

Board Members
Brian White, Chair
Gibb Phenegar, Vice Chair
Christina Oster, Clerk
Joe Barresi, Member
Tom Emero, Member
Adam Kaufman, Associate
Member



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Medway, MA 02053
Telephone (508) 321-4890
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TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

Wednesday, March 20, 2024, at 7:30 p.m.
Sanford Hall, Town Hall
155 Village Street

Members Present: Brian White, Chair, Christina Oster, Clerk; Joe Barresi, Member; Tom Emero, Member; Adam Kaufman, Associate Member

Members Absent: Gibb Phenegar; Vice Chair

Also Present: Barbara Saint Andre, Director, Community and Economic Development; Shannon Reeve, Administrative Assistant, Community and Economic Development

Call to Order

Brian White, Chair, called the meeting to order at 7:32 p.m. and stated that this meeting is being recorded by Medway Cable.

Public Hearings

Mr. White opened the public hearing by reading the following public hearing notice:

Public hearing notice: GBW Senior Apartments, LLC: (continued from February 7, 2024 at the request of the applicant) an application from GBW Senior Apartments, LLC, with respect to property located at 31, 33, 37 West Street, Assessor Parcel Nos. 66-001, 66-002, 66-003, 65-024, 65-026 in the Agricultural Residential II (AR-II) Zoning District.

The application is a request for modification of the Glen Brook Way comprehensive permit to waive Section 7.1.2.E of the Zoning Bylaw with respect to overnight lighting requirements in accordance with the plan submitted.

Mr. White noted that Associate Member Adam Kaufman is designated to sit on this application in absence of Gibb Phenegar.

Attorney Paul Haverty, architect Michael Wolfson, lighting consultant Christopher Ripman and Caitlin Madden were present representing the applicants. Attorney Haverty noted that since the last time they were before the board they have submitted additional materials asking the board to approve this modification. The applicant is requesting a waiver of Section 7.1.2.E, Sub-Section 3 of the Zoning Bylaws, which limits brightness of outdoor lighting between the hours of 11:00 p.m. to 6:00 a.m. The applicant is asking to be allowed to continue the level of lighting as in place currently prior to 11:00 p.m. Attorney Haverty reiterated they do not believe the bylaw was intended to apply to the use that the applicant has, which is a residential use, not a commercial use. The bylaw speaks about not being applicable when uses are in operation, however, this is a residential apartment use in operation 24/7. With that said, they are still requesting the waiver to be clear on what is allowed and what is not allowed on the property. They are not requesting a blanket waiver, they are asking to be allowed to conform to the lighting plan that was submitted to the Board, and that plan is Photometric Plan 26-3A.

Michael Wolfson and Christopher Ripman explained the Photometric Plan 26-3A. Mr. Ripman stated that the 4 lights located adjacent to West Street were turned off to comply with the requirements of the bylaw to prevent light overspill onto the street. They looked at the lighting as currently designed to determine if it met the Town's criteria for lighting at a vertical plain around the outside of the site, called light trespass, and whether it meets the criteria, and it does conform. What was evident in closely reviewing the bylaw was that there is no reference to recognized standards of professional practice for lighting design. While Mr. Wolfson and Mr. Ripman were on the site, they noticed it to be very dark as lighting was adjusted down to comply with the bylaw. Calculations as to the level of lighting from 11 p.m. to 6 a.m. shows the lighting does not meet the recommendations of the Illuminating Engineering Society (IES). The lighting that is being requested by the applicants to be on all night, both before and after 11:00 p.m., does meet the IES standards. Mr. Ripman and Mr. Wolfson went through several experiments with the lighting turned down, to see what could possibly be turned down on the site to meet the standards of IES and the bylaw, and concluded that it was not feasible. They do believe the original lighting was well designed and met most of the standards of the IES. Continuing the lighting after 11 p.m. is appropriate and in Mr. Ripman's opinion is not over lit.

Mr. Barresi asked if this is the plan that was originally approved by the Board. Mr. Wolfson stated this is basically the Zoning Board of Appeals Plan, the difference between this and the original filing many years ago is the 4 lights adjacent to West Street level were included because there was at that point an understanding that lighting could move over the property line onto the public way. Since then, the Building Commissioner has said there can be no light trespass. Mr. Wolfson also stated that several of the light fixtures have been rotated and many of the lightning fixtures now have shields to prevent light trespass to the abutting property. Mr. Wolfson reviewed the photographs that were submitted and pointed out the dark areas of the low-level lighting, and the sidewalk cannot be seen and can be very unsafe to resident's who work late or an elderly resident. Mr. Wolfson also stated that emails from residents to the management company who are walking their dogs at night have started to complain that it is too dark, as well as several residents who work night shifts. Mr. Barresi asked who recommended the darker lighting scenarios. Mr. Wolfson stated that Phase I was given an Occupancy Permit without any issue, but as a result of complaints to the Building Commissioner, it was noticed that the requirements to dim lights after 11:00 p.m. was not being followed. At that point adjustments were made to comply. Currently the lights are very dim to be in compliance with the Zoning Bylaw for 11:00 p.m. to 6:00 a.m.

Mr. White asked if any other Board members have any other questions or comments. Ms. Saint Andre noted that the Plan states that all the lights that are presently there today are going to be on all night, except for the 4 lights on the front of the plan. Mr. Wolfson stated that is correct. Mr. White commented that he would like the condition moving forward that if there is a change in lights or lights are damaged that they meet the same level of lighting, and the Photometric Plan is followed.

Mr. White stated that the standard is whether the proposed modification is consistent with our local needs. Mr. White asked the Board if anyone had concerns or looking to grant, consensus was looking to grant. Mr. White then stated finding of fact that the proposed modification is consistent with our local needs and that the board is willing to grant the waiver. Mr. White then asked if there was a motion that the proposed modification was consistent with the local needs:

With a motion made by Christina Oster, seconded by Joe Barresi, the Board voted to find that the proposed modification to the comprehensive permit is consistent with local needs, the Board voted 5-0.

With a motion made by Christina Oster, seconded by Joe Barresi, the Board voted to grant the

modification to the comprehensive permit, with the conditions discussed, the Board voted 5-0.

Mr. White asked for a motion to close the public hearing and to allow any one member of the Board to sign the decision, made by Christina Oster, seconded by Joe Barresi, the Board voted 5-0.

Mr. White read the next public hearing notice:

Public hearing notice: (continued from February 7, 2024 at the request of the applicant) Steven Brody Appeal #2 with regards to 31, 33, 37 West Street – The application is an appeal under M.G.L. chapter 40A section 15 from a decision of the Building Commissioner dated November 30, 2023, issued in response to a request for enforcement from Mr. Brody alleging violations of the Zoning Bylaw with respect to the Glen Brook Way apartments.

Mr. White stated the applicant has withdrawn this application. Mr. White noted that Associate Member Adam Kaufman is designated to sit on this application in absence of Gibb Phenegar.

Mr. White then read the Letter from the applicant. Mr. White then asked for a motion to confirm and allow withdrawal of this appeal with prejudice. Ms. Saint Andre stated that Mr. Brody has withdrawn the appeal, and he can do this without the permission of the Board, the letter has been filed with the Town Clerk and Town Counsel suggested the board take a vote to confirm.

Motion to allow withdrawal of appeal from Steven Brody without prejudice, by Christina Oster, seconded by Joe Barresi, the Board voted 5-0.

305 Village Street (continued from December 6, 2023) – The application is for the issuance of a **special permit** under Section 5.5 D requesting an extension or change of a pre-existing nonconforming use to allow a contractor's yard in addition to the pre-existing vehicle storage and office space.

Applicant has filed request to withdraw application without prejudice.

Motion to allow withdrawal of special permit for 305 Village Street without prejudice, by Christina Oster, seconded by Joe Barresi, the Board voted 4-0.

3. Other Business

- Scheduled ZBA Meeting on Wednesday, June 19, 2024, Town offices will be closed in observance of Juneteenth, does the Board want to reschedule the meeting date or cancel.

There was discussion by the board to cancel the June 19, 2024, meeting, however since Wednesday, July 3, 2024, will also be cancelled the board agreed to keep the date of Wednesday, June 26, 2024, an option should an application come before the board.

Motion to cancel the scheduled ZBA Meeting on Wednesday, June 19, 2024, by Christina Oster, seconded by Joe Barresi, the Board voted 4-0.

4. Approval of Minutes

Motion to approve the minutes of February 7, 2024, by Christina Oster, seconded by Joe Barresi, passed by a vote of: 4-0.

Motion to approve the minutes of March 6, 2024, by Christina Oster, seconded by Joe Barresi, passed by a vote of: 4-0.

5. Upcoming Meetings

- April 3, 2024
- April 17, 2024

6. Adjournment

Motion to adjourn the meeting at 8:18 p.m. made by Christina Oster, seconded by Joe Barresi, passed by a vote of: 4-0.

Respectfully submitted,
Shannon Reeve Administrative Assistant, Community and Economic Development

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

Documents reviewed at this meeting:

- Glen Brook Way – Waiver Request – ZBA March 6, 2024, prepared by Michael Wolfson, Project Architect; Photometric Plan 26-3A.

NORMAL (PRE-CURFEW) CONDITION: 11PM TO DAWN
ALL FIXTURES ON, BOTH NON-EGRESS AND EGRESS.
AVERAGE VALUE CALCULATED HORIZONTAL FOOTCANDLES FOR LIMITED SITE: 2.14 FC.



Scale: 1 inch= 40 Ft.
 GRIDS ARE 10'X10' TYP.

Notes on Calculations:

Reflectance : Walls - 0.5 (Unless Otherwise Noted)
 Building E - Exterior Walls - 0.25
 FIXTURE ULF As Noted Below on Page 2

All site lighting fixtures including both non-egress (conforming to the zoning ordinance requirements for curfew lighting) and egress lighting fixtures (conforming to requirements of the State Building Code) included in this calculation for purposes of confirmation of overall lighting data points for proposed lighting.

Software used: Calculations run using AGI32, industry standard software (Version 21.1.77).

IES files: Industry standard IES files, provided by others, were downloaded and incorporated into the model, for all fixtures modelled, including where so specified, and available as an IES file, house side shielding provided by the fixture manufacturer where so noted "HSS".

Topography: Previous permit model treated the site and adjacent properties as flat. The current model treats the site and the areas to the north of the site (towards West Street) as flat, but incorporates estimated topography for the east and west properties adjacent. Estimated by visual observation on site.

Calculation data: Data is in horizontal footcandles (as if measured with a meter lying on the ground, aimed up), per the Zoning Ordinance.

Reflectances: Reflectances of buildings and ground surfaces included per industry standard reflectances.

Interflectances: Calculations include only direct illumination of the target grid points, cosine corrected for angle of incidence, and do not include interflected light from building surfaces.

Data Grids: 10' x 10' spacing.

Interstitial light levels: Note that measurements taken at other locations than the grid points shown may vary from those of the surrounding grid points.

Data rounding: Note that, as is common for all calculation programs, data rounding occurs. Thus, data calculated at 0.001 to 0.005 will round down to 0.00, while 0.006 to 0.009 will round up to 0.01. And 0.011 through 0.015 will round down to 0.01, while 0.016 through 0.019 will round up to 0.02.

All notes above apply to the current model.

Grid alignment: Note data grid points in this model do not exactly correspond to permit set grids due to orientation of grids, precluding data point to data point comparisons. But comparison of maximum, minimum and average values remains possible and appropriate.

Fixture status: Where noted, some fixtures have been turned off, and/or the aiming of fixtures may have changed, and/or custom shields may have been included in the model to minimize overspill.

Photometry: AGI32 uses "far field photometry" which means that it does not allow modelling of additional custom shielding added to the fixtures, where no IES file is available. We have modelled custom shields where called out using simulated shields at an appropriate distance from the fixture(s) to enable AGI32 to reasonably accurately calculate the impact of custom shielding.

Fixture output: All fixtures are, unless otherwise noted, calculated with an industry standard Light Loss Factor (LLF) of 90%. This means that initial installation values at data points will be 10% higher than the model reports. The same value for LLF was carried in the 5-16-22 Calculations submitted for permit. Where fixtures are dimmed in a specified rev of the model, a lower LLF is used to indicate the level dimmed to.

Site visit check measurements: If site visit check measurements are required, the installation must be complete and programmed for light output percentages as noted in the model, and there must be no snow on the ground, and ideally, no moon in the sky. Note that field measurements will include interflected components from building surfaces and will therefore be higher than calculated values.

The scope of services for this project for Ripman Lighting Consultants and Drafting & Photometric Consulting, LLC, our sub-contractor, is limited to running calculations of designs provided by others. We are providing data only. Neither Ripman Lighting Consultants nor Drafting & Photometric Consulting are making recommendations or approving or disapproving designs by others and we accept no liability for the implementation or modification of designs by others. For evaluation, these data calculations should be reviewed and commented on and the designs calculated, modified if required, by Tetra-Tech, the town's consultant, for conformance with the state building code and recognized standards of good practice.

SITE AVERAGE HFC = 2.14 FC
DIRECT ONLY CALCULATIONS
NO INTERFLECTIONS

GBW - PHASES 1 + 2 - PHOTOMETRIC SITE PLAN 26.3A-V5
ALL FIXTURES TURNED "ON" = 90%

Drawn By: JS

Date: 2/26/2024

Rev: 26.3A-V5

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