

**Board of Selectmen's Meeting  
December 17, 2018 – 7:00 PM  
Sanford Hall  
155 Village Street**

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

**Staff Present:** Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Carol Pratt, Finance Director; Joanne Russo, Treasurer/Collector; Chief Tingley; Barbara Saint André, Director of Community and Economic Development; Sandy Johnston, Communications Director.

**Others Present:** Carla Cataldo, Chair, Cultural Council; Investment Advisory Committee: Frank Rossi, and Chris Lagan; Carolyn Murray, Town Counsel; 39 Main Street Developers: Jeff Dirk, Traffic Engineer, Nick Griffin, Architect, Nelson Hammer, Landscape Architect, Dan Merrikin, Civil Engineer, Geoff Engler, and Justin Krebs, VPs SLV Medway I, LLC.

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

**Public Comments:** None

**Investment Advisory Committee (IAC) Presentation: Amended Other Post Employment Benefit (OPEB) Trust Investment Policy Statement (IPS) and Stabilization and Trust IPS**

*The Board reviewed the (1) memo dated December 17, 2018 from Joanne Russo, (2) OPEB Trust IPS, (3) OPEB Rockland Trust Portfolio Appraisal, (4) Stabilization/Trust Accounts presentation, and (5) Stabilization and Trust IPS.*

Mr. Lagan reported the IAC has been meeting to review the asset allocations for both the OPEB and stabilization funds. The Investment Policy Statements for both Trusts were then reviewed. Mr. Lagan stated that the stabilization funds at \$3.1 million are “safety/rainy day funds” and have been put into six, twelve, and eighteen month Certificates of Deposit (CDs) with an interest rate from 2.25 to 2.7 percent. After interviewing two firms, the committee selected Rockland Trust to manage the OPEB assets effective December 6, 2018 noting the assets have been placed in global stocks and bonds. Using their estimated return on investment of 6.5 percent plus the \$350,000 per year of Town funding, the assets are anticipated to grow to \$24-\$25 million over the next thirty years. Mr. Rossi noted this plan will result in a higher discount rate to be utilized by the Town Auditors.

**Authorization to Expend Grant Funds: Fiscal Year 2019 Traffic Enforcement and Equipment Grant - \$1,575 - \$9,000**

*The Board reviewed the (1) Notice of Grant Award and (2) the November 27, 2018 letters from Governor Baker and Angela Davis, Executive Director of the Executive Office of Public Safety and Security.*

Chief Tingley explained the requirements included in the initial approval for \$1,575: (1) participation in Drive Sober or Get Pulled Over Campaign from December 13<sup>th</sup> to 31<sup>st</sup>, and (2) the Winter Impaired Driving Focus Campaign from now until March 31<sup>st</sup>. He then explained the additional funding would include participation in the Spring Drive Sober and Click-it or Ticket campaigns noting a portion of this funding can be utilized to purchase traffic enforcement equipment.

**Selectman Trindade moved that the Board authorize the expenditure of the Fiscal Year 2019 Traffic Enforcement and Equipment Grant in an amount between \$1,575 and \$9,000, as discussed.**

**Selectman White seconded.** Discussion: Town Administrator Boynton commended Lieutenant Kingsbury who applies for this yearly grant funding. **VOTE: 5-0-0.**

**Approval: License with Medway Plaza for Medway Cultural Council “M” Fundraiser Program**

*The Board reviewed the (1) special event license agreement and (2) Cultural Council funding requests document.*

**Selectman Foresto moved that the Board authorize the chair to execute the special event license agreement with Medway Plaza for the Medway Cultural Council “M” Fundraiser Program as presented. Selectman Trindade seconded.** Discussion: Ms. Cataldo reported they have raised \$620 to date noting the majority of the “M’s” are located at the library with the remainder at TC Scoops and Town Hall. Selectman Crowley asked specifically where they will be displayed at the plaza and if the license was reviewed and approved by Town Counsel. Ms. Cataldo stated in the vacant space next the where Curves was located and Mr. Boynton confirmed Town Counsel’s review and their approval was obtained. **VOTE: 5-0-0**

Selectman Crowley informed Ms. Cataldo that the other document she provided to the Board for review will be discussed at the next Selectmen’s meeting.

**Public Hearing: 7:15PM: Local Initiative Program (LIP) Application 39 - Main Street for proposed 190 apartments under Mass General Laws Chapter 40B**

*The Board reviewed the (1) Public Hearing Notice and (2) LIP application submitted by SLV Medway I, LLC.*

**Selectman Trindade moved that the Board open the LIP 39 Main Street public hearing. Selectman D’Innocenzo seconded. VOTE: 4-0-0. Ms. White stated that the land owner is her cousin so she will recuse herself.**

Selectman Crowley explained the purpose of tonight’s meeting noting the developer will make a presentation to the Board which the Board will take under advisement and then make a decision if they will or will not support the proposal. He noted that this is only the beginning of the process and if the Board approves the application, there will be multiple meetings before the Zoning Board of Appeals on this proposal. Selectman Crowley then explained meeting discussion guidelines including time allotted for each as follows: (1) Town Administrator opening comments (10 minutes), (2) presentation by the developers (30 minutes), (3) questions and comments by the Director of Community and Economic Development, Barbara St. Andre (10 minutes), (4) questions from the Board (15 minutes), and (5) public comments and questions (15-20 minutes). He stated should any questions not be addressed, the residents can contact Ms. St. Andre.

Town Administrator Boynton referenced the 40B presentation at the Middle School noting that the State Affordable Housing Statute states that any local ordinance that stands in the way of Affordable Housing programs where the Town is at less than the 10% threshold allows for the developer to be able to request to have all local regulations waived, for example, those related to wetlands, normal subdivision regulations, etc. He stated this is not new legislation having been around since the early 1960-70s noting Medway’s experiences with these projects, one a not so friendly project and one a friendly project. He reported that Medway is at 7% of Affordable Housing Units. However, with existing projects in the pipeline, Medway is currently in Safe Harbor status until August of 2019, so the Town

does not have to address non-friendly 40B's until that time. He stated this is the beginning stage of the LIP application where the Town would work with the development team noting tonight is not the first time the Town has met with the developer. The Department heads and the Design Review Committee (DRC) have met with them. He further noted that the LIP provides for the ability of the Town to work with the developer through the development process allowing Town concerns to be addressed. The LIP provides far more protection to the Town versus unfriendly 40B developments. He then explained the background of Ms. Sainte Andre and noted Town Counsel's attendance well.

Selectman Crowley requested that the following comments be entered into the public record: (1) a letter from the Affordable Housing Committee (AHC) supporting project, (2) a letter from the Affordable Housing Trust (AHT) supporting project, (3) a letter from the Planning and Economic Development Board (PEDB) encouraging the DRC to review the project, (4) an e-mail from the Fire Department with specific items listed to be addressed, and (5) a letter from the DRC with seven items to be discussed with the applicant.

Geoff Engler introduced those present representing the development team noting this presentation will allow the opportunity to highlight key elements of the project and additional public hearings will be scheduled where additional items will be discussed. He reporting meetings with the AHT, AHC, DRC, and Fire Department along with a neighborhood meeting and the feedback from these were instrumental and beneficial to the content of the application presented. Their model is to build and hold part ownership of the development community and be a part of that community.

Mr. Engler stated the development site is relatively flat on 12.32 acres with 400 feet of frontage with no activities proposed within the 25 foot wetlands buffer zone. They like to locate their developments on main thoroughfares anticipating synergy between the development and Medway commercial businesses. There will be 190 rental units including 1 and 2 bedroom units and 10% 3 bedrooms units per state regulations. Mr. Griffin further explained the composition of the site including the exterior view noting it will be a four story, single building in a C shape with parking wrapped around it and will include a pool. He then reviewed the floor by floor plan specifics noting which DRC comments were incorporated. Mr. Engler pointed out that these are schematic plans that will be refined over next three to four months and noted the site is somewhat hidden from the street. Mr. Hammer then reviewed the specifics of the landscape, plantings, and the main and emergency entrances. Mr. Dirk then reviewed the results of the completed traffic study noting their concerns include not only motor vehicles but also bicycles and pedestrians. The study showed sufficient capacity for Main Street noting 1,000 vehicles will be added per day with a seven percent increase in traffic. He reported working with both the Fire and Police departments related to sufficient site lines for property access from a safety perspective noting the site line exceeds the limit for those exiting the property. Mr. Engler stated that they completed and provided a full traffic study as part of the application noting most projects do not have this completed at this point. He further stated a fiscal impact analysis was also submitted including both revenue and expenses.

Selectman Crowley asked at what percentage they are in the design process. Mr. Engler stated they are at 15-20% noting it is very early for the look and feel of the project. Selectman Crowley noted they will be working with the DRC throughout this process and asked Ms. Saint Andre to address the group at this time including an overview of the process to date and moving forward. Ms. Saint Andre reported this is part of a long process that began back in the summer. She noted there have already been a series of meetings where preliminary plans were submitted followed by a meeting with the interdepartmental team therefore, there has already been some vetting. She stated that if the Board approves the application, it will then be submitted to the Department of Housing and Community Development

(DHCD) and, if approved by the DHCD, the application would then go before the Zoning Board of Appeals (ZBA). She explained specifically where the electronic version of the application can be found on the Town website noting hard copies are also located in both her and the Selectmen's offices. If the application gets to the ZBA, the ZBA would then hire experts representing the Town and their fees would be paid by the applicant. She then presented her specific questions. The first was that the traffic report noting 47 cars exiting at the peak hour seemed low. Mr. Dirk explained that these numbers are based on published statistics of over fifty years of data with the most recent data update in September of 2017. He then explained there is a spike in cars exiting between 7-8am, at noon and again from 4-6pm. He said there may be 45 or 46 cars existing between 6-7am and 8-9am, it was simply that the highest number would be in the hour between 7 and 8am. Ms. Saint Andre asked if any of the traffic data was locally derived. Mr. Dirk stated the data is nationally derived noting there will be peer review of this data as the project progresses. He further explained two sets of traffic accounts are reviewed, twenty-four hours of traffic and then individual intersection impacts. It was noted that the Route 109 project resulted in lower numbers. Mr. Dirk noted that he reviewed the Massachusetts Department of Transportation (Mass DOT) traffic design accounts and made adjustments accordingly. Ms. Saint Andre asked if these traffic counts are done based on the number of units or bedrooms. Mr. Dirks stated the projections are based on the number of units and the type of property ownership. These impact the traffic. Ms. Saint Andre stated her concern about the potential impact on the large area of wetlands reiterating the local bylaw of a twenty-five foot no disturb area bordering wetlands. Mr. Engler stated they will not be in that area and are aware of the need to comply with this bylaw. Ms. Saint Andre then pointed out the need for a stormwater plan noting both the local bylaw and state Department of Environmental Protection (DEP) standards. Mr. Krebs stated they will have a comprehensive plan for stormwater that will meet these requirements. Ms. Saint Andre then voiced concerns regarding potential noise from the roof equipment. Mr. Engler stated this is a common concern that will be addressed with the ZBA. Ms. Saint Andre asked about the plan for filling and drainage of the swimming pool as to not impact both the wetlands and Town water supply. Mr. Engler stated they will not be not looking for any waivers, and will adhere to all Board of Health standards and requirements. Lastly, Ms. Saint Andre noted other the issues that will not be resolved tonight but over time including the location and screening of dumpsters and landscaping. Ms. Saint Andre will forward the DRC letter to Mr. Engler.

The Board then asked their specific questions. Selectman Crowley noted the following: (1) reviewing and ensuring adherence to the Town bylaws relative to irrigation, (2) addressing the major concern of the impact on the neighborhood along with traffic concerns, (3) the impact on the wetlands, and (4) the impact on the water and sewer infrastructure as we have reached capacity on both. He reported the Town is working to decrease the unaccounted for water loss noting we are currently at eleven percent. He stated we are at sewer capacity and are in negotiations with the Town of Franklin to buy capacity. Selectman Crowley explained that, per the State, the Town is responsible to address any lack of capacity to allow for project success when it comes to 40B projects. Selectman Crowley reported that the Town is working with the developer for potential specific assistance, for example, paying part of the fee for additional sewer capacity and/or funding the sidewalk from their development to the Shaw's Plaza. The Town is working hard with the developer and viewing this as a Town project. Town Administrator Boynton explained that some are asking why the Town would allow this. He explained that we cannot not allow it. He explained that 100% of these units would count towards the 10% threshold, maintaining the Town's Safe Harbor status. He further explained the impact between individual units and multi-units counting towards the Town's Safe Harbor threshold. He stated that until the Town reaches that 10% threshold, we do not have the ability to say no to a 40B developer and reminded all that we are not at that 10% threshold. Selectman Crowley explained the impact of this development on the Town's Safe Harbor status noting that we would potentially be in Safe Harbor until 2030, so would be able to say no to any further 40B developments. Selectman Crowley asked for an explanation of the costs of their

Kendrick Street, Needham development versus the Medway development. It was explained that the Needham development, 390 units, was a much smaller site requiring a structured garage, a much larger building and higher costs for associated structural elements. Medway is a larger site and has 190 units. Selectman Crowley then asked for an explanation of the difference between the affordable versus non affordable pricing. Mr. Engler stated that the affordable rates are set by the State. He then explained the project timeline of 1 year to complete the permitting and 1-1.5 years for construction. He anticipates three years for the site to be ready for occupancy so these prices will shift based on the time of completion. Selectman Crowley stated the schedule as follows: (1) permitting completed in November of 2019, (2) construction beginning in April of 2020, and (3) completion of construction in August of 2021. He then asked if the fire gate will be accessible to the Medway Fire Department. Mr. Engler stated yes, as well as to the Resident Manager. Selectman Crowley asked for clarification regarding the leasing and amenities on the first floor and for confirmation that no commercial business will be located in the building. Mr. Engler stated that is for leasing to the on-site management team. Selectman Crowley requested a property tax revenue analysis. Mr. Engler will address this and will bring their impact consultant to future meetings to address the tax implications. Selectman Crowley asked if the flow test for the hydrants was provided to the Fire Chief. Mr. Engler stated they were included in the application to the Town but not provided directly to the Chief.

Selectman Crowley then opened up the hearing to questions from the residents. Ms. Shirley Fasolino of Gorwin Drive stated she has lived in Medway for 42 years noting her greatest concern is the impact on the water and sewer as she lives in the Brentwood neighborhood that ten years ago experienced a water crisis of flooding and water quality issues. She is also concerned about access by the Fire Department to the safety gate as it was stated that this would be locked and asked if the Fire Chief would make a final determination as to the access mechanism. This was confirmed. Selectman Trindade discussed the past issues with the Brentwood neighborhood and what has been done and is planned to be done to prevent this from reoccurring. Selectman Crowley reminded all that the Town will hire our own experts. Town Administrator Boynton reported that at May Town Meeting, there will be an article to address the funding for replacement of the Brentwood water main. Selectman Crowley stated that we are also looking at putting in a water treatment facility. Ms. Donna Creeden of 22 Karen Avenue asked if the number of floors was negotiable. Selectman Crowley stated that Town rules are superseded by the State regulations so any concerns should be addressed at the ZBA meetings. Town Administrator Boynton noted that the ZBA can still have jurisdiction over the final approval. Sue Warfield of Karen Avenue stated her traffic concerns and that she felt that the traffic study is hugely flawed noting the current difficulty of taking a left out of Lee Lane between 7-8am along with the traffic back up on Main Street at 5pm. She stated she does not feel comfortable with what the residents of Medway will be getting from the developer. Chris Meo of 16 Cottage Street stated he attended the Affordable Housing meeting and noted his concern about the height of the building as no other building in Medway is that tall. Mr. Griffin stated the building height will be 55-60 feet and about 250 feet back from the road. Carla Muir-Robinson of 1 Milford Street asked that if we approve this project, will that allow us to block other 40B projects, specifically those at Highland and Village Streets. Selectman Crowley stated that if the DHCD approved the project, we will have another year of Safe Harbor status until 2020. She then asked about the impact based on the 2020 census. Selectman Crowley explained the impact of both the Timber Crest and Glen Brook Way projects on the Town's Safe Harbor Status. He explained that the Town does not have much control over 40B developments like the potential projects on Highland Street and Lovering Street. Selectman Trindade stated that even if the Board approved this application, it still needs to go to the State DHCD, then to the ZBA, to peer review and the Conservation Commission. He noted that this developer compared to others that have come to the Town is willing to work with the Town. He further explained the impact if this project if not approved opening up the Town to the two unfriendly 40B developments previously noted. Chris Stygles of 1 Karen Avenue stated

his support of the other residents regarding their traffic concerns noting that his neighborhood is used as a cut through to avoid Route 109 and requested that the impact within that neighborhood be assessed in addition to that of Route 109.

**Selectman Trindade moved that the Board close the LIP 39 Main Street public hearing. Selectman D’Innocenzo seconded. VOTE: 4-0-0.**

**Approval of Minutes: December 3, 2018**

*The Board reviewed the draft minutes of (1) December 3, 2018.*

**Selectman Trindade moved that the Board approve the minutes of December 3, 2018. Selectman Foresto seconded. No Discussion. VOTE: 5-0-0.**

**Discussion/Vote: Charter Updates for Legislative Action**

*The Board reviewed the Town Charter including the Fall Town Meeting changes.*

**Selectman Foresto moved that the Board approve the proposed special legislation for the Charter changes authorized by Fall Town Meeting as presented and to submit it to our representatives for enactment. Selectman Trindade seconded.** Discussion: Town Administrator Boynton reported he has contacted Representative Roy’s office and we received an e-mail response today. **VOTE: 5-0-0.**

**One-day liquor License Application**

*The Board reviewed the Police Chief’s recommendation for Cynthia Johnson.*

**Selectman Foresto moved that the Board approve the one-day liquor license as presented subject to the Police Chief’s recommendation and proof of appropriate insurance coverage. Selectman Trindade seconded. No Discussion. VOTE: 5-0-0.**

**Action Items from Previous Meeting**

*The Board reviewed the Action Items dated December 3, 2018.*

Unaccounted for water loss status report: Selectman Crowley requested the backup representing the eleven percent and not just an e-mail. Selectman Foresto asked if the decrease was due to any modifications to the formula in use. Town Administrator Boynton reported that we have not implemented any changes to the calculation methods and has asked that Water Superintendent Smith investigate the calculation method utilized by surrounding towns.

**Town Administrator’s Report**

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

Route 109 Project: Town Administrator Boynton reported that the work should be finished this week and then resume in April for completion of the unfinished work items.

Parks Improvements Project: Town Administrator Boynton reported that the work is done until springtime with only clean-up items outstanding. Both he and Finance Director Pratt are reviewing all change orders. Selectman D’Innocenzo asked if they will redoing the hydro seeding. Mr. Boynton stated that part of their obligation is that there is growth from the hydro seeding so they will redo any that did not take. Selectman Crowley requested that Mr. Boynton provide the retainage amount on each of the three projects.

All-Boards Appreciation Event Follow-Up: Town Administrator Boynton shared a note that was received thanking the Board for this event and the positive feedback received post event noting we will want to continue with this each year around the same time. He then commended Sandy Johnston on her efforts to make it a success.

Holiday Schedule – Town Offices: Town Administrator Boynton shared the following Town Offices holiday schedule:

Monday, December 24 & Tuesday December 25 – CLOSED

Monday, December 31 – 7:30am-12:00pm

Tuesday, January 1 – CLOSED

Town Administrator Out of Office:

Wednesday, December 19 – Out of Office

NEXT Regular Selectmen’s Meeting – January 7, 2019

**Selectmen’s Reports**

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

Selectman Crowley commended Alex Green on his Eagle Scout trail extension project.

**At 8:51 PM Selectman Trindade moved to adjourn. Selectman Foresto seconded. VOTE: 5-0-0.**

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