



# TOWN OF MEDFIELD

*Office of the*

## PLANNING BOARD

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

(508) 359-3027  
(508) 359- 6182 Fax

MEETING OF:  
**July 19th, 2021**  
MINUTES

**Members Present via Zoom Meeting:** Teresa James; Paul McKechnie; Sarah Lemke; Jim Brand; Seth Meehan, Chair; Jamie Sullivan, Associate Member

**Members Absent:** Blake McDermott, Associate Member

**Staff Present:** Sarah Raposa, Town Planner

**Others Present:** Bryan (no last name), David (no last name), Nathan Bazinet, Town Counsel Mark Cerel

**Location: Virtual Zoom Meeting**

At 7:33 PM, Chairman Meehan called the meeting to order, announced that the meeting is being recorded, and did a roll call.

**Approval Not Required (ANR) Plans – none**

**Change of Use Determinations – none**

**Discussions with PB – Mark Cerel, Gun Store Regulations -** Ms. Raposa gave an introduction and Mr. Cerel began a discussion about the legal issues surrounding gun sales regulation. To his understanding, Newton passed zoning bylaws that restricts where gun stores can go but allows them to locate in certain areas by special permit. The Newton Planning Board was advised that prohibiting guns was subject to legal challenge. Before this meeting, Mr. Cerel looked into some appellate court circuit decisions regarding tattoo parlors, to see if they could be applicable to gun regulation. He found one case in which the Planning Board decided to limit where tattoo parlors could locate. The court determined that this was encroaching on freedom of expression, both the tattoo artist's and the client's. It was determined that citizens who would like tattoos should be able to access tattoo parlors within a reasonable proximity to their homes. If Medfield prohibits gun sales, there could be challenges from groups in town who want access to firearms. Mr. Cerel mentioned the possibility of limiting gun stores to the IE Zoning District.

Ms. Lemke said that she is inclined to limit where gun stores can locate without prohibiting them. She asked if it would be possible to also add that the store must receive a special permit, to ensure that the store would not be within a certain distance of a school, church, or other places that should not be near gun stores. She also

mentioned the possibility of adding an overlay as a sub portion of the IE Zoning District, further limiting where the gun stores can locate. Mr. Cerel responded that those ideas would be possible, however there will likely be very little to no area for gun stores to locate after the overlay is mapped out. He suggested that if the board goes this route, they should map it out carefully to make sure that there is a reasonable enough area for gun stores to locate.

Ms. James asked Mr. Cerel if it would be considered reasonably accessible if a neighboring town had a gun store in their IE Zoning District. Mr. Cerel said that it may not be, and that the court may decide that that is unconstitutional.

Mr. Sullivan suggested that the Planning Board manage the use within their zoning bylaws, since limiting where gun stores can go could end up being prohibitive. Chairman Meehan expressed support for this idea, and then asked Mr. Cerel about what motivated Wellesley and Brookline when it came to their prohibition of gun stores. Mr. Cerel said that Brookline mainly did it as a quick reaction to what happened in Newton, and because they do not want guns in their community. Wellesley is also leaning more towards prohibition. Mr. Cerel expects this to lead to lawsuits.

Chairman Meehan asked if there were any other thoughts from the board. Mr. Brand responded that he is also leaning towards Mr. Sullivan's position, and that over-limiting the area may lead to a future challenge. Mr. Cerel added that limiting gun stores to the adult entertainment district would likely not work out since it is not physically accessible and since it is such a small area. Ms. Raposa asked Mr. Cerel what types of facilities can be included in a buffer. Mr. Cerel responded that in his experience, it is best to look at what areas are available to begin with, so the board should take into account the building use you would consider buffering. Some of these types have ended up in or near industrial districts, such as the daycare on 27. The board should also think about what distance makes sense for a buffer. In his work on marijuana stores and other adult facilities, Mr. Cerel used a buffer of five hundred feet. Ms. Raposa said that we are in between GIS consultants.

Ms. Lemke began a discussion about what the timing of this would look like. She suggested that the board waits to see how this issue plays out in surrounding communities, and then with that in mind, the board could prepare a warrant article for the 2022 annual town meeting. Mr. Cerel said that he sees the benefits of doing that, however, he thinks that the board should start planning for the possibility that they are handed a citizen petition from Medfield residents before that town meeting.

Chairman Meehan asked Ms. Raposa to keep in touch with Ms. Sterling and report back updates.

Board members and Mr. Cerel had a discussion about open meeting law.

**Discussion: Table of Use - Food Cupboard** - The Planning Board is working on a Table of Use amendment to allow the food cupboard enough places to locate. In Ms. Raposa's draft of the table, she made the food cupboard permissible by Planning Board site plan approval in all zoning districts. This was based on the notion that the food cupboard may be trying to secure some town owned land or land that is not in a commercial area such as B, BI, or IE. Ms. Raposa asked if Mr. Cerel or other board members had feedback on this. Mr. Cerel suggested that Ms. Raposa add food cupboards into the definition of municipal use. This would allow food cupboards to be built on the land either as a right or by special permit. Ms. Raposa said that in that case the food cupboard would probably need a special permit if it is in a residential zone. She said that municipal uses always

need a special permit, with the exception of B, BI, and IE districts. In those districts, they are instead subject to site plan approval.

**Discussion: Floodplain Zoning** - Ms. Raposa said that Medfield's Flood Insurance Rate Maps (FIRMs) are being updated. As such, the new panels need to be reflected in the zoning bylaw. An individual who works for the state has reached out to Medfield offering to edit the town's floodplain zoning Article 10. Ms. Raposa said that she has sent that person's model as well as their suggested edits to the board. The board will be working on this for the next couple of months.

Mr. Cerel exited the meeting.

**Continued from 6/21/21: 2 Ice House, LLC (applicant) seeks a modification of Site Plan Approvals dated January 22, 2007 and October 15, 2018. 2 Ice House, LLC proposes to construct photovoltaic (PV) solar arrays in the form of a parking canopy structure over the existing parking lot associated with the Kingsbury Club. The project proposes approximately 43,275 sf of PV solar arrays, and associated infrastructure (including transformer pads and about 1,100 linear feet of subsurface electrical conduit). The property is owned by the Town of Medfield and is leased to the Kingsbury Club. The property is located at 2 Ice House Road in the IE Zoning District with Primary Aquifer Overlay and is shown on Assessors' map 56 as lot 045. THE PRESS: June 4, 2021 & June 11, 2021**

The applicant has requested through email to continue this discussion to August 2nd. This will give them time to work out the final details of the engineering review letter and to work out the legal details having to do with where the water mains are located.

Ms. Lemke made a motion to continue tonight's public hearing on the Kingsbury Club solar canopy to August 2nd, 2021 at 7:35 PM. Seconded by Ms. James. Roll Call Vote: Jim Brand = yes; Sarah Lemke = yes; Seth Meehan = yes; Paul McKechnie = yes; Teresa James = yes. The Vote: 5-0.

**Administrative:**

**Medfield State Hospital Update (if needed)** - Ms. Raposa said that the proposals are due August 2nd. The committee has been trying to determine a proper scoring matrix that everyone on the committee can implement.

**Townwide Master Planning Committee (if needed) – Teresa James** - The master planning committee submitted a letter of support from multiple committees that is going before the Board of Selectmen at an upcoming meeting.

**Local Rapid Recovery Planning** – Ms. James asked if Ms. Raposa could talk about the special survey being sent out about downtown Medfield. Ms. Raposa responded that she sent that survey out to the board to fill out. This survey is part of Medfield's Covid-19 rapid recovery planning process. This recovery plan entails a technical assistance grant in which Medfield is assigned consultants that help the town move through a pre-defined program offered through the Massachusetts Downtown Initiative. The survey is to be completed by business owners in the downtown area as well as users of the downtown. Ms. Raposa asked that Planning Board members fill out the survey to give their input.

**Affordable Housing Trust Update (if needed) – Jim Brand** - Mr. Brand said that Ms. Raposa has been putting together an RFP for the AHT’s plan to incentivize rental housing development, which will use the million dollar bond that has not been touched. The AHT is reviewing that RFP now and it should be going out relatively soon.

**Historical Commission Update (if needed) – Seth Meehan** - Mr. Meehan said that they are looking at a home on 62 Bridge Street, which has been on the market for the whole summer. It has a large barn/garage which was recommended by a consultant to be torn down. In addition, the commission is being asked by a member of the Selectboard to examine the town seal, and to see if it needs to be revised.

**Minutes (6/17/21)** - Mr. Brand made a motion to approve the minutes from 6/17/21. Seconded by Ms. Lemke. Roll Call Vote: Jim Brand = yes; Sarah Lemke = yes; Seth Meehan = yes; Paul McKechnie = yes; Teresa James = yes. The Vote: 5-0.

**ADJOURNMENT** - At approximately 8:22 PM, Ms. James made a motion to adjourn to August 2nd, 2021. Seconded by Ms. Lemke. Roll Call Vote: Jim Brand = yes; Sarah Lemke = yes; Seth Meehan = yes; Paul McKechnie = yes; Teresa James = yes. The Vote: 5-0.

**Respectfully submitted,**

Lily Maranci, Administrative Assistant