



Town of Medway  
**ZONING BOARD OF APPEALS**  
155 Village Street, Medway, MA 02053

Eric Arbeene, Chair  
Brian White, Vice Chair  
Carol Gould, Clerk  
Bridgette Kelly, Member  
Rori Stumpf, Member

**DECISION  
SPECIAL PERMIT  
CASSIDY FIELDS  
11R WINTHROP STREET  
1 CHOATE PARK ROAD**

**Date Application Filed:** January 26, 2018

**Applicant(s):** Town of Medway ("the Applicant")  
155 Village Street  
Medway, MA 02053

**Location of Property:** The Project is located on parcels of land in Medway located at 11R Winthrop Street (Assessor Parcel ID: 39-078) and 1 Choate Park Road (Assessor Parcel ID: 39-074).

**Approval Requested:** Special Permit under Section 7.1.2.F of the Zoning Bylaw for Athletic Field Lighting at "Cassidy Fields."

**Members Participating:** Eric Arbeene (Chair), Brian White (Vice Chair), Carol Gould, and Rori Stumpf

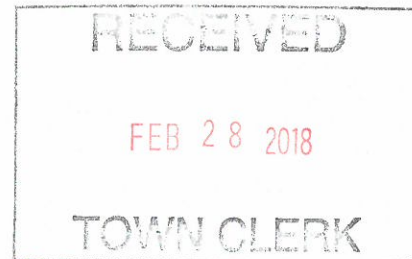
**Members Voting:** Eric Arbeene (Chair), Brian White (Vice Chair), Carol Gould, and Rori Stumpf

**Hearing Opened:** February 21, 2018

**Hearing Closed:** February 21, 2018

**Date of Decision:** February 21, 2018

**Decision:** Granted



*20 Day Appeal*  
*march 20, 2018*

11R Winthrop Street  
1 Choate Park Road  
Cassidy Fields



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## **I. PROCEDURAL HISTORY**

1. On January 26<sup>th</sup>, 2018, the Applicant filed a Special Permit under Section 7.1.2.F of the Zoning Bylaw for Athletic Field Lighting at Cassidy Fields.
2. Notice of the public hearing was published in the Milford Daily News on January 31, 2018 and February 7, 2018, and notice sent by mail to all interested parties and posted in Town Hall as required by G.L. c. 40A §11.
3. The public hearing was opened on February 21, 2018. The Board closed the public hearing that evening.
4. The Property is located in the Agricultural Residential I (AR-I) District. The front setback requirement is 35 feet and the side and rear setback requirements are 15 feet. The minimum lot area requirement is 44,000 s.f.
5. The Applicant was represented by Town Administrator Michael Boynton, DPS Director Dave Damico, Jared O'Neil from Island Electric, Tom Emero from Medway Baseball Little League, and BOS Glenn Trindade.
6. The Board notified Town departments, boards and committees of this application. The Board received comments from PEDB Member Bob Tucker, the PEDB, and the Conservation Agent, Bridget Graziano.
7. 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. TESTIMONY**

At the February 21, 2018 meeting, the hearing was opened by the Board. The Applicant's Representative Michael Boynton provided an overview of the proposed athletic field lighting for "Cassidy Fields." Two years ago the Medway Baseball Little League ("MBLL") had approached the Town to request lighting at the fields due to the growing scheduling needs. The Town spent a significant amount of time with Consultants to discuss types of the lighting and the power of the lighting. There have been a number of upgrades to the parks thus far and the MBLL deserves credit and appreciation for their on-going maintenance and care for the fields. The Lighting would create a more equal "playing field" in comparison to the other fields in Town which have lighting.

At Fall 2017 Town Meeting, the Town voted to appropriate the funds for this project. The Town has been working with the Department of Public Services ("DPS"), Island Electric, and MUSCO to identify a proper project scope and identify areas of concerns and minimizing the effects that the lighting may have on neighboring properties. However, the Town and its consultants found that it was impossible to completely comply with the standards for control of glare and light

trespass under Section 7.1.2.E due to the geometry of the lots and the existing layout of the fields—there are a couple locations where the foot candles are not 0.0 at the property lines, but at the houses, they are 0.1 or less. The Town and its consultants looked at the angles of the fixtures and the heights of the poles and came up with the best solution to provide safe lighting for the fields and walking paths, balancing that with the concerns for the abutting properties. The major factor as to why the spill is not 0.0 at the property line is due to the lighting location of pole B6. If the pole was moved south, it would be in the driveway and walking path, moved north and it would be in the outfield of one of the fields, lower the pole and the lighting could potentially be a hazard for players. Dave Damico indicated that the plans provided assume flat, cleared land. The property lines are heavily wooded. During the winter, there is no activity, but in the spring, summer, and fall, there would be brush and tree cover.

Michael Boynton indicated that the lighting would be set to a timer, but there would also be an app that could control the lighting at all times, being able to turn the lights off and on when necessary. DPS and MBLL would have access to the app. The Town would work with the MBLL for reasonable operational times. Most games end by 9 or 9:30 pm, but occasionally games may run at latest 11 pm.

Michael Boynton explained that they had not approached any abutters, but the Town is willing to work with any abutter who finds that they are negatively impacted or affected by the lighting and has proposed that they are willing to provide screening where may be determined necessary.

Dave Damico explained that the lighting was also necessary to provide for the proposed “Little Fenway,” and safety when the fields are used as overflow parking for Choate Park events. The Town has been considering a number of improvements for Choate Park. The whole area would be more vibrant and with more people, there are more safety needs.

Jared O’Neil explained that MUSCO offers the best design footprints for the fields. Typical athletic lighting provides for a shell reflector with one bulb, providing equal coverage for all areas covered by the fixture. The MUSCO lights a number of reflectors, not just one shell, all which are aimed at specific angles to improve the lighting on the fields and reduce the spill everywhere else.

No members of the public spoke in favor or opposition of the request.

### III. FINDINGS

In making its findings and reaching the decision described herein, the Board is guided by G.L. c. 40A, as amended, and by the Medway Zoning Bylaw. The Board also considered evidence and testimony presented at the public hearing and comments submitted by residents placed in the public record during the course of the hearings.

#### A. Section 3.4 Special Permit Decision Criteria

1. *The proposed site is an appropriate location for the proposed use.*
2. *Adequate and appropriate facilities will be provided for the operation of the proposed use.*
3. *The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment.*
4. *The proposed use will not cause undue traffic congestion or conflicts in the immediate area.*
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.*
6. *The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.*
7. *The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.*
8. *The proposed use is consistent with the goals of the Medway Master Plan.*
9. *The proposed use will not be detrimental to the public good.*

a. The Applicant has provided the Board with sufficient documentation in the Special Permit application form submitted with this application, submitted documents, and as explained during the hearing, to satisfy the requested Special Permit and the Special Permit Criteria.

#### B. Section 7.1.2.F Outdoor Lighting Special Permit Criteria

1. The Applicant has demonstrated that sufficient steps have been taken to minimize glare and light trespass, and that the proposed curfews will not be detrimental to the neighborhood.
2. The Applicant has demonstrated that due to the geometric design of the lot, some light spill is unavoidable, and as previously determined by the findings herein, the spill will not be detrimental to the zoning district, neighborhood, or public good.

#### IV. CONDITIONS OF APPROVAL

Based upon the findings of the Board and testimony and information received into the record during the public hearing process, the Board **GRANTS** the Applicant, the Town of Medway, a **SPECIAL PERMIT** under Section 7.1.2.F for athletic field lighting at “Cassidy Fields,” 11R Winthrop Street (Parcel ID: 39-078) and 1 Choate Park Road (Parcel ID: 39-074), substantially in accordance with the plans prepared by MUSCO Lighting, titled “Medway Little League,” dated February 1, 2018.

1. The Special Permit is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies, or commissions. Any changes to the Special Permit that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as a modification.

Any work or use that deviates from this Decision shall be a violation of the *Medway Zoning Bylaw*.

2. Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the Special Permits shall lapse two years from the date of Decision, unless action is taken, or as may be otherwise specified herein, and may be reestablished only after a new filing, hearing, and decision.

#### 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. Lighting Base Location Plan, 1 sheet, prepared by MUSCO Lighting, dated January 12, 2018
2. Lighting Plans, 10 sheets, prepared by MUSCO Lighting, dated January 12, 2018
3. Revised Lighting Plans, 13 sheets, prepared by MUSCO Lighting, dated February 1, 2018
4. Site Plan of Cassidy Field Lighting, prepared by Tetra Tech, dated February 12, 2018
5. Letter to ZBA from DPS Director Dave Damico, RE: Cassidy Fields Lighting Site Lighting Review, dated February 20, 2018

**B.** During the course of the review, the following materials were submitted to the Board by Town Departments/Boards:

1. Comments: Conservation Agent, Bridget Graziano, dated January 29, 2018
2. Comments: PEDB Member Bob Tucker, dated January 29, 2018
3. Comments: PEDB, dated February 21, 2018

The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms hereinafter set forth. 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.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, Chapter 40A, §17, and shall be filed within twenty days (20) after the filing of this notice in the Office of the Medway Town Clerk.

In accordance with MGL c. 40A, Section 11, no variance or special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title, 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 certified by the Registry, and notification by the Applicant of the recording, shall be furnished to the Board.

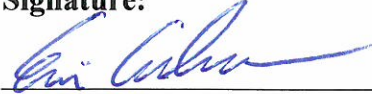
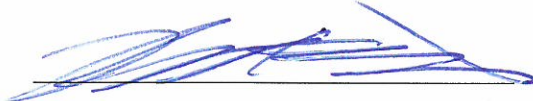


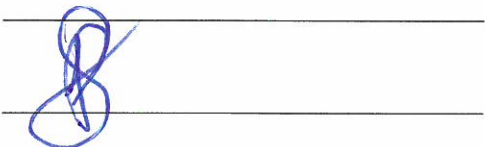
The next page provides the signatures of the Board.

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## VI. VOTE OF THE BOARD

By a vote of 4 to 0, on a motion made by Brian White and seconded by Rori Stumpf, the Zoning Board of Appeals hereby **GRANTS** the Applicant, the Town of Medway, a **SPECIAL PERMIT** under Section 7.1.2.F for athletic field lighting at "Cassidy Fields," 11R Winthrop Street (Parcel ID: 39-078) and 1 Choate Park Road (Parcel ID: 39-074), substantially in accordance with the plans prepared by MUSCO Lighting, titled "Medway Little League," dated February 1, 2018.

| Member:         | Vote: | Signature:   |
|-----------------|-------|--|
| Eric Arbeene    | Yes   |  |
| Brian White     | Yes   |  |
| Carol Gould     | Yes   |  |
| Bridgette Kelly | --    |  |
| Rori Stumpf     | Yes   |  |

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