



TOWN OF MEDFIELD

Office of the

PLANNING BOARD

TOWN HOUSE, 459 MAIN STREET
MEDFIELD, MASSACHUSETTS 02052-2009

(508) 359-3027

MEETING OF:
February 4, 2019
MINUTES

Members Present: Chairman George Lester, Member; Paul McKechnie, Member; Sarah Lemke, Member; Greg Sullivan, Member; Teresa James, Member; Jim Brand, Associate Member; Seth Meehan, Associate Member

Staff Present: Sarah Raposa, Town Planner; Marion Bonoldi, Recording Clerk

Others Present: Gerard Irwin, Tony Centore, Al Manganello, Lori Guindon, Dave Costabile, Deborah Merrian, Bill Hajjar, Jim James

Location: Medfield Town House, Chenery Meeting Room, 2nd Floor

Chairman George Lester called the meeting to order at approximately 8:00 PM, and announced the meeting was being recorded.

Approval Not Required (ANR) Plans – None

Change of Use Determinations

WITHDRAWN - Ribpublic BBQ (food vending in parking lot), 70 North Street (Continued from 1/7/19)

Ribpublic BBQ (food vending on patio and parking lot), 504 Main Street

Ms. Teresa James and Mr. Paul McKechnie recused themselves from the meeting.

At 8:05 pm, Mr. David Costabile, owner of Ribpublic BBQ, presented to the Board. Mr. Costabile explained that he has withdrawn the application regarding 70 North Street but he has submitted a new application for 504 Main Street. Mr. Costabile believes 504 Main Street (Park Street Books) is a better location. Mr. Costabile said that only one parking space will be needed and the patio area will also be used. Mr. Jim James, owner of 504 Main Street (Park Street Books), is present at the meeting in support of the partnership. Mr. Costabile referenced the diagram in the application to review the layout of the operation with the Board. Mr. Greg Sullivan asked if the setup would be on the right side of the building. Mr. Costabile confirmed; yes, the side abutting Needham Bank. Chairman Lester asked for proposed hours of operation. Mr. Costabile said on Sundays only; throughout the day. Mr. Seth Meehan asked if the operation will be the same as previously discussed with the former application. Mr. Costabile said he would like to do some cooking at the site; not just warming. Mr. Costabile said the cooking would be done in the morning. Chairman Lester confirmed that Mr. James is the owner of 504 Main Street. Mr. James confirmed; yes. Mr. Sullivan asked Ms. Raposa if this decision should be in perpetuity. Ms. Raposa said specific parameters would be helpful. Ms. Raposa suggested specific hours of operation. Ms. Raposa said Mark Cerel, Town Counsel, said the Planning Board should not be issuing approvals for food trucks. Ms. Raposa noted there should be no cooking approved at the site because this would exceed the Planning Board's authority and would need to go before the

Zoning Board of Appeals for a special permit. Mr. Sullivan said there should be a time limit on any decision for reevaluation. Ms. Raposa noted that last approval (at 1 Green Street) was granted through September 2019. Chairman Lester explained to the applicant the Town of Medfield does not have food truck regulations or classification in the Zoning use table. Ms. Raposa said “food trucks” is not currently a use that exists in Zoning. Ms. Raposa said a few years ago, the Planning Board felt food truck applications could be handled under “change of use” determination. Ms. Raposa said Mark Cerel, Town Counsel suggests a adopting a general bylaw and suggest a potential bylaw for the 2020 Annual Town Meeting.

Ms. Sarah Lemke said in light of the need of a new bylaw, she would be inclined to approve a short time use, on Sundays only with no cooking at the site. Mr. Costabile asked if food warming at the site would still be allowed. Ms. Lemke feels food warming is okay. Mr. James noted on Sunday mornings parking is an issue due to the adjacent church parking in Park Street Books lot however; Sunday afternoons should not be an issue.

At approximately 8:16 pm, Ms. Lemke made a motion to approve proposed use of 504 Main Street lot for Ribpublic BBQ sales and food warming limited to Sundays through September 1, 2019. Seconded by Mr. Sullivan. The Vote 3-0-2. (Ms. James and Mr. McKechnie recused).

Definitive Subdivision Plan of 3 residential lots submitted by LCB Senior Living of Norwood, MA (applicant) for property located at 353, 355, 361, and 361A Main Street, Medfield, MA. (Continued from 12/5/16, 5/15/16, 11/6/17, 4/2/18, 9/17/18, 10/15/18)

At approximately 8:20 pm, Ms. Lemke made a motion to continue the definitive subdivision plan of 3 residential lots submitted by LCB Senior Living of Norwood, MA for the property located at 353, 355, 361 and 361A Main Street, Medfield until 8:05 pm on May 6, 2019. Seconded by Mr. McKechnie. The Vote: 5-0.

Continued Public Hearing on Potential Amendments to the Medfield Zoning Bylaw:

• Item 5: To see if the Town of Medfield will vote to rezone the following parcels (48-033, 48-029, 48-028) from RS to BI as shown on the map titled “Proposed Rezone of the Southeast Corner of West Street and North Meadows Road” dated 10/09/18 which is on file with the Town Clerk and Planning Department; and to amend the Zoning Map accordingly in order to promote commercial opportunities in Medfield. Any future redevelopment will need to comply with the requirements found in the Zoning Bylaw for uses in the BI zoning district. Continued public hearing from December 3, 2018 and January 7, 2019.

Mr. McKechnie recused himself from the public hearing.

Chairman Lester apologized for the lack of quorum at the last meeting and asked if anyone would like to speak in favor or against the proposed rezoning. Mr. Dave Conner, Commander of the American Legion, referenced his letter that was submitted to the Planning Board on December 15, 2018. Mr. Connor said the Legion is against the proposed rezoning. Mr. Connor explained that the Legion has a sale pending with Mayrock Development Corporation and does not want anything to impede the sale. Ms. Lemke explained that the Planning Board is not trying to impede the current sale. The Planning Board viewed the proposed rezoning as a benefit to the Legion. Ms. Lemke noted that no one, however has spoken in favor of the proposed rezoning and she would not want to bring anything to the Annual Town meeting with no support. Chairman Lester agreed and said he would be in support of not moving forward. Ms. Lemke said that she wants to make sure the Legion understands that if the current sale does not work out, the Planning Board will not be able to enact change quickly. Mr. Conner said that he understands and the Legion is willing to “roll the dice.” Ms. James said that the Legion needs to be in recognition of the risk. Ms. Lori Guindon said the Legion has done research and options were weighed. Ms. Guindon does appreciate what the Planning Board was trying to do for the Legion. Ms. Lemke would like to keep in mind the preparation for the 2020 Annual Town Meeting will not begin until Fall 2019. Mr. Connor said Mayrock Development is willing to provide

the Legion with a meeting room and that is very important to the Town and the Legion. Chairman Lester said he hopes everything works out for the Legion.

At approximately 8:35 pm, Ms. Lemke made a motion to withdraw Item 5, the proposed amendment to rezone of the Southeast Corner of West Street and North Meadows Road. Seconded by Mr. Sullivan. The Vote: 4-0-1. (Mr. McKechnie recused).

• **Item 1: To see if the Town of Medfield will vote to create an overlay district consisting of the following parcels as shown on the map titled “Proposed Upper Spring Street Overlay District (USSOD)” dated 10/09/18 which is on file with the Town Clerk and Planning Department (37-044, 37-044-01 through 11, 37-046, 37-047, 37-048, 37-049, 37-197, 37-039, 37-040, 37-04, 37-042, 37-043, 37-045, 37-015, 37-033, 37-035, 37-036, 37-037, 37-034, 37-031, 37-032, 36-123, 37-029, 37-030) which would create a new zoning map overlay district that reverts zoning requirements to the pre-2017 permitting processes and dimensional requirements for multi-family developments (and would not apply to new single-family to two-family dwellings).**

• **Item 2: To see if the Town will vote to amend the Medfield Town Code Chapter 300 Zoning Attachment 1 Table of Use Regulations by adding a new section to allow multi-family residential developments by Site Plan Approval from the Planning Board in the RU zoning district as long as they are shown in the Upper Spring Street Overlay District (USSOD).**

• **Item 3: To see if the Town will vote to amend the Medfield Town Code Chapter 300 Zoning Attachment 3 Table of Height and Bulk Regulations by adding a new section to provide new dimensional requirements for multi-family residential developments in the RU zoning district as long as they are shown in the Upper Spring Street Overlay District (USSOD).**

• **Item 4: To see if the Town will vote to amend the Medfield Town Code Chapter 300-14.12. Site plan approval by Planning Board, by adding a new language adding new performance criteria for Planning Board review of new multi-family residential developments in the RU zoning district as long as they are shown in the Upper Spring Street Overlay District (USSOD); Continued public hearing from December 3, 2018 and January 7, 2019**

Chairman Lester thanked the Upper Spring Street residents for attending all of the public hearings. Ms. Raposa noted that the proposed overlay district was on the Medfield Patch today. Ms. Lemke noted comments on the Concerned Citizens of Medfield Facebook page. Ms. Deborah Merriam, 70 Spring Street, said she will try to educate townspeople about the proposed overlay district prior to Annual Town Meeting. Mr. Bill Hajjar, 78 Spring Street, asked if the Board of Selectmen are aware of the proposed overlay district. Ms. Raposa explained the Board of Selectmen, Warrant Committee and Building Commissioner all received copies of the proposed overlay district for the warrant this fall and will do an in-depth review prior to town meeting. Ms. Raposa said she will let the Upper Spring Street residents know about the Board of Selectmen meeting where the overlay district would be discussed.

At approximately 8:41 pm, Ms. Lemke made a motion, in accordance with MGL Chapter 40A, Section 5, to recommend the Upper Spring Street Overlay District – Items 1-4 for inclusion in the Annual Town Meeting warrant. Seconded by Mr. McKechnie. The Vote: 5-0.

• **Item 6: To see if the Town will vote to amend the Medfield Town Code Chapter 300 Zoning Attachment 1 Table of Use Regulations by updating the language used to cite regulatory references within the Zoning Bylaw. Continued public hearing from December 3, 2018 and January 7, 2019**

The Board reviewed the proposed language. At approximately 8:43 pm, Ms. Lemke made a motion, in accordance with MGL Chapter 40A, Section 5, to recommend inclusion of Item 6 in the Annual Town Meeting warrant. Seconded by Mr. Sullivan. The Vote: 5-0.

Article ##. To see if the Town will vote to amend the Code of the Town of Medfield Chapter 300 Zoning, Article 14 Administration and Enforcement Section 300-14.10 Special Permits by Board of Appeals by deleting Subsection E and its Sub-subsections (1) through (10) in their entirety and replacing them, as follows:

E. After the public hearing required by Subsection C has been concluded, the Board of Appeals may grant a special permit if it concludes that a special permit is warranted by the application and the evidence produced at the public hearing and if it makes the following specific findings of fact:

- (1) Overall design is consistent and compatible with the neighborhood, including as to factors of building orientation, scale, and massing.
- (2) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed such that the proposed use will not result in a public hazard due to substantially increased vehicular traffic or parking in the neighborhood.
- (3) Drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
- (4) The proposed use will not have any significant adverse effect upon properties in the neighborhood, including property values.
- (5) Project will not adversely affect or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.
- (6) Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.
- (7) Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.
- (8) The proposed use will not create any hazard to public safety or health in the neighborhood.
- (9) If public sewerage is not provided, plans for on-site sewage disposal systems are adequate and have been approved by the Board of Health. Continued public hearing from January 7, 2019

At approximately 8:45 pm, Ms. Lemke made a motion, in accordance with MGL Chapter 40A, Section 5, to approve inclusion of Zoning Board of Appeals Special Permit Criteria in the Annual Town Meeting warrant. Seconded by Mr. Sullivan. The Vote: 5-0.

Article ##. To see if the Town will vote to amend the Code of the Town of Medfield Chapter 300 Zoning, Article 14 Administration and Enforcement Section 300-14.16 Inclusionary Zoning Bylaw by adding the new language shown in bold as follows: 300-14.16.A. Applicability. (1)In all zoning districts, the inclusionary zoning provisions of this section shall apply to the following uses: (a) Any project requiring a special permit under Chapter 300, Zoning, Attachment 1, Table of Use Regulations, Section 1.4, or Site Plan Approval under Chapter 300, Zoning, Attachment 1, Table of Use Regulations, Section 1.4.a that results in a net increase of six or more dwelling units, as measured over a 10-year time period, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space. Continued public hearing from January 7, 2019

At approximately 8:46 pm, Ms. Lemke made a motion, in accordance with MGL Chapter 40A, Section 5, to recommend Article 14 Administration and Enforcement Section 300-14.16 Inclusionary Zoning Bylaw for inclusion in the Annual Town Meeting warrant. Seconded by Ms. James. The Vote: 5-0.

Administrative

- **Minutes (1/7/19)** – At approximately 8:50 pm, Ms. Lemke made a motion to approve the minutes from January 7, 2019. Seconded by Mr. McKechnie. The Vote: 3-0-2 (Ms. James and Mr. Sullivan were absent from the January 7, 2019 meeting.)
- **Food Truck General Bylaw** – Ms. Raposa said she has collected several types of bylaws from other towns but has not completely reviewed them. Ms. Raposa said she will review and have information at the March 4, 2019 meeting.
- **Affordable Housing Trust Update (if needed)** – Mr. Brand said Mayrock Development Corporation is meeting with the AHT on Thursday, February 7, 2019. Ms. Raposa said Mayrock was asked to complete a traffic study, housing market study and a fiscal impact study.

Rosebay met with a design review team (including James Brand and Greg Sullivan). Mr. Sullivan said the Rosebay project is not a “bad looking” project. Ms. Lemke feels the location of a large mass building in a ring of smaller residences is going to be difficult visually. Mr. Sullivan said the design review team suggested elevation of development and adjacent structures to give scale to surroundings and separations. Mr. Sullivan also said they discussed “streetscape” to continue the feel of South Street along Pound Street. Mr. Sullivan said that Rosebay seemed enthusiastic about the suggestions.

- **Peer Engineer Solicitation** – Ms. Raposa said the peer review contract is in a grace period and the process will begin for peer engineer solicitation. Ms. Raposa noted that she is happy with Beta but this is how we maintain fair pricing. Ms. Raposa said she will be working on the RFP and believes the solicitation will happen this summer.
- **Reappoint Jeff Hyman to Sign Advisory Board to 3-year term expiring 2/25/2022** – At approximately 8:59 pm, Ms. Lemke made a motion to reappoint Jeff Hyman to the Sign Advisory Board. Seconded Mr. McKechnie. The Vote: 5-0.
- **Historical Commission Update (if needed)** – Mr. Meehan said a warrant article for Annual Town Meeting is drafted by the Historical Commission regarding partial demolition. Mr. Meehan provided a copy to the Planning Board. Mr. Meehan said the Commission looked at what they didn’t like from other towns partial demolition definitions. Mr. Meehan said the warrant was a compromise within the Commission and feedback is welcome. Ms. James feels the word “repair” need to be more defined. Mr. Sullivan feels the warrant, as written, is too broad and historical elements need to be clear in definition. Ms. Raposa said the Commission should provide more guidance to applicants in the form of rules and regulations. Mr. Meehan said the Historical Commission was trying to clarify and not overreach. Mr. Meehan noted the process with the Historical Commission takes an applicant approximately 6 weeks. Mr. Meehan also noted a 2nd seat opening on the Commission.
- **Next meeting** – March 4, 2019 at 8:00 pm.

At approximately 9:29 pm, Ms. Lemke made a motion to adjourn. Seconded by Mr. McKechnie. The Vote: 5-0.

Respectfully submitted,

Sarah Raposa, Town Planner; and Marion Bonoldi, Recording Clerk