

Board Members

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



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TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS

**PLANNING AND ECONOMIC
DEVELOPMENT BOARD**

Meeting Minutes
Tuesday, January 23, 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
Attendance	X	absent	X	X	X

Also in attendance:

Barbara J. Saint Andre, Director of Community and Economic Development (zoom)
Jeremy Thompson, Planning and Economic Development Coordinator

The Chair opened the meeting at 7:00 p.m.

PUBLIC COMMENT: none

Public Hearings: 98, 108, 114 Main Street:

The Chair read the public hearing notice: this is an application for major site plan review concerning changes to the layout, paving, and landscaping of an existing 446 space parking lot. The hearing is held pursuant to the Land Court’s remand order of December 21, 2023, in Medway Realty LLC v. Medway Planning and Development Board et al., No. 21 MISC 000633 (HPS).

Town Counsel Amy Kwesell was present to discuss the Land Court’s remand decision which was directed back to the Board. Attorney Jeffrey Allen was present on zoom representing the applicant.

The Board has been addressing this for over a year; a joint motion was filed by the Plaza and the Board in December asking that the matter be remanded back to the Board, and the Land Court issued the order back to the Board. The public hearing for this was properly noticed. The Board was presented with the red lined version of the decision.

The decision was shown on the shared screen.

Attorney Kwesell reviewed all of proposed changes to the Board's original decision and discussed them with the Board, including:

- Page 12 was referenced regarding granting additional waivers.
- The Board approved waiving the development impact statement.
- Page 16 noted waiver of the zoning bylaw conformance table.
- Page 18 condition C.4. – Language about the fencing adjacent to Drybridge was changed. Also condition H regarding the fence, the language is changed to allow design of the owner's choosing. The Board would like to have a fence which is non-reflective and the same color on both sides. Attorney Allen agreed.
- The construction management plan will follow the paving schedule.
- There was a suggestion that the applicant follow the Design Review Guidelines. Attorney Allen disagreed with this suggestion, stating that he will not entertain this proposed change.
- Condition I: The condition regarding the dumpsters was modified to require a plan and the solid waste management plan was taken out.
- Condition K: The parking lot will be repaved in four phases, to be completed by December 31st, 2029.
- Condition M was deleted.
- Condition N: The requirement for electric charging stations was removed.

Written comments were received from DPW regarding the crosswalks at the entrances, berms to control stormwater, and restoration of the sidewalk. These are part of the stormwater permit and will be addressed.

The Chair asked for any public comments.

Resident Charlie Myers suggested the fence be beige instead of white. Mr. Myers was present on zoom asking if the applicant can put in conduits. Attorney Allen did not agree to this request, stating that this issue was a major point of discussion and the parties negotiated this change.

Resident Paul Yorkis suggests that signs for the handicap spaces add reflective markers on back of pole to avoid someone driving into them. The applicant was amenable to this suggestion.

On a motion made by Tim Harris, seconded by Jessica Chabot, the Board voted to approve the amended decision in accordance with the Joint Motion for Remand and the Remand Order from Land Court.

On a motion made by Jessica Chabot, seconded by John Parlees, the Board voted unanimously to close the hearing.

OTHER BUSINESS:

116 Winthrop Scenic Road Decision:

The Board approved the Scenic Road application for 116 Winthrop Street at its previous meeting. There was a recommendation to check with the Safety Officer and Tree Warden about potential sight impediments resulting from a large oak tree near the proposed entrance to the parking area. In written comments, the Tree Warden noted the tree is in good health and not a hazard to public safety, and

Lieutenant Watson noted that signage could be placed 200 feet from the entrance to alert drivers who are traveling southbound.

The Board members discussed their preferences as to signage instead of taking down the tree. Mr. Rodenhiser stated that the Safety Officer seemed okay with the signage. Mr. Parlee stated that the primary concern seems to be people driving too fast on Winthrop Street, so having signage might help address that. Mr. Harris made a motion to remove the tree in order to improve the sight lines. Ms. Saint Andre noted that removal of this additional tree is outside the scope of what is in front of the Board, it would require a new notice and hearing as a Public Shade Tree.

Ms. Chabot could not vote on any additional conditions as she was not at the public hearing.

On a motion made by John Parlee, seconded by Tim Harris, the Board voted 3-0 to approve the Scenic Road Decision for 116 Winthrop Street with a condition added that the applicant consult with the Safety Officer about allowing for a sign 200 feet south of the driveway on Winthrop Street.

The decision will be signed at the end of the meeting.

PUBLIC HEARING – 56 Summer Street:

The Chair read the public hearing notice:(continuation from January 9, 2023). The application is for a multi-family special permit and major site plan review for the construction of a multi-family residential development, including 7 buildings consisting of 16 units, with associated driveways, utilities, grading, and landscaping. The property is in the Multi-Family Housing Overlay district.

Robert Murphy was present for the applicant. Ms. Chabot explained that there will be a recommendation letter coming from the Design Review Committee (DRC). There was concern about the back of the quadraplex building and there will be recommendations from the DRC to relocate the quad deeper into the site or turning the entire unit around to make this look more visually aesthetic. Ms. Chabot also stated her concerns with the density of the development, which has been addressed to some degree by elimination of one of the duplexes in the back. Mr. Murphy does think that this can be turned 180 degrees.

The plan was shown on screen share. There will be walkway in the front and a parking area in the Back for the quad building. There will be 6 additional visitor parking spaces. There were mailboxes added to the right on Mockingbird Lane. One of the duplexes (B-3) and the retaining wall in the back of the site have been eliminated, so there are now 7 buildings and 16 units proposed. More trees will be retained, and a snow storage area added. Building B-4 was relocated further from the property line and re-numbered B-3. The Conservation Commission wanted changes to the drainage basins. The landscape areas were shown. There will be native trees planted. Mr. Murphy indicated that there will be thought put into having a repellent for the second-generation smaller trees which are getting taken out by the deer.

There was a question about Lot A – the proposed two-family structure depicted on Lot A is not part of the application, but Lot A submission The applicant had planned to sell Lot A but still owns it at this time. The proposed building on Lot A is shown because Tetra Tech will want to review the plan with Lot

A included to account for stormwater calculations. The stormwater management calculations will need to be revised to show all the impacts to the resource area. It was communicated that Lot A does not need to be on the plan set for PEDB since this is not part of the application that is before the PEDB. It was agreed that the duplex shown on Lot A should be removed from the plan.

The Board would also like the photometric plan to be revised so that it is legible. They also need to make sure there is no light trespass leaving the property line.

Abutter, Kathleen Yorkis, 7 Independence Lane wanted clarification on the tree count and what will be planted around the perimeter. The applicant communicated that some trees will be planted on the other property, Lot A, which is allowed under the Town regulations.

Abutter, Mr. Yorkis communicated that he reviewed the plan and elevations of the duplex, and this is a concern with the 16 foot trees which were noted on plan. The applicant noted there will be no 16 foot trees.

Abutter, Joshua Cook was present by zoom and was concerned about the loop trail and trespassers. The trespassers are coming from Highland Street. The applicant will look to revise the plans further and address the recent comments. Mr. Cook also questioned why they are clearing this land, then adding trees on the adjacent lot. Why not build on the adjacent lot and leave the back of this lot in its natural state? Mr. Rodenhiser agreed this is a good idea, but the Board can only act on what is before it.

On a motion made by Jessica Chabot, seconded by Tim Harris, the Board voted (4 to 0) to continue the public hearing to February 13, 2024 at 7:30 p.m.

CONSTRUCTION REPORTS: None

May Town Meeting Draft Bylaw Amendment Proposals:

The Board is in receipt of the draft bylaw amendment proposals. The Board discussed the following proposed Town Meeting articles:

Lighting Article:

Amend the Zoning Bylaw Section 7.1.2 Outdoor Lighting by amending Section 7.1.2.E.3 and add language outdoor lighting shall be permitted on property used for residential purposes....

Steven Brody, 39 West Street, was present to express his concern about the lighting bylaw. This will be in front of the Zoning Board of Appeals due to a recent determination by the Building Commissioner. Mr. Rodenhiser noted that the PEDB cannot comment on the ZBA matter. Mr. Brody expressed a concern that developments can circumvent the thresholds for lighting. This would allow for the developments in these areas to keep the lights on at all times. The Building Commissioner determined that a four story building and a house are both considered residential. but residents would be in violation for a house light to stay on overnight.

Ms. Chabot suggested to add language that this would be permitted on residential properties, excluding multi-family dwellings over 4 units. Mr. Brody does not think the bylaw needs to be amended at all.

Ms. Saint Andre explained that the reason the change was suggested is because it seems incongruous that commercial facilities that are located next to residences and are operating at night are exempt from the night time restrictions, but residential properties where residents can be coming and going at any hour are not. She suggested another approach would be to put the same restrictions on businesses and residences.

There was a suggestion that this bylaw does not need to be amended at this time.

Article Outdoor Display:

Ms. Saint Andre stated that this article came from a recommendation from the Zoning Board of Appeals. This article is to see if the town will vote to amend the Zoning Bylaw to allow outdoor displays as of right in zoning districts Central Business, Village Commercial, Neighborhood Commercial and Business Industrial. The proposed amendment would require that the merchandise must be displayed such that a minimum of 6 feet of sidewalk clearance is maintained at all times. The members noted that having a uniform set of standards and allowing outdoor display by right would make enforcement easier. The outdoor display racks shall also be constructed of sturdy material such as wood, iron, steel, clay, canvas, aluminum, or plastic. Ms. Chabot recommended that the outdoor display allowance does not exceed 25 feet beyond subject business main entrance. Mr. Rodenhiser suggested that it be required that all merchandise be brought indoors when the business is not open.

Scenic Road Bylaw:

The Board is fine with the how the proposed Scenic Road Bylaw was written.

OSRD Bylaw:

Jeremy Thompson explained that OSRD projects would be permitted by right on any tract of land with 5 or more contiguous area in the AR-I or AR-II District. Currently, 10 acres is required. There is also proposed language that the maximum number of dwelling units in an OSRD be determined based upon the number of lots shown on a conventional subdivision plan under the OSRD Rules and Regulations without waivers of any kind. The minimum lot frontage shall be 50 feet. There was also language added that there be a 10 foot area from the side and rear lot lines of the subject parcel which shall serve as a buffer area as defined in the bylaw. Currently, 15 feet are required. Language is also proposed that the OSRD must provide common open space which shall comprise at least 40 percent of the site for parcels of 10 acres or less. Board members suggested that there is no need for the yield plan since it is being changed from special permit to by right. After research on how other communities handle this, Mr. Thompson stated they have gotten rid of the yield calculation but have density incentives. The Board would like calculations provided for a conventional plan. There was also a recommendation to apply a tract of land analysis against the current Subdivision Rules and Regulations to determine where in town this could work and how it would be applied.

Approval of Minutes:

- The minutes will be approved at the next meeting.

Next Meeting:The Board had a brief discussion about the timeline for the MBTA Communities zoning. The Board would like to hold an additional meeting on February 12, 2024. There will be coordination with Consultant Judi Barrett to confirm this date.

Adjourn:

On a motion made by Jessica Chabot, seconded by John Parlee, the Board voted (4 to 0) to adjourn the meeting at 10:09 p.m.

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. Medway Plaza Major Site Plan Draft Decision after Remand
2. 56 Summer Street site plans
3. Proposed Zoning Bylaw amendment – Outdoor Lighting
4. Proposed Zoning Bylaw amendment – Outdoor Displays
4. OSRD slides