



TOWN OF MEDFIELD

Office of the

PLANNING BOARD

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

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MEETING OF:
June 3, 2019
MINUTES

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

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

Others Present: Don Coen, Chris Hajjar, Joseph Myers, John Porter, TJ Caveney, Wes Morrison, Steve Porter, Gary Pelletier

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

Chair Sarah Lemke called the meeting to order at approximately 8:00 PM, and announced the meeting was being recorded.

Continued Site Plan Approval public hearing – LCB, Main Street (Continued from 12/7/15, 2/1/16, 4/4/16, 4/12/16, 5/16/16, 6/20/16, 11/7/16, 2/6/15, 5/19/17, 10/16/17, 10/23/17, 3/5/18, 9/10/18, 4/1/19)

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.

At approximately 8:05 pm, Mr. Greg Sullivan made a motion to continue the public hearing until July 15, 2019 regarding the Site Plan Approval and the Definitive Subdivision Plan of 3 residential lots, both submitted by LCB. Seconded by Mr. McKechnie. The Vote: 5-0.

Ms. Sarah Raposa, Town Planner, said Mr. Ted Cannon, attorney for LCB, understands the Planning Board needs a status update. Mr. Cannon didn't have any information to offer at this meeting but plans to attend the July 15, 2019 meeting to update the Board with any information he has.

Mr. Don Coen, 368 Main Street, said that he had heard that the land is currently under agreement. Chair Lemke said she is looking forward to the status update in July.

Preliminary Discussion: Ron Hakola, 56 Philip Street regarding potential 4-lot subdivision

Mr. Ron Hakola was not present at the meeting. Ms. Raposa explained that Mr. Hakola called approximately 4 weeks ago and wanted to have a preliminary discussion with the Board. Ms. Chris Hajjar, Real Estate agent for

56 Phillip Street, said concept subdivision plans have been looked at by an engineer but nothing is recorded. Ms. Hajjar gave a copy of the concept plans to Ms. Raposa. Ms. Hajjar said she is unsure as to why Mr. Hakola did not attend. Ms. Raposa said she will do more research and report back to the Board.

Preliminary Discussion: PV Canopies at Kingsbury Club, 2 Ice House Road (site plan approval requirements and potential zoning bylaw amendment)

Ms. Raposa introduced Gary Pelletier, Building Commissioner, to the Planning Board. Ms. Raposa explained that Mr. Pelletier, Ms. Raposa and the team regarding a new proposed project at the Kingsbury Club had a meeting a few weeks ago. The meeting was about the permitting path forward; and how the path relates to the current zoning bylaws and if there are other bylaws or amendments that could accomplish the team's objective at Kingsbury and possibly in other areas of town. Ms. Raposa believes the project proposed for Kingsbury could be accomplished with the current zoning but is unsure about other potential projects around town.

Mr. John Porter, CEO of Clean Footprint, introduced himself and his team: Mr. TJ Caveney, CEO NRG Tree & Managing Member of Sunspire Solar; Mr. Wes Morrison, Solar Project Originator, Clean Footprint & Sunspire Solar; Mr. Joseph Myers, Solar Project Developer, Clean Footprint & Sunspire Solar; Mr. Steve Porter, Attorney for Clean Footprint.

Mr. Joseph Myers said the team is looking to install a building mounted system and a solar system over the impervious surface (parking lot). Mr. Myers said the team has been trying to figure out the best path and a couple of options have been discussed. Mr. Myers referenced the letter that has been submitted to the Board and noted that the team is trying to find a way that progresses quickly. Mr. Myers said the need for progressing quickly is due to the SMART Policy incentive program. Mr. Myers said the incentive for the town decreases over time. Mr. Myers said in order to increase the financial probability of the project; the team has been trying to fix the project within the current bylaws.

Ms. Raposa said the team is proposing the solar canopies that are ground mounted but, per Mr. Pelletier, based on the structural nature of the canopies; they are not permitted through the current bylaws i.e. where people are not walking around them.

Ms. Raposa said typically parking lots are allowed 5 feet from the property line. Ms. Raposa said with this ground mounted canopy, it is considered an accessory structure. Accessory structures have a 25 foot setback from the property line. Mr. Pelletier said it is an accessory structure under building code. Mr. Pelletier noted that Chapter 16 of the building code is very specific about photovoltaic structures that are stand alone; whether they are accessible or not. Mr. Pelletier said these structures are clearly accessible since people will be parking under them.

Mr. Greg Sullivan said the tone of the letter is saying that somehow the zoning bylaws and building codes are prohibiting the team from the proposal. Mr. Sullivan asked if the issue is the setback requirement only. Mr. Myers said the 25 foot setback requirement is the main hindrance. Mr. Myers said if a special permit is needed for a solar project then the special permit would need to be issued before the application can be submitted to apply for incentives. Mr. Myers said at the rate incentives are being acquired it would be helpful if the special permit could be bypassed so the application can be submitted immediately. Mr. Myers noted that the 25 foot setback requirement for the accessory structure decreases the systems by 33%. Mr. Myers noted that there is a 5 foot set back and a 25 foot back comparison in the documents distributed to the Board.

Ms. Raposa said that it looks as though the arrays go over the property line on the distributed documents. Mr. Myers said those are shadows; the arrays do not go over and Mr. Myers noted this is not a civil engineered site plan. Mr. Wes Morrison said they walked away from the first meeting noting a required 25 foot setback due to the accessory structure. Mr. Morrison said he believes the solar bylaws for ground mounted structures do allow this type of structure to work. Mr. Morrison said the current bylaws allow an 18 foot maximum height. Mr. Morrison said it is a ground mount system over pavement and does fit within the existing bylaws. Mr. Morrison said he doesn't believe they require the 25 foot setback. Mr. Morrison said the revenue to Medfield and the savings from the solar would be decreased due to a larger setback; in turn allowing less structure. Mr. Morrison said the impervious surface would also be covered up and stormwater retention could also be utilized. Mr. Morrison said the proposed panels would be oriented away from the road and the panels are aesthetically pleasing. Mr. Morrison believes the structures would add a lot of curb appeal and enhance the property. Mr. Morrison said to treat the canopies as an accessory structure with a 25 foot setback would hurt the economic and environmental impact of this proposed project.

Mr. Porter said this particular project with the 5 foot setback would produce approximately \$40,000 per year in energy savings and tax receipts to the town. Mr. Porter noted that if a large piece of the solar array is taken away, everyone is losing. The town will lose potential revenue. Mr. Porter said this project could bring a lot of benefit to the town. Mr. Sullivan thanked Mr. Porter for pointing the revenue potential out to the Board but said it is not pertinent to what the Board is doing. Mr. Sullivan said the Board's decision is based on what the zoning bylaws require.

Mr. Pelletier distributed copies of the building code to the Board. Mr. Pelletier said the code is specific about panels that are accessible by the general public. Mr. Pelletier said from a building permit standpoint, this is an accessory structure and requires a 25 foot setback.

Chair Lemke asked of Mark Cerel, Town Counsel, has reviewed the application and bylaws. Ms. Raposa said no; not yet.

Chair Lemke asked if this was considered to be an accessory structure that was not subject to photovoltaic section; Chair Lemke is concerned these canopies could be put in any district. Chair Lemke asked Mr. Pelletier if the structure could fall under 300-19. Mr. Pelletier said he is not saying it cannot. Chair Lemke said the setback requirement would come out of 300-19 and would require a variance. Chair Lemke would like Mr. Mark Cerel's opinion. Chair Lemke believes it would be an accessory structure subject to site plan approval under 300-19 and a waiver would be needed for any criteria that are not met. Ms. Raposa said she agrees. Ms. Raposa said when Mr. Pelletier gets the permit application it is his interpretation. Ms. Raposa said it is not the Planning Board's objective to tell the Building Commissioner what to do. Ms. Raposa said if applicant submitted the building application with a 25 foot setback then the applicant would come to the Planning Board for site plan approval. Ms. Raposa said if the applicant wanted to appeal the Building Commissioner's determination; they would then go to the Zoning Board of Appeals for the determination to be upheld or not. Ms. Raposa said if the Building Commissioner's decision was not upheld, the applicant would go to the Planning Board. Ms. Raposa asked if there is a desire to change the bylaw to align more with a parking lot structure; the change would require a Town Meeting vote. Mr. Pelletier said the applicant could also appeal his decision to the BBRS (state).

Mr. Sullivan asked if the Board feels there is a hole in zoning when relating to solar panels. Chair Lemke said she would like Mr. Cerel's opinion but feels there is a way to get this proposed project to work under 300-19. Chair Lemke said that 300-19 wording might need to be fine-tuned to tie into the building code. Mr. Pelletier

said that it would make his job easier if ground mounted and roof mounted were more clearly defined in the bylaw. Mr. Pelletier feels this will be more relevant if more solar is considered on town buildings in the future.

Mr. Myers noted this proposal is in a solar overlay district. Mr. Sullivan asked if other opportunities on the site have been looked at to use standard ground mounted systems. Mr. Myers said Kingsbury Club has plans for all of the land they lease from the town. Mr. Myers said the parking lot is where the owners are most comfortable with solar panels at this time. Mr. Morrison said the area being discussed is where the team legally has access too.

Ms. Raposa noted the Planning Board is not taking anything away from the applicant. Ms. Raposa said the zoning review should have been completed prior to the applicant signing legal documents. Mr. Morrison said that is true and agreed with Ms. Raposa.

Chair Lemke believes the collective feeling of the Board is to get Mr. Cerel's input. Chair Lemke said assuming Mr. Cerel doesn't disagree with the preliminary discussions; the applicant would need to fill out a Planning Board applicant for site plan approval under 300-19. Chair Lemke believes the applicant would have to note on the application that the setback of less than 25 feet would be in section 300-19.7B. Chair Lemke noted the application would also have to address 300-10 in terms of environmental impacts. Ms. Raposa said she will check with Mr. Cerel and get back to the Board and the applicant.

Medfield Municipal Vulnerability Preparedness Plan and Natural Hazard Mitigation Plan Public Listening Session, Sarah Raposa, Medfield Town Planner

Ms. Raposa gave an overview of the MVP/HMP presentation from the Board of Selectmen's meeting last week. Ms. Raposa said the committee is working of a Municipal Vulnerability plan (how to deal with the effects of climate change) and Natural Hazard Mitigation plan (an update to a 2011 plan). Ms. Raposa said the Municipal Vulnerability Plan is almost done the Natural Hazard Mitigation Plan is in the draft phase. Ms. Raposa said solar potential was mentioned on town buildings. The committee is looking for feedback on both plans. Ms. Raposa said both plans are on the front page of the town website.

Administrative

Medfield State Hospital update – Ms. James said the Medfield State Hospital Development Committee presented to the Board of Selectmen on May 28th. Ms. Raposa said the Board of Selectmen would like the zoning to go to Special Town meeting. Ms. James said there is “lukewarm” feeling from the Board of Selectmen as to whether or not the zoning based on the MSH Master Plan would pass at Special Town Meeting. Chair Lemke feels time will be wasted if the BOS are not in support of an article. Ms. James said Mr. John Thompson did a “mothball review” spreadsheet on the projections of maintain the MSH. The spreadsheet was not presented; the spreadsheet was turned in to the BOS.

Schedule Public Hearing for Subdivision Rules & Regs Update- Ms. Raposa said she hopes to schedule the public hearing for the July 15, 2019 meeting. Ms. Raposa said there are minimal changes and will get the information to the member of the Board for review prior to the meeting.

Release of Engineering Consultant RFP & Schedule – Ms. Raposa confirmed the interviews for Engineering Consultant will be at the August 19, 2019 meeting.

ATM 2020 Proposed Article(s) - Ms. Raposa said she is keeping a running list for STM and ATM. Ms. Raposa will add PV Canopies in commercial districts and/or selected sites to the list.

Janes Avenue Rezone – Ms. Raposa said that based on her conversation with Mark Cerel, she needs to re-review this process to make sure the desired result will be achieved.

Food Truck General Bylaw- Discussion was tabled until the next meeting.

Minutes (05/06/19) - Mr. McKechnie made a motion to approve the minutes (with edits) from May 6, 2019. Seconded by Ms. James. The Vote: 4-0 (Lester abstained due to absence).

Affordable Housing Trust Update– Mr. Brand distributed an updated spreadsheet to the Board. Mr. Brand said Aura/Mayrock is being reviewed by DHCD; Rosebay at Tilden Village has had some design review but it is still one building and 3-stories. Mr. Raposa anticipates seeing the Rosebay application in July. Mr. Brand said the Trust is working on finding a site for a group home. Mr. Brand noted the AHT will not be meeting this summer, unless something comes up and the next meeting will be in September.

Historical Commission Update– Mr. Meehan said the Historical Commission has three new members and the next meeting is June 19, 2019. The Historical Commission plans to amend the bylaw regarding demolition review.

Town wide Master Planning Committee - Ms. James said the TWMPC received 4 responses back from their Consultant search and are meeting on June 10, 2019 to create the short list and schedule interviews.

Ms. Raposa noted the next meeting for the Planning Board will be July 15, 2019.

At approximately 9:40 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