

**Town of Medway
Zoning Board of Appeals Meeting
Sanford Hall
Town Hall
155 Village St, Medway MA**

MINUTES OF MEETING

February 21, 2018

Present: Chair Eric Arbeene; Vice Chair Brian White; Clerk, Carol Gould; Committee Members: Rori Stumpf

Also present: Mackenzie Leahy, Administrative Assistant, Community & Economic Development

Chairman Arbeene called the meeting to order at 7:42 PM.

Citizen Comments:

There were no members of the public that wished to make comments on items other than those already on the agenda.

Public Hearings:

The Applicant, the Town of Medway, sees a Special Permit under Section 7.1.2 of the Zoning Bylaw for lighting of the athletic fields at Cassidy Fields, 1 Choate Park Road and 11R Winthrop Street.

The Applicant's Representative Michael Boynton, Town Administrator, 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, Director of DPS, 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.

There were no members of the public who spoke in favor or opposition of the request.

After brief deliberations, the Board found that the Applicant had 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.

The Board found that the Applicant had 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.

The Board found that 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.

Based upon the findings of the Board and testimony and information received into the record during the public hearing process, the Board GRANTED 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.

- The Applicant, Cellco Partnership d/b/a Verizon Wireless, seeks a Special Permit under Section 8.7 of the Zoning Bylaw for a Wireless Communications Facility, as well as Section 5.6.1 for a Flood Plain District Special Permit, and Section 5.5 Nonconforming Uses & Structures Special Permit to change/extend the existing nonconforming use.

Ms. Leahy provided an update since the hearing on February 7, 2018. Ms. Leahy explained that the applicant had drafted a decision for the Board's consideration, which was reviewed and edited by herself and then sent back to the applicant for additional review. In addition, Tetra Tech reviewed the plans and provided a general review for the Board and the applicant's consideration, to which the applicant provided responses.

The Board reviewed the draft decision. The applicant had a concern with #2 and #6 of the proposed conditions. The board discussed these conditions with the applicant and Ms. Leahy. The Board removed condition #2.

A motion to grant the requested Special Permit and approve the draft decision, as amended, was made by Mr. Stumpf, seconded by Mr. White, and approved unanimously.

Approval of Minutes:

2/7/18: Motion by Mr. Stumpf, seconded by Mr. White to approve the minutes as amended. Approved unanimously.

Upcoming Meetings:

Mr. Arbeene gave an update that Christina Oster would be joining the Board as an associate member at the next ZBA meeting.

March 7 and 21, 2018 – Ms. Leahy indicated that there were no new applications at this time and suggested that the Board could cancel the meeting for March 7, 2018, and potentially for the March 21, 2018 meeting as well. The Board decided to cancel the meeting for March 7, 2018 and let Ms. Leahy determine if the meeting for March 21, 2018 could be cancelled if no new applications could be scheduled for that date.

Correspondence:

None.

Any other business that may properly come before the Board:

Discussion of Zoning Board of Appeals Rules & Regulations Amendments – Ms. Leahy asked for the Board's authorization to send the proposed amendments to Town Counsel for review, so long as the Board agreed with the proposed amendments.

A motion to authorize Ms. Leahy to send the proposed ZBA Rules and Regulations to Town Counsel was made by Mr. Stumpf, seconded by Mr. White, and approved unanimously.

Adjournment

A motion to adjourn was made by Mr. Stumpf, seconded by Mr. White and approved unanimously. The Board adjourned at 8:50 p.m.

Respectfully submitted,

Mackenzie Leahy
Administrative Assistant
Community and Economic Development