

**Medway Planning & Economic Development Board Meeting  
Tuesday, March 17, 2009  
Medway Town Hall, 155 Village Street**

PRESENT: Andy Rodenhiser, Tom Gay, Karyl Spiller-Walsh, Chan Rogers, Bob Tucker

ABSENT: John Williams, Associate Member

ALSO PRESENT: Susy Affleck-Childs, Planning Board Assistant

The meeting was called to order at 7:10 pm by Chairman Andy Rodenhiser.

**CITIZEN COMMENTS** – None

**ZONING PUBLIC HEARING**

NOTE - Andy Rodenhiser made some introductory comments explaining the public hearing process and how the hearing would proceed.

A motion was made by Karyl Spiller-Walsh, seconded by Chan Rogers, to dispense with the reading of the public hearing notice. The motion was approved unanimously.

The public hearing notice is attached.

NOTE – Chairman Rodenhiser asked the audience which articles they were most interested in discussing. Those articles were: Adult uses in Business/Industrial zone, Gasoline sales in Commercial V., and infill affordable housing in ARII.

**Adult Uses**

Andy Rodenhiser provided an explanation of the proposal. See attached.

A letter dated 3/17/09 from Planning Consultant Gino Carlucci regarding the secondary impacts of adult uses was read into the record. A copy of the letter is attached.

Bob Tucker – One thing to keep in mind is the whole reason we are going through these steps is to not run into some of the difficulties that have come before some of our neighboring towns like Milford and Mendon. We want to avoid a problem. We are not promoting an adult use establishment in Town. We do want to control it should that ever happen.

Andy Rodenhiser read a letter from Ann Carlson of Falmouth who owns property at 26 Main Street. A copy of the letter is attached.

Joe Musmanno, Chairman of ZBA, 1 Summer Hill Road – I have a few comments with regard to this. The first 3 items in the article seek to delete existing adult use language (in various zoning districts – Commercial I, III and IV). There is another piece of language that should be deleted in SECTION I of the Zoning Bylaw. I don't know why it was ever put in there to begin with.

Susy Affleck-Childs – I know where he is referring to.

Joe Musmanno – I will go out on a limb here in item 4. The language here is similarly out of place. Generally, we don't have clauses like this in the bylaw. It is irregular. Having the additional language raises the chance for a challenge. I would suggest that you remove the text beginning with "which . . . ."

Joe Musmanno – Regarding item 5. i) Adult Uses Dispersal, Separation and Design Standards, I am surprised that items 3 and 4 in 5 i) are still here. I would ask very carefully about this language, specifically the listing of places of worship and day care center have been stricken down for various reasons. I would encourage extraordinary diligence. I believe the courts have struck down language this language. I can cite from memory the US court case regarding separation of church and state. I am also concerned about day care center location issues. These are serious problems. I believe they have come up in other instances. As you are aware, some towns have determined that the best way is to concentrate them.

Joe Musmanno – Re: 5 i) 5. – I checked this reference to G.L. 272. I cannot find those notes that are referenced.

Joe Musmanno - In item #6, you have heard me caution you before, when it comes to style, color, materials, etc. there is a general problem that the zoning bylaw has no authority to address these matters. In the industrial I district, if a petitioner came to me and said he was frustrated by design standards, I would have trouble with stating what the style of a building is in the industrial I zone.

Joe Musmanno – Re: #8, I have a problem with having a limitation on not having an adult use in a building with any other uses. Might get jammed up. A use is deemed to be taking place on the parcel. Regulating whether it occurs several times doesn't work.

Joe Musmanno – Would an individual be able to make an argument that with two tenants in a building, one operating an adult use and the other not operating an adult use, the non-adult use might be able to object?

Andy Rodenhiser - #8 – I think we mean "any other adult uses". The intent of dispersal is what we were seeking. I am guessing the word "adult" is missing.

Joe Musmanno – They would still be subject to the distance requirement.

Susy Affleck-Childs – Yes.

Joe Musmanno – I am prepared to interchange with you more on this topic if you like.

Other comments on adult uses

Phil Giangarra, 24 Green Valley Road – Mr. Musmanno objected to the phrase in any direction to residence, school, place of worship. Would the objection be the same if the language said "any existing"? I would think that would remove the objection of the courts.

Andy Rodenhiser – Regardless of what you may think, we are really going to rely on legal counsel, but the fact that Joe Musmanno has brought it to the forefront, we are going to question the attorney to make sure that beyond our due diligence, we want to have something to know this is the best standard.

Karyl Spiller-Walsh – Let's ask town counsel about changing the word as Phil Giangarra suggests.

Candace Bearce, 44 Coffee Street – You talk about day care, churches, etc. What about a dance studio? Is that one that should be listed?

Andy Rodenhiser – We believe a dance studio is considered to be a school. That would be determined by the Zoning Enforcement Officer, then the Zoning Board of Appeals.

Donna Barnes, 43 Coffee Street – I have a lot of concerns. Our property abuts the industrial park, and as you know, the Rosenfelds put up that stockade fence to block the view. I would welcome anyone to come and sit on my deck and look at the 40' mountain of dirt. I am not saying anything against Fasolino, but the value of our property is a concern. The dump trucks as anybody who lives on Coffee Street knows are out there pounding the gates at 7 am in the morning.

Andy Rodenhiser – I am empathetic completely with your concerns. The existing use that is there is something that is not necessarily germane to the public hearing tonight, but I don't want to diminish what you are saying.

Donna Barnes – All these things contribute to impact on our property values.

Andy Rodenhiser – Let me give you some background. Anything that is not on a busy street, Route 109 frontage, or exit right near the highway where you are going to have a high traffic count, that is an area of concern to us for these adult uses. We did not want to locate anything there. We have taken some steps to try to encourage more development in the industrial park. We have recently adopted PDS for the undeveloped sites to get the area more viable. It is eligible for 180 day permitting and state grants to try to help them move development along in there. It is our hope that the pile of dirt will go away.

Donna Barnes – But this is just adds to the impact on our properties, the value of our property. If my house was for sale and someone happened to come out to see what was around me, the chances of them buying my property are probably slim to none. This just compounds that. That is why I bring that up. I feel it directly impacts the value of our property.

Kathleen Killilea, 1 Richard Road – I had a few questions. I understand the intent. I have some question on some of the boundaries. In the other zones where the use exists now, what is considered too small?

Andy Rodenhiser – If we make the district too small of an area, then we run the risk of it being challenged.

Kathy Killilea – I am concerned about this area. There are people in this area. Are we going to make it too attractive and actually draw folks there? The Brentwood neighborhood would be horribly impacted.

Andy Rodenhiser – The fact that they wouldn't have frontage on Route 109 is a deal breaker.

Chan Rogers – They look for a highly visible location, as well as traffic count.

Andy Rodenhiser – As well as truck traffic.

Kathy Killilea – My concern is the proximity. 250 feet away is not very far for those areas.

Chan Rogers – If you make it a bigger buffer, you are in essence disallowing the adult use.

Todd Thompson, 46 Coffee Street – I am opposed to this. This is affecting housing values, changing the laws, reducing the potential price of our home. I have a problem with the foliage or the greenage area requirement - 50 foot of heavy vegetation. Right now there is already a requirement for a 30 feet green zone and I can still see all the way back through. This is a vague terminology. It is hard to enforce.

Andy Rodenhiser – We have actually increased the requirements in there. What you see in the zoning bylaw today is not reflective of what was in place when development began to occur (in the Industrial I district). We negotiated on a site plan for an increased greenery and a fence because we didn't have the ability to mandate or require the Rosenfelds. We have since made some improvements. When somebody does come in for an application the new standard is stronger. We are going with 20 additional feet with the standard that would apply to these uses.

Todd Thompson – That doesn't do anything because of the contour of the land.

Andy Rodenhiser – That is something we would address in the site plan process.

Todd Thompson – Similarly, the intent of a solid structure of a fence? Fences may not be enough.

Karyl Spiller-Walsh – The only time they get relief is when the trees are 30 years old. Then at some point you will get some blockage. Right now they are immature.

Todd Thompson – This just says 50 foot vegetation. It is all subjective. It doesn't really help.

Elaine Kessler, 4 Richard Road – I would like to clarify some things. Is there a business that is looking to come in?

Andy Rodenhiser – No.

Elaine Kessler – So, you are looking for a plot that is large enough to accommodate their establishment. There is not another plot in town that could work? There are some other plots but they might be more appealing to traffic.

Andy Rodenhiser – That is correct.

Elaine Kessler – In using this area, you are trying in fact to discourage this from happening.

Andy Rodenhiser – That may be your interpretation, but I wouldn't say that.

Elaine Kessler – I suppose this area is good because it is back off the street. I guess I would hope that when you put a business out there, is that being policed, or checked, or monitored so it is not forgotten? I wonder if those big mounds of dirt are really allowed.

Andy Rodenhiser – We have a town charter. We are now a planning and economic development board. We are specifically working to increase positive valuable business assets we have in town. With the new committee, our mission is to increase the commercial tax base. We have to address this as a community, or if not, we will end up with it being forced on us.

Elaine Kessler – Let's say there is a company that wants to come and locate there. What is the process? Where we would have a huge amount of input on that? What would that process be?

Andy Rodenhiser – The site plan process.

Elaine Kessler – We could have input?

Andy Rodenhiser – Yes. It would probably one of the most rigorous site plans we ever did.

Elaine Kessler – Whatever you put in this article, nothing is etched in stone there?

Andy Rodenhiser – This is the bylaw. This is the minimum standard.

Elaine Kessler – Can you increase the standards?

Andy Rodenhiser – If they meet the parameters that are laid out, they are entitled to locate there. But then they have to get a site plan approval from the Planning Board. The site plan process would involve the Design Review Committee based on architectural guidelines.

Elaine Kessler – How much input would we have as residents? To what degree can we say 250 feet is not enough? Why can't we increase it to 500 feet?

Andy Rodenhiser – If we increase it to 500 feet, then we reduce the zone so small it is not enough of an area to really do something. The town's attorney sent it back to us and told us it was too small. We would likely be subject to an appeal.

Bob Tucker – That's when you run the risk of an applicant coming in and putting a business in anywhere.

Elaine Kessler – This is at the cost of my neighborhood. You are saying there is not a bigger place where this could work. You are saying you, Brentwood, bear the brunt. That is where our concern lies. I just don't want it. Why here?

Andy Rodenhiser – Because it is the most appropriate location. If we were to have it somewhere else, we would be looking at a different group of people sitting in this room.

Chan Rogers – What we hope for this area is that a commercial and industrial use will come in that has a positive impact on the community, jobs, good neighbor, etc., buffer zones, etc., parking areas that are shielded. So we are hoping for a much higher and better use than the pile that is out there. We can't make Fasolino stop how he operates.

Andy Rodenhiser – And we are taking steps through the Economic Development Committee. We are reaching out to the industrials to really have it developed as a higher value to the town than a dumpster storage area or piles of dirt.

Mark Cerel, 6 Franklin Street – I am here as citizen and as a municipal attorney. I brought this issue to your board's attention in the first place. The fact of the matter is the types of establishments you want to regulate are protected by both the federal and state constitutions. They don't want to be in an industrial park or in an out of way place. So by allowing it there, you are probably insulating yourselves. I can understand your concerns. The likelihood that you will have one of these uses is pretty slim because of this new location. Right now, you are at risk. What you are doing is the way to go. I would be happy to help explain this more.

Bob Tucker – Have you seen any communities that are going through litigation?

Mark Cerel – There have been a lot. There is an ongoing battle in Fall River or New Bedford, and in Revere. You don't just get challenged on the zone. You also get a civil rights challenge thrown at you, and damages that mount to tens of thousands of dollars. You need to act proactively and establish a reasonable area in terms of area and accessibility and usability.

Chan Rogers – Are you saying it would be better to use the other industrial park (west side of town)?

Mark Cerel – That area is another candidate. But again you don't want it on a major thoroughfare where it would reflect on what your town looks like. There is a stretch along Route 20 in the central part of the state where there are many of these uses. But I am informed that Brockton zoned an area near the sewage treatment plant and they actually have an adult use business there. But I am not aware of other industrial parks where these types of uses have actually located.

Colleen Cove, 42 Coffee Street – I understand the whole theory. My concern is from being on Coffee Street for the past 20 years. It seems like there are many issues that come up regarding the Fasolino property. We have the buffer zone for distance but whoops we forgot about height and noise. We now have those towers that are up there, and cords up there to hold up these towers. These are things of concern to those who live there. The world discovered Coffee Street as a cut thru when Medway Commons was being built. Because it is in the woods, it is not heavily trafficked. It is a secretive place. If something goes in there, how do we protect our children? If it does, what are you going to do to protect us?

Andy Rodenhiser – We would address those issues during the site plan process.

Joe Musmanno – There is little local control on those radio towers.

Mark Cerel – Those kinds of towers for ham operators are exempt.

Colleen Cove – The stabilizing cables are being tied to pine trees.

Andy Rodenhiser – I would suggest you contact the building inspector to file a complaint.

Andy Rodenhiser – Any type of zoning infraction. Anything that has a written complaint has to be investigated.

Bob Heavey, 6 Sanford Street – I have some questions, how big is the area that is being considered for the proposed change?

Andy Rodenhiser – Susy, how big is the area here?

Susy Affleck-Childs – We can calculate that.

Bob Heavey – Have you contacted the Police Department regarding this? I wonder what the cost to the town will be to manage this. That could cost the town a lot.

Mark Cerel – There are two separate sets of regulations. There is zoning that permits it generally. Then they will need to get a business license from the Board of Selectmen.

Andy Rodenhiser – The zoning enables it to happen, but if it does occur, then the licensing of the establishment occurs with the Board of Selectmen.

Bob Heavey – After this hearing and you go to town meeting, and it is approved, supposing Rosenfeld comes in and does something else, and the space gets used up. Do we have to start the whole (adult use) process all over again?

Andy Rodenhiser – No.

Bob Heavey – Could this area sustain other uses plus adult uses?

Tom Gay – We wanted to make it for multiple uses.

Andy Rodenhiser – But not next to each other.

Bob Tucker – If that zone were to be built out with a higher and better use, you don't have to recreate a new adult use zone somewhere else in town.

Bob Heavey – What would the hours of operation be?

Andy Rodenhiser – That would be part of a licensing.

Bob Tucker – That would be the Board of Selectmen.

Andy Rodenhiser – There is no intention to have this used for adult uses. But it is our hope and desire that this passes at town meeting.

Bob Heavey – I liken this as the one they have in Stoughton. It is right on the main street. They had a shoot out a year or two ago right on the street in front. It does bring in an element.

Andy Rodenhiser – We don't want it anywhere in Medway.

Bob Heavey – We need to watch out for the neighbors. In the article in the Milford Daily News, it was sort of misleading. I don't think the distance (of this area) from 495 would really be a disincentive.

Andy Rodenhiser – We are at risk right now as a community.

Adele McWade, 34 Coffee Street – I feel as though this is all I do. I have lived here a long time. I feel I come down here and complain. We seem to be the dregs of Medway. Everything that goes wrong is on Coffee Street. Is there going to be an end to this? Now we have to be worried about our grandchildren. How much can you live in a town? We feel beaten.

Andy Rodenhiser – The locations and the uses of these things are generally located in areas that kind of evolve or develop. We are growing constantly. It is the nature of development.

Adell McWade – Our end of town always has to deal with this. That industrial park has been nothing but trouble.

Andy Rodenhiser – We are trying desperately to improve the industrial park.

Adell McWade – When people up on Ellis Street bought their big homes, they didn't expect this.

Andy Rodenhiser - The only way you can stop things is if you buy the real estate. We cannot stop development. All we can do is regulate it within the constraints of what is permissible. That is what this public hearing is about.

Adell McWade – It seems to me, I feel, why can't we say we don't want a zone like that at all?

Andy Rodenhiser – As an elected official we have to do what is in the best interest of the town. I don't want to be sued because of first amendment rights. The town has paid legal dollars on our behalf. Framingham had a Board of Selectmen and various boards that took a position against SMOC, and they are in federal court being sued for damages they have inflicted.

Tom Gay – I feel for you about concerns for your own neighborhood. I have lived here my whole life. I think anyone who lives in any neighborhood can feel like their neighborhood has been hit. I can tell you the same kind of stories on my land, sewer trunk line, subsidized housing across the street. After 54 years I came down here and said, "How can I help?" And that is why I sit here today. It is not because I feel I can stop things. But let's make the process benefit the whole town. There is no good place for some of these things that have to happen, but it doesn't negate the fact that they have to happen. I have to believe that we are taking the right steps as we have spent lots of time analyzing properties, and zoning and proximities and sizes.



Andy Rodenhiser – And considerable legal dollars to go back and forth with our attorney. Even then we have folks who bring stuff up to us.

Resident??? – Why is the industrial park on Route 109 better for this than the west side industrial park (near 495)?

Andy Rodenhiser – This industrial park is further away from Route 495. All we have to do is provide a space. We don't have to make it easy or attractive.

Tom Gay - What we are trying to get is somewhere where we can control it and regulate it. The reality is that it could be anywhere.

Resident??? – This thing is above and beyond anything I ever thought I would have to live through.

Vincent and Heidi Sia, 18 Main Street – I would like to question the board on their precluding the industrial park on the other side of town. Please give us a clearer explanation re: access to 495.

Andy Rodenhiser – I used the word discourage. The thought process is that if an adult use is allowed in the industrial park that has frontage on 495, then the driving public might see signage on route 495.

Vincent Sia – I don't know the town's zoning. I don't know if there are as many residences that about the 495 business park as there are here.

Andy Rodenhiser – I would expect you would see an adult use up at that location if it was allowed.

Vincent Sia – In section 5, i), 3 is the 500 feet between buildings or parcels?

Tom Gay – It is between buildings.

Andy Rodenhiser – Joe Musmanno has inquired whether items 3 and 4 can even be included because they may be unconstitutional.

Vincent Sia - I had understood it was school and place of worship.

Mark Cerel – The issue is whether it needs to be away from a school or church.

Andy Rodenhiser – Joe Musmanno thought that considerable portions of 3 and 4 had been struck down.

Mark Cerel – This is an extremely complex area of law. There is both federal and state law. The US Supreme Court, and lower federal courts, and Mass Supreme Judicial Court have weighed in under the State Constitution. There is broader protection in Mass vs. federal. The confusion is because the starting point is a protected expression under the First Amendment and the Mass

Constitution. After that, separate courts dealt with whether you could have reasonable distances from churches. That was upheld in certain cases, but it wasn't an issue of whether there were other places to go. Other cases dealt with the size of the area. When you go on the ground, there has to be a reasonable space left. We grappled with this same issue in Franklin. The only problem you have potentially is the day care center which, as you know, is also an exempt use. If one were to locate in this industrial zone, you may end up eliminating the possibility of this area being used for adult businesses.

Heidi Sia – Can we keep the word residence? Our property is no longer zoned residential. We no longer have protection. All the problems come right up to the door. People might be coming in and parking very close. The parking lot is right up to my property. We would like to see a bigger buffer zone.

Mark Cerel – You could insert “existing” residence in some fashion.

Heidi Sia – Is there any way to protect us with this?

Andy Rodenhiser – But you use the other property for business.

Heidi Sia – Both are residences. There are trucks on the back of one property.

Andy Rodenhiser – We are going to continue the public hearing. We will share your request with town counsel.

Heidi Sia – How would the green buffer zone work for us?

Gary Jacob, 4 Broken Tree Road – In listening to this discussion, it occurred to me that you might want to add some specific buffers for parking. Not only the building had some buffer but also that parking would have some buffer areas too.

Andy Rodenhiser - We will continue the public hearing to April 14<sup>th</sup> at 7:15 pm for those that are leaving tonight.

### **Gasoline Sales in Commercial V Zoning District**

Andy Rodenhiser – The article addresses gasoline sales in the Commercial V district. This amends the existing text to revise the special permit provisions. It would increase the number of gas pumps from 4 – 6 (8 to 12 locations), reduces the minimum size of a convenience store, enlarges the size of the canopy, and provides for signage limitations. Are there any comments from the board?

Bob Tucker – There was an e-mail we received from Adam Signore.

NOTE – Bob Tucker read the email communication. It is attached.

Gwen Hendry, 13 Highland Street – I am a member of the DRC. We spent almost a year talking about this district several years ago. We had a recommendation which became a bylaw which was voted by town meeting, and we had Gino Carlucci write this bylaw. I am not sure why we

are back here except that the people who own the property have changed their mind and want to get some more money out of it. A larger store and smaller gas station is going to say small town, country corner. If you put the emphasis on the gas station and the pumps, it is more of a highway feel. This corner is an entrance to the Rabbit Hill National Register Historical District, so I feel that it would be completely out of character to have that many gas pumps and a great big canopy on that corner as proposed. I object to changing the bylaw, and increasing the pumps, and decreasing the size of the store. I want the emphasis to be on the people and not on the cars. I think that is in a concordance with the Master Plan while still in concordance with Economic Development.

Joe Musmanno – It took me few readings to understand what I believe was your objective. To insist that the convenience store is a primary use and the gas station is accessory. The main place that my board encounters such a challenge is with accessory family dwellings. I was thinking about the square footage limitations. I didn't know if the 2400 sq. ft. minimum is the way to go. Perhaps a better approach would be a relationship or ratio, where the area of the store exceeds the area of the pumps by a ratio greater than 1. I would caution you against thinking that 2400 is just okay. I would lay a bet that someone would propose an expansion of the zoning district. The language defining 2400 minimum and not contemplate issues if the zone were larger could be troublesome.

Joe Musmanno – in paragraph b you have language that allows for some discretion. Again, I wish to issue my standard concern re: paragraph c. I believe these are unenforceable, arbitrary, and capricious, and expose the Town more than it protects it. I would sooner suggest that the process by which the recommendations are made are already in place. I don't think your interests are served.

Andy Rodenhiser – We have talked to town counsel. She has advised us as long as we have design guidelines, it affords us protections.

Joe Musmanno – I understand your position. The primary phrase of concern is traditional New England architectural style. I think I could see difficulty with that. I could see cases where it would work out just fine. I understand I am not offering you a clear solution. I like to raise concern where I perceive there to be ambiguity.

Joe Musmanno – Separately, I have an overarching problem with the bylaw that we don't have real good light guidelines. I don't think that leaving lighting standards to just site plan is good enough.

Bob Tucker – I am working on a lighting bylaw.

Andy Rodenhiser – I am going to a lighting class this weekend.

Gary Jacob, 4 Broken Tree Road – This time I am speaking more as a member of the Design Review Committee. But neither Gwen nor I are speaking officially for the group. My concern here is that should the bylaw be adopted as is, all three of the other corners could conceivably end up as gas stations. And you see many intersections around the state where that happens. This wouldn't just apply to that one corner (southeast). It impacts well beyond that one corner. I understand the ratio might be worth looking at.

Chan Rogers – Why would you feel that more than one site could go for a gas station?

Gary Jacob – When you rezone, it is possible to get gas stations on all three corners.

Andy Rodenhiser – A lot of things would have to happen.

Gary Jacob – The rock may be a major problem.

Donna Hainey, 6 Little Tree Road- I want to reiterate what Gwen Hendry said. She took my speech. Being on the Historic Commission and where we are (on Little Tree Road), I feel this is the gateway to the Rabbit Hill District. Do we want a 6 pump gas station here? Do we need another gas station in town? My question is is it going to be a gas station? I guess it is a done deal.

Andy Rodenhiser – No it is not. We put this forth to have this discussion.

Tom Gay – What is presently allowed is not consistent with what is being built today.

Donna Hainey - There is a lot of rock there. The gas station that they put in Bellingham (Irving Station on Route 126), would that ever be anything that we would have to contend with? It is pretty ugly.

Andy Rodenhiser – In that instance it is in an aquifer protection district. They were required to have an above ground tank by the town.

Donna Hainey – We would like to see some other use of the property. We have contended with the lighting, parking and the empty building. You need to consider the children. Is this going to be a benefit for Medway? I am totally against this as well.

Mike Daniels, 9 Little Tree Road – I came down. I have never been a meeting. What does the town take into consideration with safety to the children? I have a 6 month old.

Andy Rodenhiser – The way the permitting process works, the zoning change would make it possible. Then, when the applicant submits an application, they go through an approval process with site plan review.

Mike Daniels – Kids that live near a gas station have a higher risk of cancer. You are pushing to have more tax revenues over that?

Andy Rodenhiser – The owner of the property has made request to this board to increase the number of pumps possible.

Mike Daniels – Is the town for it or against it?

Andy Rodenhiser – Town meeting has to vote on this. It requires a 2/3 vote.

Andy Rodenhiser – This board may decide at the end of the meeting what to recommend.

Karyl Spiller-Walsh – I was hoping for something tonight from them (the Avellinos).

Mike Daniels – I live right behind the garden. I am a new homeowner, moved in 2005. Just to put a massive gas station in there is crazy.

Andy Rodenhiser – I don't think any of us are in favor of 6 pumps.

Mike Daniels – This is a very congested area. I think this would be a disaster.

Andy Rodenhiser – You can't expect that some development won't occur there. It is at the intersection of two state highways.

Mike Daniels – There is always traffic there. The town should take that into consideration.

Andy Rodenhiser – We are working to improve Route 109.

Mike Daniels – They dug up the road, and to get onto Rustic Road, it is still now affecting my vehicle, a year later.

Chan Rogers – The utility company is held up. Nobody can get the utility company to move the poles.

Mike Daniels – What is to say that they won't do that with a gas station?

Tom Gay – It took them 5.5 years to get Millis done. It took 4.5 years to get the street in Franklin done. It is a product of those kinds of contracts. You have to wait.

Chan Rogers – I have been involved with that intersection for 4 years.

Mike Daniels – Stuff like that brings a sore to the area. You dig up the road and it is not fixed. People in the neighborhood, we would like to have that fixed.

Tom Gay – You are kicking in an open door. I have to decide what car to drive when I go visit my dad on Cottage Street. We had a resident and business owner come here and ask us to consider changes to a whole district. We carefully considered those things, and the evidence they put forward. We hoped they would come here with some documentation to back up their request. I think we have to separate some of these issues and focus.

Mike Daniels – You guys are doing a good job. Who is to say they start to work on it and they don't finish?

Andy Rodenhiser – There is a bond when contractors do work in public streets. We can go and make temporary repairs.

Andy Rodenhiser – This would need 2/3 vote to approve.

Mike Daniels - You had said it would not be official.

Andy Rodenhiser – We may decide to not recommend town meeting approval.

Karyl Spiller-Walsh – A little history. The Planning Board helped create the Commercial V zoning district. We were an advocate for that corner. We wanted it to be conforming. We went back again to town meeting a few years later to create specifics for Commercial V to allow a gas station with 4 pumps. The Design Review Committee spent a year thinking about how this would look and be consistent with the town and the needs of the applicant. Nobody ever said at that time that it (4 pumps) wouldn't be big enough. We spent a year looking at sizes and proportions with gasoline pumps. We wanted to have an auxiliary gas station to a primary retail building. Evidently there aren't any takers for a gas station the size we envisioned. Now we hear that. It was my feeling we jumped too soon to get to this point. I was hoping that we would have some sense from the proponent (the Avelinos) as to how it would fit. With them not coming forth with some ideas or concepts that would promote a further change, I am left feeling that possibly even more outrageous things might happen. Why is it not possible that the owners of Medway Gardens could lease their entire parcel there and farm someplace else in Medway? That entire site could become a gas station. If we pass this amendment, we would be allowing that to happen.

Mike Daniels – The one thing I would like to say, I hear this all the time, when the gas was shooting up, the person that owns the store, the gas company, I think we should have a convenience store. Does the town make more money with a gas station or a convenience store?

Andy Rodenhiser – You have heard Mr. Musmanno say accessory use vs. primary use. We intended that a convenience store would be a primary use. The site is really written more suitably for a bank. I have lobbied Middlesex to do so, but then they bought Strata. It is our desire to see property used for highest and best use. We had an advocate for a change. We put in on the warrant. We are here to hear testimony. We will make a recommendation. Then it will go to town meeting. We may not recommend it, but it will still be voted on at town meeting.

Chan Rogers – Town meeting form of government is the most undemocratic form around.

Mike Daniels – I would appreciate if you would take this into consideration. There are 30 kids under the age of 10 years within 1000 feet of this site.

Eric Alexander, 3 Cottage Street – I would like to be blunt. I would advocate the Planning Board recommend against this change. Gas stations are already allowed in the district, and I guess I would like to speak more broadly. I understand that broadening of perspective. But I am very uncomfortable from general with the tinkering of language in a district due to commentary of one owner and the perceived economic viability of a site based on a single advocate.

Robert Condon, 3 Rustic Road – I am certainly opposed to this; massive scale, the disruption to the tranquility in our neighborhood. We have a Commercial District here, but we also have 3 newer housing developments that circle that. We want to consider the needs of those residents. We shouldn't decrease peace and serenity of those of us who are paying taxes on our homes.

Andy Rodenhiser - There isn't a proposal before us at this time. When they brought it before us a while ago the gas station was accessory to a primary retail use. We said no to it at that time.

And ultimately we were trying to be cooperative, and make it allowed use under the conditions by which we could apply some community standards that we could live with, but that never came to fruition. They have now come back and said it can't be done with just 4 pumps. We told them to bring some written testimony, and asked them for that.

Rob Condon – With our change to new energy policies, why do we even need to build large scale? How would it impact the other businesses?

Andy Rodenhiser - I think there is great merit to what Eric Alexander says about not tinkering with something for the benefit of one applicant. I will fix something that is broken. I haven't seen any evidence that this is broken.

Chan Rogers – It may be why auto companies are going out of business.

Tom Gay – I think we have as much responsibility to look at these things if a single person comes in, and see if there is cause to change it. The rest of the people have a voice whether or not that is true. I think we need to balance both sides of the coin.

Bob Tucker – That is why we do this process. Trust me when I say that we have beaten each other up about getting to this point.

Karyl Spiller-Walsh – It has been vicious!

Tom Gay – I would caution everyone on this board, we would be uncomfortable to make a decision to make this change ourselves, and just as uncomfortable to withhold an idea from being considered. The process is part of our job.

Andy Rodenhiser - That is why we mail out the postcards to tell you. We don't have to do that. It is important that you participate.

Mike Daniels – This is already on the warrant?

Bob Tucker – Yes, these items have to be submitted far ahead to be included. We can recommend changes, or withdraw, or reject.

Bill Hoye, 7 Little Tree Road - I want to go on record as opposing it. I know this is piling on at this point. I went through this process before. I did show up for the town meeting and saw the Avellinos. To me it is clearly a gas station, which is what the request is for. For the entire district, the expansion goes against the original intent. It only increases argument on the issue of safety of children by whatever percent. What if Mark Smith (Restaurant 45) decided he wanted to sell?

Andy Rodenhiser – I would think that if this went through, we would probably then make a change, and not allow any more.

Joe Musmanno – Once it is in, you can't just do that. If you tried to do that you might end up with a flood of requests.

Bill Hoye – Does the town tax gas stations differently than a convenience store?

Bob Tucker – It is the same rate.

Bill Hoye – Is it fair to say a gas station would bring in more revenues?

Chan Rogers – The town taxes at the same rate

### **Signs in Business/Industrial Zone**

NOTE – Bob Tucker summarizes the proposal to establish new signage requirements for the Business Industrial district.

Joe Musmanno – I didn't study the details of this table in comparison with the other tables. I did want to comment on something that jumped out at me – that is the one per approved curb cut for development sign. I imagined an additional quandary. If I came to you with a site design that separated my ingress and egress and you would have to allow double signs? I would strongly encourage you to revisit this.

Bob Tucker – This was developed because of a tenant with multi cuts that did not have a means to connect between one section of property and another section.

Joe Musmanno – I know this property. I think I know the situation you are referring to. I think this approach would introduce more problems than solving that one would be worth.

Bob Tucker – What kind of problems are you envisioning?

Joe Musmanno – For a normal development with multi-tenants with several curb cuts, why would we entertain multiple development signs for those circumstances? This language would mean that the people that have zero access could get a sign.

Andy Rodenhiser – The experience that you have dealing with this type of thing is not our experience.

Joe Musmanno – When the sign bylaw was revamped several years ago there was a lot of discussion about internally lit signs, with more references to those types of various different signs especially. I was under the impression that this was on the goals list?

Andy Rodenhiser – Do you have a suggested change?

Joe Musmanno – Why does the current one per site rule fail?

Andy Rodenhiser – This is a multi-tenant site with multiple curb cuts. To give direction to where to enter for certain businesses.

Bob Tucker – It is also a consideration for safety as well. – So we you can



Joe Musmanno – What would prevent an owner from doing an ANR to separate the parcels? You need to sew up that loophole. In the end, you have to look at how this would work. I don't think we can accept one sign per curb cut.

Tom Gay – I have got to think on that some more.

Joe Musmanno – I stand by my comments. Thank you very much.

Andy Rodenhiser – We need to think on that. We should consider fractured access.

### **Infill Affordable Housing**

NOTE - Andy Rodenhiser provided a summary and Eric Alexander, chairman of the Affordable Housing Committee distributed a map showing possible locations in ARII.

Andy Rodenhiser - Any comments that anyone would like to make?

Eric Alexander, on behalf of the Affordable Housing Committee – We would like to say we certainly hope we can count on your support. We hope you will endorse this at town meeting.

Bob Tucker – I know you handed out a map showing possible locations.

Eric Alexander – All of these may not be eligible. We are cognizant of the fact there are other conditions that might preclude development, other considerations that would prohibit development such as wetlands. We are also restricting eligibility to lots that have appropriate access. This is not intended to eviscerate any standards.

Eric Alexander – This is another option for affordable housing.

Phil Giangarra – What is the normal lot size?

Andy Rodenhiser - Half acre (22,500 sq. ft.) and 150 linear feet of frontage.

Phil Giangarra – Are there any other parcels other than these?

Eric Alexander – Conceivable, but highly unlikely.

Andy Rodenhiser – The source of data is our assessors' info

Phil Giangarra – I noticed by Alder Street, there are two there shown on the map. That is part of the overall bottle cap area.

Eric Alexander – It would be by special permit.

Chan Rogers - These are only potential sites.

Phil Giangarra – So, this is not by right?

Andy Rodenhiser – Correct. It is by special permit.

Gary Jacob – If there are lots that are larger could someone subdivide to create new lots?

Eric Alexander – Originally, we had thought of that but the Planning Board wasn't comfortable, so we took that out.

Joe Musmanno – I actually want to comment in favor of your providing that it applies to parcels of record as of January 1, 2009.

Joe Musmanno – The calculation for setbacks only contemplates having adjacent parcels. Perhaps all of the lots around a possible infill lot are vacant. What would you do then?

Eric Alexander – I believe they all do abut developed properties.

Andy Rodenhiser - Was that checked?

Eric Alexander – It was not. However, in looking at the map, I have not determined that there are any instances where there are 3 adjacent lots that would be eligible.

Eric Alexander – It is not the intent of the AHC to develop the bottle cap lots as affordable infill housing lots.

Gary Jacob – You should put something in to exclude the bottle cap lot areas.

Tom Gay – Perhaps we could define infill lot as having to have an adjacent lot that is already developed.

Andy Rodenhiser – Eric, will you come back on the 14<sup>th</sup> with some more info and work on some potential fixes?

Eric Alexander – Yes.

Joe Musmanno – Did the board consider this in contrast to the cost of the town purchasing these lots one at a time?

Eric Alexander – As a new Affordable Housing Committee, we are looking at several options to spur Affordable Housing development for ways for the town to better manage and control Affordable Housing units. One of the things we are considering is looking for opportunities to do just that kind of thing.

Joe Musmanno – I know that such things have been discussed. It occurs to me if this step works the way we would like it to, the value of those properties will go up.

Eric Alexander – The value of the property will be limited by the maximum “affordable” sale price.

Andy Rodenhiser – Please come back with a proposed solution.

## **OSRD Changes**

Bob Tucker summarized 14 minor but important changes.

Andy Rodenhiser - Any comments or questions or opposition, or support or clarification?

No comments

## **Planning Board Definition**

Duane Walzer, 11 Green Valley Road – Why is this needed?

Andy Rodenhiser – The Charter changed our name to Planning and Economic Development Board.

Duane Walzer - I have some questions, as far as this adult entertainment area. It sounds like what you are planning is on having one adult entertainment area to offset constitutional arguments under freedom of speech. It also says you could be vulnerable to challenges. So you are proposing part of the industrial district? If you have it zoned for industrial, wouldn't that preclude adult entertainment?

Andy Rodenhiser – That is the default position. If you haven't zoned for it, somebody else could make that determination.

Duane Walzer - It is the town that is defining that adult entertainment area? Is there a minimum space that must be allocated?

Andy Rodenhiser –There is not a statutory minimum. There is a reasonable amount.

Duane Walzer - Does freedom of speech include all of these listed items?

Andy Rodenhiser – Yes.

Duane Walzer - Can you restrict it further by not allowing for all of these uses?

Phil Giangarra – The area is limited.

Andy Rodenhiser – You can't limit only bookstores here. If you did that, brass pole joints would go elsewhere.

Resident??? – I would be against something like this. I think of Medway as a family oriented type of town.

Bob Tucker – Currently in town right now, there are only two locations that can meet the standards.

Andy Rodenhiser – In the absence of having a reasonable size, you are subject to a challenge. That might result in a ruling that an adult use could locate anywhere in the community.

Bob Tucker – We would like to define where it would go.

Andy Rodenhiser – But not having it located along a major roadway, we are less likely to have somebody locate who is counting on a high traffic count.

Man – By having this in east Medway it is least likely to be desired. Thank you.

Andy Rodenhiser - We are continuing this public hearing until 7:15 on April 14, 2009.

### **OTHER BUSINESS**

Susy Affleck-Childs – I am distributing to you a letter from Ted Cannon, attorney for Greg Whelan requesting full release of the bonds for Country View Estates and Broad Acres Estates. WE now have 45 days to respond to this.

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh to approve the minutes of the March 10, 2009 meeting. The motion passed unanimously.

A motion was made by Bob Tucker, seconded by Karyl Spiller-Walsh, to adjourn the meeting. The motion was approved unanimously.

The meeting was adjourned at 10:40.

Respectfully submitted,

Susan E. Affleck-Childs  
Planning Board Assistant



TOWN OF MEDWAY  
Planning Board  
155 Village Street  
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman  
Robert K. Tucker, Vice-Chairman  
Cranston (Chan) Rogers, P.E., Clerk  
Karyl Spiller Walsh  
Thomas A. Gay  
John W. Williams, Associate Member

March 10, 2009

## **Proposed Zoning Bylaw Amendment Industrial District I – Adult Uses**

The Planning and Economic Development Board has proposed an **amendment to the Medway Zoning Bylaw pertaining to the Industrial I. zoning district which is comprised of the properties on Marc, Jayar and Industrial Park Roads** in the east Medway industrial park. The text of the proposed amendment to the Medway Zoning Bylaw pertains to allowing *adult uses* to locate in the Industrial I zoning district subject to very specific limitations, restrictions and protections.

You may be wondering why the Planning & Economic Development Board would even consider proposing this.

The exercise of free speech through so called “adult entertainment uses” is protected by the First Amendment to the U.S. Constitution. It is also protected under Article 16 of the Massachusetts Declaration of Rights. Municipal zoning bylaws may limit *adult entertainment uses*, but they *cannot* prohibit them outright. When a municipality does not provide certain locations within the community where *adult uses* may reasonably operate, it is essentially denying that form of free speech. The local zoning bylaw is then vulnerable to a constitutional challenge which may result in *adult entertainment uses* being able to operate *anywhere* in a community that is zoned for similar uses (such as retail, movie theaters, nightclubs).

To provide some background, the existing *adult use* provisions in the Medway Zoning Bylaw were approved by Town Meeting in April 1997. *Adult uses* are presently allowed in Commercial District I (Medway’s primary business district on both sides of Main Street/Route 109 east and west of Holliston Street), Commercial District III (historic Medway Village area along Village Street) and Commercial District IV (on Village Street around the Police Station); all are subject to certain dispersal, separation and design standards. However, those restrictions are such that there is only one location in Medway where an *adult use* could possibly operate - an approximately 20,000 sq. ft. area most of which is either within the actual Route 109 right of way or within the 50 ft. minimum building setback area on either side of the right of way from 114 – 117 Main Street. That area is less than .02% of the total land area in all of Medway.

In light of recent *adult use* proposals in other communities and various court rulings during the 10+ years since Medway first adopted *adult use* provisions for its Zoning Bylaw, the Planning & Economic Development Board is concerned that the miniscule size of this area may put Medway in some jeopardy. We feel the Medway Zoning Bylaw should be amended both to provide a reasonably sized area that is suitable for *adult uses* and to incorporate enhanced standards and limitations to protect the community from the negative secondary effects that *adult use* businesses can have.

We have thoroughly evaluated various areas within the community where *adult uses* might be located. We have identified a location where *adult uses*, if established, would have the least impact on Medway residents, the business community and the traveling public. That area is the Industrial I zoning district. We feel this area is the best for the community for the following reasons:

- It does not have frontage on Route 109.
- It is adjacent to relatively undeveloped land to the north, west and east.
- It is accessible only from Route 109.

The proposed amendments include very specific criteria and standards for distance, screening, signage and building appearance for any *adult use* business that might locate in the Industrial I district.

The Planning & Economic Development Board has submitted this proposal for inclusion on the warrant for the 2009 Annual Town Meeting which is scheduled for Monday, May 11, 2009 at Medway High School. A 2/3 vote of Town Meeting is required to amend the Medway Zoning Bylaw.

Prior to Town Meeting's consideration of any proposed amendment to the Medway Zoning Bylaw, the Planning & Economic Development Board is required to hold a public hearing to inform the community and solicit comments on the proposed changes. ***The public hearing to consider this and other proposed amendments to the Medway Zoning Bylaw will take place on Tuesday, March 17, 2009 at 7:15 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street.*** The Planning & Economic Development Board values your input as a member of the community. Residents are encouraged to attend the public hearing and express their opinions on this and any of the other proposed amendments to the Medway Zoning Bylaw. Written comments are appreciated and may be forwarded to the Planning and Economic Development board at our regular or email address.

After the public hearing is closed, it is the responsibility of the Planning and Economic Development Board to consider all testimony and comments and to evaluate the relative pros and cons of the proposed amendment in order to prepare an official recommendation to present to Town Meeting on May 11th.

Please contact Susy Affleck-Childs at Medway's Planning and Economic Development office if you have any questions.



TOWN OF MEDWAY  
Planning Board  
155 Village Street  
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman  
Robert K. Tucker, Vice-Chairman  
Cranston (Chan) Rogers, P.E., Clerk  
**Karyl Spiller Walsh**  
Thomas A. Gay  
John W. Williams, Associate Member

CORRECTED - February 24, 2009

**NOTICE OF PUBLIC HEARING**  
**Proposed Amendments to Medway Zoning Bylaw**

Pursuant to the Medway Zoning Bylaw and M.G.L. Ch. 40A, Section 5, the Medway Planning and Economic Development Board will conduct a public hearing on Tuesday, March 17, 2009 at 7:15 p.m. in Sanford Hall, at Medway Town Hall, 155 Village Street, Medway, MA to receive comments and deliberate on proposed amendments to the *Medway Zoning Bylaw* (last update published September 18, 2007, subsequently amended in June and November 2008) which are to be considered at the May 11, 2009 Annual Town Meeting. The subject matter of the proposed amendments is indicated below. The warrant article numbers have not yet been determined.

**Definitions** - In SECTION II. Definitions, add a definition for *Planning Board*.

**Open Space Residential Development (OSRD)** – In SECTION V. Sub-Section T. Open Space Residential Development, make a series of amendments in paragraphs 2, 4, 5, 6, 7, 9, 10 and 12 and correct a paragraph numbering error.

**Sign Regulation** – In SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulation, delete the reference to Business/Industrial District in the heading to Table 5 and insert a new Table 7 specific to the Business/Industrial District.

**Adult Uses** – In SECTION V. USE REGULATIONS, delete Sub-Section G. 2 (h); delete Sub-Section I. 3 (h); delete Sub-Section J. 3 (h); and add a new item i) to Sub-Section M. paragraph 1 and a new item i) to Sub-Section M. paragraph 2 with provisions allowing the location of adult uses in the Industrial I zoning district subject to certain dispersal, separation and design standards.

**Commercial District V** – In SECTION V. USE REGULATIONS, Sub-Section K. Commercial District V. delete paragraph 1. I) (1) in its entirety and replace it with revised provisions for special permits for automotive service stations/local convenience uses.

**Agricultural Residential District II** – In SECTION V. USE REGULATIONS, Sub-Section F. Agricultural/ Residential District II, add a new paragraph 9 to allow by special permit, the construction of affordable homes on designated infill lots.

The complete text of the proposed amendments is on file with the Medway Town Clerk, Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Fridays from 8:00 a.m. to 1:00 p.m. The information may also be viewed online at [www.townofmedway.org](http://www.townofmedway.org).

Interested persons or parties are invited to review the proposed amendments, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be sent to the Medway Planning and Economic Development Board, 155 Village Street, Medway, MA 02053 or emailed to: [medwayplanningboard @townofmedway.org](mailto:medwayplanningboard@townofmedway.org). For further information, contact Medway's Planning and Economic Development office at 508-533-3291.

*Andy Rodenhiser*  
Planning Board Chairman

To be published in the *Milford Daily News*: Monday, March 2, 2009 and Tuesday, March 10, 2009.



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**PGC ASSOCIATES, INC.**

1 Toni Lane  
Franklin, MA 02038-2648  
508.533.8106  
508.533.0617 (Fax)  
pgca@comcast.net

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March 17, 2009

Mr. Andy Rodenhiser, Chairman  
Medway Planning Board  
155 Village Street  
Medway, MA 02053

**Re: Secondary Impacts of Adult Uses**

Dear Mr. Rodenhiser:

Since I may be unable to attend tonight's hearing on the warrant article pertaining to adult uses, I wish to provide some information regarding the importance of adopting that article. As you know, the current provision for adult uses in the Town's Zoning Bylaw provides a very limited area within the C-1 district that is of questionable viability. This leaves the Town vulnerable to having adult uses located anywhere in Town. The new article, in recognition of First Amendment rights to have adult use businesses, provides a more viable area for such businesses while regulating them and limiting their concentration.

The importance of these regulations cannot be overstated. Unregulated and concentrated adult use businesses have well documented secondary impacts that would negatively impact the Town. I have reviewed several studies prepared for other communities around the country that document these secondary impacts. The studies I have reviewed include the following:

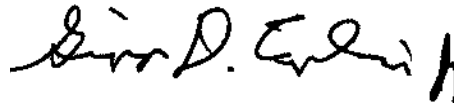
- "Summary of Land Use Studies Relating To Secondary Effects of Adult Business" – Prepared for the City of Benicia, CA. It is undated, but summarizes studies from around the country including studies from Amarillo, TX and Los Angeles in 1977, through a study from Toledo, OH in 2002.
- "Report on the Secondary Impacts of Adult Use Businesses in the City of Denver" – Prepared for the Denver City Council in January 1998 by multiple city departments, this report studied adult uses within the City.
- "Town of Southeast Adult Use Planning Report" – Prepared for Southeast, NY, this August 18, 2005 report examined studies from other towns and cities in New York in conjunction with a zoning provision they were considering.
- "Secondary Effects Study of Adult Oriented Businesses" – Prepared by the Saratoga Springs Planning Board on March 7, 2007, this study reviewed secondary effects of adult uses as part of a comprehensive study that led to the recommendation to adopt a zoning ordinance with appropriate regulations.

These studies have several common themes. Among the common secondary effects are increased crime rates, negative impact on property values, traffic, noise, litter and general neighborhood appearance. These impacts were greater in smaller communities than in cities, and when such uses were grouped together, they tended to create a “skid row” effect.

Therefore, the proposed article to permit adult uses in the Industrial I district with requirements that they be separated from the adjacent residential neighborhood by both distance and physical barriers, as well as the requirements that they be separated from each other and from other businesses in the same building are important elements in minimizing the secondary impacts from adult uses.

If you have any questions or need any additional information, please feel free to call or email me.

**Sincerely,**

A handwritten signature in black ink, appearing to read "Gino D. Carlucci, Jr.", with a stylized flourish at the end.

**Gino D. Carlucci, Jr.**

RECEIVED  
MAR 19 2009

Wynn 1, ...

TOWN OF MEDWAY  
PLANNING BOARD

Dear Town of Medway Planning Board -

Our family has owned a house at 26 Main St, for 64 years. In that time the town took 2 Acres of land from our father (Robert Carlson) to bring Coffee St. to Main St, and paid him the tidy sum of \$80.-

We, his children have been told we can't divide our 1/2 acres for house lots - while houses spring up all over town. And now in the Bump called the Industrial Park - further insults to decent, hardworking people - a proposed Adult Zone.

While the Rosenfeld family is building million dollar houses where they live at South End Pond in Uxelles - they're allowed to be slum landlords in our neighborhood.

We are ABSOLUTELY opposed to your Amendment. Free speech? Is that why you can't say Christmas in school?? Put it near the Police Station, so they can monitor the upscale traffic.

Anne Carlson  
Box 212  
West Falmouth, MA  
02574

Sincerely  
Ann Carlson  
Marilyn Carlson  
Richard Carlson  
Robert Carl

From: Adam Signore  
To: Medway Planning Board  
Date: March 9, 2009

Subject: Comments to the Medway Planning Board on proposed changes to District V. zoning bylaw, paragraph 1.1.

Hello Andy and the MPB,

Please review my comments below for inclusion in any discussion about the proposed changes and any general discussion on the District V. zoning bylaws. With respect to comments I have made on canopies, signage and lighting, I am not fully versed on the complete zoning ordinances and comments made might be addressed in other sections of bylaw already.

***Increase to 6 pumps:***

- With respect to the proposed change to allow 6 pumps I feel that this change should not be allowed. Filling stations of a larger size would not be suited to the mixed residential/commercial nature of the zone. Consequently I would add that any increases to sq. ft. allowances should not be implemented.
- Larger filling stations are suited for a strictly commercial zone where a more “neighborhood” establishment is appropriate in the District V. zone. I believe not approving this change would keep a better balance between economic development and residential concerns.
- If the intent of ¶1.1 §c on architectural design is to enable enforcing design more suited to the mixed nature of the zone then the increase to 6 pumps would be a contradiction to that intent.

***Signage and Canopy changes:***

I am in full agreement that any canopy should not have a lighted exterior but there seems to be a lot of guidelines about lighting that should be included. Specifically relevant because of the mixed nature of the zone:

- A maximum height of the canopy should be set as to be no higher than the height of the associated building. In the case of sloped roofs this would NOT mean to the ridge line but rather the soffit level.
- The height of any canopy should be restricted so that the radius of light from installed lighting does not fall beyond the property on which it is located. To avoid any residential “light trespass”.
- Light fixtures in the canopy should also be recessed and diffused sufficiently so that residential "light trespass" is again avoided.
- No light fixture should be placed in such a way as to make any light emitting surface visible from a residence or adjacent property (i.e. no direct view of floodlights).
- light emission should be shielded and angled in such a way as to direct all light toward the Earth's surface, away from reflective surfaces as well as directed away from adjacent properties
- The restrictions should also be rewritten to apply to lampposts.

I would also hope that landscape or fence residential buffers are required because that would also limit reflective light pollution.

Thank You,

Adam Signore  
28 Summer St.  
508-533-7856  
adam@signore.net