will be providing additional trees on Lot A, an adjacent lot that it owns. There will be 285 trees planted on the site, and 50 on Lot A, leaving a deficit of 45 trees. A payment in lieu of planting the 45 trees would total a monetary amount of \$18,000.00 to be paid to the Town tree fund, where it is used to plant trees on public property. This provides a benefit to the public. There was discussion about possibly increasing the caliper of the replacement trees to make up some of the deficit. It was pointed out by Ms. Raposa that the 2 ½ caliper trees generally tend to grow better than the larger ones. The applicant is willing to make that contribution to the tree fund. The applicant is also open to planting some larger caliper trees. There will be an as-built plan to be sure that the requirements have been met. Abutter Yorkis commented that the owners in the area would prefer to have larger trees planted and then a formula can be determined for larger trees. The applicant is amenable to putting in larger trees. The applicant is willing to withdraw the waiver if an agreement is made regarding how big the trees will be.

The applicant requested that the Board waive Section 204-5 B.1 requesting waiver to show streets within 1000 feet of the property instead of 2000 feet. Applicant stated that this scale provides a better view of the surrounding area.

Prior to vote it was noted that member Chabot cannot vote due to missing more than one public hearing session.

On a motion made by Sarah Raposa, seconded by John Parlee, the Board finds that the requested waiver is consistent with the purpose and intent of the Site Plan Rules and Regulations which will have no significant detriment to the achievement of any of the purposes of Site Plan Review and Approval.

Roll Call Vote:

| | |
|-----------------|-----|
| Sarah Raposa | aye |
| Andy Rodenhiser | aye |
| Tim Harris | aye |
| John Parlee | aye |

Mr. Murphy indicated that there was a meeting with the Barry Smith, Water Department Superintendent regarding the fire Suppression water supply for the quadplex. The recommendation of 2-inch pipe has been be put on plan. Also, sewer manholes in addition to clean outs have been placed on the plan. Ms. Chabot noted that the applicant met a number of times with the Design Review Committee (DRC) and the new orientation of the quadplex is a great improvement.

Ms. Raposa and the Board reviewed and discussed the Special Permit Criteria Under Section 3.4.C:

1. The proposed site is an appropriate location for the proposed use - yes, in the MHOD.
2. Adequate and appropriate facilities will be provided for the operation of the proposed use. – yes, based on reports from Town staff and Tetra Tech
3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment use – yes, will not be a hazard
4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area. – yes, Summer Street is a state highway, can handle the traffic
5. The proposed use will not be detrimental to the adjoining properties due to lighting flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site, or operational attributes of the proposed use. – yes

Mr. Rodenhiser asked about dumpsters, Mr. Murphy stated that there will not be permanent dumpsters, each unit owner will have a trash barrel there will be private pick-up. It was pointed out that recycling must be included, this needs to be in the condominium documents. Ms. Vinton asked about the laydown area during phase 2 construction, Mr. Murphy stated the laydown area will be the third building foundation. There won't be as much construction debris, etc., because only the buildings will be under construction. The Board also finds that it meets the criteria for multifamily and it will increase the variety of housing in town.

6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district. – yes, this is a residential area, with multi-family residential across the street. The architecture has been reviewed by DRC and the improvements have been made.
7. The proposed use in in harmony with the general purpose and intend of the Bylaw.
8. The proposed use is consistent with the goals of the Medway Master Plan . – yes
9. The proposed use will not be detrimental to the public good. – yes

Ms. Saint Andre reviewed the requirements for the multi-family housing special permit with the Board, including the requirements for two affordable units. She then read all of the required findings for the multi-family housing bylaw, the Board agreed that the criteria were all met.

Ms. Saint Andre then read each of the Site Plan review criteria, the Board agreed that these are met. The Board would like a decision to be drafted.

On a motion made by Sarah Raposa, seconded by Tim Harris, the Board voted by roll call to continue the hearing for 56 Summer Street to April 9, 2024, at 7:15 p.m.

Roll Call Vote:

| | |
|------------------------|------------|
| Sarah Raposa | aye |
| Andy Rodenhiser | aye |
| Tim Harris | aye |
| John Parlee | aye |

Adjourn:

On a motion made by Sarah Raposa, seconded by Tim Harris, the Board voted unanimously to adjourn the meeting at 9:45 p.m.

Roll Call Vote:

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|------------------------|------------|
| Jessica Chabot | aye |
| Sarah Raposa | aye |
| Andy Rodenhiser | aye |
| Tim Harris | aye |
| John Parlee | aye |

Respectfully Submitted,

Amy Sutherland
Recording Secretary

Edited by
Barbara J. Saint Andre
Director, Community and Economic Development

List of Documents Reviewed at this Meeting

1. Outdoor Display proposed zoning bylaw amendment
2. Scenic Road Regulations proposed amendments
3. Hill View Estates Modified subdivision plan
3. Summer Street plans