

**October 1, 2013**  
**Medway Planning and Economic Development Board**  
**Medway Senior Center – 76 Oakland Street**  
**Medway, MA 02053**

**BOARD MEMBERS PRESENT:** Andy Rodenhiser, Bob Tucker, Tom Gay and Richard DiIulio  
**ABSENT WITH NOTICE:** Matt Hayes  
**ABSENT WITHOUT NOTICE:** Karyl Spiller-Walsh

**ALSO PRESENT:**  
Susy Affleck-Childs, Planning and Economic Development Coordinator  
Building Commissioner, John Emidy

The meeting was opened at 7:00 pm at the Medway Senior Center.

There were no Citizen Comments.

The Chairman began the meeting by explaining that the Board of Selectmen had submitted a warrant article for the fall town meeting for funding of a comprehensive revision to the Medway zoning bylaw. The language of the article from the draft WARRANT was distributed. (**See Attached**)

The Board expressed concern that there was no communication with the Board in relation to this article.

Susy explained that the Board of Selectmen have the right to initiate zoning bylaw amendments for town meeting consideration, but statutorily, the Planning Board is required to provide a recommendation on any proposed amendment to Town Meeting. The Planning Board has to hold a public hearing, and the Board has to provide a recommendation orally or verbally.

The Board expressed that a revision of the zoning bylaw needs to take 2 years and is not a 6 month project. This needs to include input from the community, boards and commissions.

The Chairman reported that he did speak with Board of Selectmen chairman Glenn Trindade this afternoon and communicated that the Board had not been made aware of this proposed.

Susy explained that the Town has signed a contract to have someone look at the Town's land use operations. This will involve studying and meeting with various departments and committees including Conservation, Board of Health, and Planning Board, etc.

Susy explained to the Board that during her recent performance review with the Town Administrator it was communicated that we do too much in the Town of Medway regarding zoning amendments. Suzanne feels that Susy spends too much time on zoning and perhaps we should look at a re-write of the whole bylaw. Susy communicated to Suzanne that this is no small

task to do a complete zoning revision. Currently, the Town has been chipping away at zoning a little bit at a time. Susy informed Suzanne of a proposed zoning bylaw revision that was voted down by Town Meeting in the late 1990's.

The Chairman communicated that the Board works diligently at revising the Zoning Bylaw to meet the needs of the community. We are always looking to make it better. The Board was instrumental in setting up and forming the Design Review Committee, Open Space Committee and Economic Development Committee. These subcommittees have offered positive suggestions on zoning bylaw changes.

The fall town meeting warrant and the zoning article is being reviewed by the Board of Selectmen at its meeting on Monday, October 7, 2013. Susy understands the intent is that the BOS will adopt the warrant that night.

Some of the members would like to attend this meeting. Susy will post a meeting.

The Chairman would like to see any and all documentation relative to this warrant article and supporting information. He would also like to review the RFP and proposal for scope of services.

Susy explained that for the consultant to review the land use departments and boards, the cost did not trigger a full RFP process. Susy understands from the Town Administrator that she secured three quotes.

Member Tucker communicated that there still needs to be an RFP with the description of the scope of the project.

Susy communicated that the hired person, Judy Barrett, has an excellent reputation. She is a person of character and talent. Suzanne Kennedy made an outstanding choice.

The Planning Board is concerned that they did not have input or participation in this.

The Chairman communicated that he did communicate to Selectmen Trindade that he had wanted to be part of this process.

The Board would like Susy to send a letter to the Board of Selectmen requesting to see the scope of service for this contracted person.

The Board also wants to express its concern over proposed Article 9 that the Planning Board was not consulted on this and asked Susy to work with chairman to draft something.

### **Zoning Enforcement/Code Violations – Discussion with Building Commissioner John Emidy**

The Chairman thanked John Emidy for attending the meeting. The purpose of John attending is to have a productive discussion on how the Board can assist with making violations more enforceable or changing language within the bylaws to make things more enforceable.

Susy distributed a list of discussion topics. **(See Attached)**

John explained that enforcement of sign violations is not a good process. The first offense is a warning, the second offense is a \$25.00 fine and the third offense is \$50.00. This all needs to be sent certified mail. This is noted in the sign section of the zoning bylaw. He feels it does not belong there. If a resident gets a criminal disposition, it needs to be filed in court which takes time. John recommends that there be an initial warning and then give a \$100.00 fine. There is 30 days to appeal by statute. The wording for violation could be changed. There is a 20 day appeal for tickets and 30 day appeal for 40A appeals.

The Board discussed that when the Zoning Board decisions are online and part of the new permitting, this will provide the building inspector with good information which is readily available.

The Board urged Susy to work with PeopleGIS to “load” the Board’s various subdivision and special permit decisions.

Member Tucker responded that it is unnecessary to send the warning by certified mail. He communicated that in the Town of Walpole residents are given a verbal warning and then are given a \$300.00 per day fine. The \$25.00 fine is a joke. Any fine needs to pay for the cost to process the document. The fine should be \$300.00 a day.

John indicated that the printing of the envelope, mailing and sending takes about 15 minutes.

Susy asked John if town counsel ever gets involved.

John indicated that not usually, but if an appeal is filed, it would be at Wrentham district court. He noted that the courts do not like fining for this type of thing. John indicated that he is not looking for fines, but for compliance. It is non-productive time on his part to go to court.

Member Tucker responded that the fine is the motivator. He also noted that Milford has a designated person just for code enforcement. We are too small for this but maybe we could share this with another town.

The Chairman asked if it would be helpful to have someone be a specific code enforcement officer.

John responded that he would rather have a secretary. The amount of paperwork in the office gets overwhelming. However, once the permits go online electronically, this will free up some of his time. The applicant will be able to print their permit from home.

The Chairman wanted to know what process is in place when someone files a complaint.

John responded that he rarely takes an anonymous complaint. If it is public safety issue, it is acted on immediately even if the source of the complaint is not specified. For example, a pool without fence.

The Chairman wanted to know how the process is tracked. Is there a book which is publicized?

John responded that this is public information and all are welcome to see it.

The Chairman of the Design Review Committee Matt Buckley joined the meeting at 8:30 pm.

The discussion next moved to sign violations.

John explained that this can also be difficult to enforce. If the violation is clearly the owner, he will talk to them but many times it is the tenant which violates the sign regulations. If he has no success with tenants, he deals with the landlord and cites them.

It was suggested that new business owners or residents should be provided with a package to explain the various bylaws.

John would like the business certificate application to come to him prior to being submitted to the Town Clerk so he can review the application at which point the sign bylaws can be explained. He further stated that he has been doing sign enforcement and is being consistent.

The Chairman referenced TC Scoops and their sign.

John indicated that he visited the site and told the owner to take down the sign since it was in violation. The biggest violators are the local signs such as the Lions Club.

Susy communicated that the sign bylaw proposal she and John had developed to exempt temporary event signs from regulation had been submitted to the BOS/TA did not make it on the warrant as it was not a financial article which is the focus of fall town meetings.

John did explain that due to safety reasons, he does not take down any sign down on telephone poles. This is a job for the DPS.

The discussion next moved to home based businesses, some of which are now housing various vehicles and supplies on site.

John communicated that the Town bylaws are silent in regards to business vehicles being brought to homes and parked overnight.

The Board did note that there are rules about unregistered cars.

John responded that this falls under the Police and also it could come under the Maintenance Code. John also noted that Class II licenses shouldn't be allowed for home settings.

Susy informed all that the Class II licenses (sale of used cars) are issued by the Board of Selectmen.

The Board wanted clarity on what the property maintenance code is related to?

John responded that the property maintenance language (in the building code) is better than a blight bylaw. Property maintenance can be enforced. Chapter 2 minimum housing standards and the sanitary code can also be used. The Board of Health can also enforce this. This also includes abandoned property.

John would like to talk with Susy about some bylaw changes.

The discussion returned again to signs.

Matt Buckley reported that some people are not getting sign permits. They make their sign, put it up, get a warning (from John) and then come in for sign design review before they can get a permit.

John indicated that he is picking up real estate signs all over town.

Member Gay indicated that he counted 29 signs from his house to the Town Hall for events, GOT JUNK, other business promotion, etc.

The Board discussed for example a garage in AR1 that is a pre-existing non-conforming use. If a property owner wanted to do something different, would that be a different use? The ZBA would need to make the determination on any change of use and issue a special permit. The ZBA can add conditions to a special permit.

John indicated that a sign goes with the original business at the time the zoning bylaw was adopted or when it was built.

The businesses will put signs on buildings and doors and windows.

The Board would like to have consistency and conformance with the businesses in regards to signs.

John indicated that he cannot enforce inside signs or the use of product boxes located inside store windows for advertising (liquor stores).

John explained there is a historic exemption because of pre-existing, non-conforming signs.

Susy reported that Framingham changed their sign regulations and made them part of a general bylaw and then it is enforceable. This is a general bylaw and not zoning. That way, you can require compliance within a certain amount of time.

John thinks it is a good idea about putting the sign regulations in the general bylaw.

Susy responded that there was a discussion this past fall with the EDC regarding allowing changeable copy signs in Medway. NOTE – The EDC had voted to recommend such a change to the bylaw. Andy Rodenhiser presented that at the 9/17 PEDB meeting; the board was not supportive.

The Board would like to continue to work on code enforcement issues with John.

**Adjourn Meeting:**

**On a motion made by Tom Gay and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting.**

The meeting adjourned at 9:05 pm.

Respectfully Submitted,

Amy Sutherland  
Recording Secretary  
Based on an audio recording

Edited by,



Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

**TOWN-WIDE ENERGY COMMITTEE**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 7:** (Construct Athletic Field)

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$3,000,000 for the purpose of designing and constructing an athletic field adjacent to Medway High School, specifically:

The land located at Adams Street, Medway, Norfolk County, MA, shown as Medway Tax Assessment Parcels 5-34&34A containing 11.37 acres more or less, Deed Book 4780 Page 606, known as 0 Adams Street; and 5-337B, containing, 8.50 acres, known as 25R Adams Street, Deed Book 4907 Page 253,

and to fund the design and reconstruction of an existing field at Medway High School, 88 Summer Street, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 8:** (Free Cash Appropriation: Library Items)

To see whether the Town will vote to transfer the sum of \$20,000 from Certified Free Cash to the Fiscal Year 2014 Library budget for the purpose of funding Library repairs, maintenance, staffing, and materials; or to act in any manner relating thereto.

**BOARD OF LIBRARY TRUSTEES**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINCOM RECOMMENDATION:**

**ARTICLE 9:** (Free Cash Appropriation: Comprehensive Zoning Revision)

To see whether the Town will vote to appropriate the sum of \$\_\_ from Certified Free Cash for the purpose of funding a comprehensive zoning revision for the Town of Medway; or to act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:**

## **Topics for Discussion - October 1, 2013**

**Sign Regulations (V. R. Medway Zoning Bylaw)**

**Home Based Businesses (V. AA. Medway Zoning Bylaw)**

**Abandoned Properties Bylaw (12.25 Medway General Bylaws)**

**Property Maintenance (part of Building Code??)**

### **Code Enforcement process**

- How are complaints handled and tracked?
- How does the Town pro-actively enforce the various land use codes?

**How can the PED Board support the Town's code enforcement program? Are there any bylaw changes we can sponsor or support?**