



# TOWN OF MEDFIELD

*Office of the*

## PLANNING BOARD

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

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MEETING OF:  
**January 7, 2019**  
MINUTES

**Members Present:** Chairman George Lester, Member; Paul McKechnie, Member; Sarah Lemke, Member; Jim Brand, Associate Member; Seth Meehan, Associate Member

**Members Absent:** Greg Sullivan, Member; Teresa James, Member

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

**Others Present:** Joseph Messina, Amelia Messina, Gerard Irwin, David Costabile, Lee Tredway, David Conner, Matt Triest, Sherry Triest, Lauren Clark, Tony Centore, Deborah Merriam, Geoffrey Pedder, Jeff Hyman, Al Manganello, Lori Guindon, Nancy Hinkley, Bill Hajjar

**Location:** Medfield Town House, Chenery Meeting Room, 2<sup>nd</sup> Floor

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

### **Change of Use Determinations**

**Zelus Beer Company (retail at Unit food trucks in loading area), 1 Green Street (Bullard's Plaza)**

Mr. Geoffrey Pedder, one of the owners of Zelus Beer, presented. Mr. Pedder would like to have a food truck available to patrons. Mr. Pedder would like permission to have a food truck at the site on Tuesday, Thursday and Sundays. The food truck would be located in the loading area, as to not infringe on parking. The landlord of the Plaza has approved. Ms. Sarah Raposa said that since there is no use category in the use table for a food truck, she thought it we be best to bring it before the Board. Chairman Lester asked which unit the beer company will be located at. Mr. Pedder said unit #2; where Antara used to be located. Mr. Pedder said the Zoning Board of Appeals will hopefully be voting this Wednesday night, January 9, 2019. Ms. Raposa noted the Zoning Board of Appeals is for the retail and tap room. Mr. Pedder said that there will be no food cooked on site and take-out menus of other establishments in town will be provided for patrons. Mr. Pedder noted the food truck will not be used all the time, but wanted to come before the Board to get permission. Ms. Sarah Lemke asked if Bullard's has confirmed they will not be receiving any deliveries when the food truck is there. Mr. Pedder responded yes; there are no deliveries after 6:00 pm. Mr. Pedder said there will be no drinking of alcohol outside; drinking is only allowed in the establishment. Chairman Lester said there have been Medfield events in the past where food trucks have been used, what is the process? Ms. Raposa said she is unsure. Mr. Pedder said the Board of Health has informed him that there are four approved food trucks in Medfield and the use of food trucks is typical with breweries. Mr. Paul McKechnie said in terms of space and layout, the food truck would work in the loading area. Ms. Lemke believes that Friday and Saturday nights would be a problem since parking is always tight in the Plaza. Ms. Lemke would like written confirmation from the landlord that there will be no deliveries during the time the food truck is there and any decision would be subject to parking no being infringed. Ms. Lemke said they would need to revisit any decision if

parking becomes a problem. Mr. Seth Meehan noted that he likes the idea of a food truck however; abutters are close to the location. Mr. James Brand said that although abutters are close, the food truck is a similar use as to what is there currently. Mr. Pedder said he does not want to run a restaurant and food trucks create a variety of food that will draw patrons to the tap room. Chairman Lester said the Board's responsibility is to determine if a food truck is a substantial change of use; if it is then it has to be a site plan approval. Ms. Lemke said since each food truck is different; every truck can't come before the Planning Board for a site plan approval. Ms. Lemke added that the condition of the decision need to be written for every food truck; dark sky lighting, no amplified music, etc. Chairman Lester said that every food truck would need to comply with the Board of Health. Ms. Lemke said a letter of record from the landlord is needed; authorizing use of the loading area.

At approximately 8:24 pm, Ms. Lemke made a motion to approve the change of use with the conditions of location of the food truck in the loading area only, no amplified music, dark sky lighting, Board of Health approval, compliance with trash and odors and to return to the Planning Board in September for re-evaluation. Seconded by Mr. McKechnie. The Vote 3-0.

### **Ribpublic BBQ (food vending in parking lot), 70 North Street**

At 8:25 pm, Mr. David Costabile, owner of Ribpublic BBQ, presented to the Board. Mr. Costabile said he would like to be able to have a pickup location, located at 70 North Street for Ribpublic BBQ. Mr. Costabile said the pickup times would be during times when the current tenants are closed (with the exception on of one tenant), and on Sunday afternoons. Mr. Costabile said there will be no cooking at the site and no sit down service. The location would be used for pick up only. Orders for the food would occur online and then patrons would be directed to the pickup location. The space needed would take up three parking spaces at 70 North Street. The space would include a tented area with a pickup table, a table for assembly and a smoker being used only as a warmer. There are currently 14 spaces and one handicap space at the site. Mr. McKechnie asked where employees would park. Mr. Costabile said they would park at 67 North Street, across the street. Mr. Bob Borrelli, the owner of 70 North Street is also the owner of 67 North Street and instructed them to do so. Ms. Lemke asked if any smells would be produced by the smoker. Mr. Costabile said the smoker will be burning one log to keep the food warm in the aluminum pans. Ms. Lemke noted parking concerns from past applicants and that BeCharmed is opened during the times Mr. Costabile is requesting. Ms. Lemke asked if Mr. Costabile would be willing to reduce the hours on Saturday. Mr. Costabile said Sunday is the most visited day and he could reduce to a two hour window on Saturday. Chairman Lester asked where the food is cooked. Mr. Costabile said the food is prepared in the commercial kitchen located in Norwood. Mr. Meehan asked what months the pickup location would be available. Mr. Costabile said he is hoping for all year round. Mr. Brand asked if propane was an option instead of wood logs. Mr. Costabile said the equipment he uses calls for wood burning. Ms. Lemke said she would like some calculations of parking for Ribpublic BBQ customers. Mr. Costabile said one to two customers at a time and they would stay for 5 minutes. The parking is short term. Mr. Costabile said if the business every got too busy, a new spot would need to be found. Mr. Meehan asked how many orders the smoker holds. Mr. Costabile responded 15 orders. Chairman Lester asked if the applicant is required to go before the Zoning Board of Appeal. Ms. Raposa said she is unsure and is looking for the Boards guidance. Ms. Lemke said she is not concerned about the impact of abutters but does not feel that she has enough information to decide now. Ms. Lemke is looking for confirmation that there is always 3 or more space available at the location and she is mostly concerned about Saturday.

Matt Triest, owner of BeCharmed, said he has concerns. Mr. Triest biggest concern is parking. Mr. Triest said he calculated to parking requirement and currently 22-24 spaces are needed. The location has 15 spaces with one handicap. The location is already under the needed amount and 3 spaces is taking approximately a quarter of the spaces. Mr. Triest noted customers already have a hard time finding parking. During BeCharmed's busy time, they have approximately 130-133 shoppers. This calculation is based on transactions, not groups. Mr. Triest said safety is a big concern and an added tent will only jeopardized safety further. Mr. Triest is also concerned about noise and pollution. Mr. Triest circulated an article to the Board referencing "PJ Smokehouse" located in Medway, Massachusetts. Mr. Costabile responded by saying the overflow parking lot, located at 67 North Street, can be used. Mr. Costabile said the issue at "PJ's Smokehouse" was ventilation and large volume cooking. Mr. Costabile feels this is comparing apples and oranges. Mr. Costabile is willing to take Saturday hours "off the board" and feels the impact on Sunday would be minimal. Mr. Costabile feels the tent and

pick up area would be out of the way. Mr. Costabile said he could use only two spaces and a smaller tent if necessary. Chairman Lester asked why this location was chosen. Mr. Costabile said the opportunity came from Mr. Borrelli. Mr. Costabile said he would like to partner with the tenants and feels they could create business for each other. Ms. Sherry Triest said the idea is good but it is not the right location. Ms. Triest is certain BeCharmed will lose customers. Ms. Sherry Triest said BeCharmed is opened every Sunday. Ms. Triest said the landlord didn't tell the tenants prior to this proposal. Ms. Triest said the parking at the location is for retail use. Ms. Lemke said that cutting back to 2 parking spaces and reducing the hours on Saturday until after 5:00 pm would be necessary. Ms. Lemke feels this hearing needs to be continued until parking counts can be given. Ms. Lemke suggests the applicant collect field parking counts for the next meeting. Mr. Triest noted that January is the slowest month for BeCharmed; he feels the parking field counts will not be accurate in determining the parking issues throughout the year. Mr. Costabile suggests a conditional permit with a 2 month trial period and only on Sunday. Mr. Costabile feels if this is BeCharmed slowest time, this would be a perfect time to try it. Mr. McKechnie feels that this is adding a use; not a change of use. Therefore, Mr. McKechnie feels the Zoning Board of Appeal would need to make the determination; not the Planning Board. Ms. Raposa will discuss with Mark Cerel, Town Counsel and advise the Board. At approximately 8:57 pm, Ms. Lemke made a motion to continue the hearing until February 4, 2019 at 8:00 pm. Seconded by Paul McKechnie. The Vote: 3-0.

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

Chairman Lester explained that due to a lack of quorum, Item 5 will need to be continued (Mr. Greg Sullivan and Teresa James are absent and Mr. Paul McKechnie recused) and no public comment can be heard. Ms. Lori Guindon said the member of the Legion have sat for over an hour and feels the lack of notification of "no quorum" is terrible. Ms. Raposa said an email was sent to Commander David Conner on Friday, January 4, 2019 alerting him to the change. Ms. Guindon claimed the Legion was not notified. At 9:03, Ms. Lemke made a motion to continue the public hearing for Item 5 of the proposed amendment to the zoning by-law until February 4, 2019 at 8:00 pm. Seconded by Chairman Lester. The Vote: 2-0-1.

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

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

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

**• Item 4: To see if the Town will vote to amend the Medfield Town Code Chapter 300-14.12. Site plan approval by Planning Board, by adding a new language adding new performance criteria for Planning Board review of new**

**multi-family residential developments in the RU zoning district as long as they are shown in the Upper Spring Street Overlay District (USSOD).**

Ms. Amy Messina, 32 Spring Street, said she couldn't attend the last hearing and is confused about the concept of the overlay district. Chairman Lester explained that in 2017 the Planning Board proposed a zoning change that affected the majority of the downtown area and included Upper Spring Street area. The residents of the Upper Spring Street area felt their area had different characteristic and should have remained the same. The public comment from the residents at the time, felt the zoning change reduced their property value and the potential of the land. The Planning Board at the time said they would re-visit the issue. The overlay district is proposed to change the zoning back to what it was prior to 2017 in the Upper Spring Street area. Chairman Lester reviewed the zoning map with the audience members to mark the location. Mr. Bill Hajjar, 78 Spring Street, said that looking down the line he doesn't plan to move or sell. Mr. Hajjar does feel the overlay does provide a better use for the Spring Street properties. Ms. Messina, 32 Spring Street, said she is concerned about the property located at 32R Spring Street. Ms. Messina said the driveway is very narrow and poses problems already and many cars, a boat and commercial vehicles are going in and out to the property already. Ms. Lemke noted that 32R Spring doesn't have the needed frontage for a multi-family however; Ms. Lemke suggests Ms. Messina contact the building commissioner regarding the other concerns. Mr. Jeff Hyman, One Metacomet Street, asked how many multi-family units would be allowed on a parcel. Mr. Hajjar, 78 Spring Street, said currently it is 4 units per acre and the overlay would allow 6 units per acre. Mr. Hyman said the overlay is an issue for him. Mr. Hyman feels this could happen somewhere else. Ms. Lemke said the rationale is the frontage is on Route 27 and the lots are backed by the train tracks. Ms. Lemke feels this overlay will working in this "pocket" location and to say this will set precedence is a stretch. Mr. Hyman asked who presents the overlay at the Annual Town Meeting. Chairman Lester said it is sponsored by the Planning Board. At approximately 9:36 pm, Ms. Lemke made a motion to continue the public hearing for Items 1-4 of the proposed amendment to the zoning by-law until February 4, 2019 at 8:00 pm. Seconded by Mr. McKechnie. The Vote: 3-0.

**•Item 6: To see if the Town will vote to amend the Medfield Town Code Chapter 300 Zoning Attachment 1 Table of Use Regulations by updating the language used to cite regulatory references within the Zoning Bylaw.**

At approximately 9:40 pm, Ms. Lemke made a motion to continue the public hearing for Item 6 of the proposed amendment to the zoning by-law until February 4, 2019 at 8:00 pm. Seconded by Mr. McKechnie. The Vote: 3-0.

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

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

- (1) Overall design is consistent and compatible with the neighborhood, including as to factors of building orientation, scale, and massing.**
- (2) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed such that the proposed use will not result in a public hazard due to substantially increased vehicular traffic or parking in the neighborhood.**
- (3) Drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.**
- (4) The proposed use will not have any significant adverse effect upon properties in the neighborhood, including property values.**
- (5) Project will not adversely affect or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.**

- (6) **Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.**
- (7) **Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.**
- (8) **The proposed use will not create any hazard to public safety or health in the neighborhood.**
- (9) **If public sewerage is not provided, plans for on-site sewage disposal systems are adequate and have been approved by the Board of Health.**

At approximately 9:41 pm, Ms. Lemke made a motion to continue the public hearing to amend the Code of the Town of Medfield Chapter 300 Zoning, Article 14 Administration and Enforcement Section 300-14.10 Special Permits by Board of Appeals by deleting Subsection E and its Sub-subsections (1) through (10) in their entirety and replacing them until February 4, 2019 at 8:00 pm. Seconded by Mr. McKechnie. The Vote: 3-0.

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

At approximately 9:42 pm, Ms. Lemke made a motion to continue the public hearing regarding Article 14 Administration and Enforcement Section 300-14.16 Inclusionary Zoning Bylaw by adding the new language. Seconded by Mr. McKechnie. The Vote: 3-0.

#### **Administrative**

- **Minutes (12/3/18)**- Ms. Lemke made a motion to approve the minutes from December 3, 2018. Seconded by Mr. McKechnie. The Vote: 3-0.
- **Review and accept draft 2018 Annual Report**- Ms. Raposa reviewed the annual report with the Board. Ms. Lemke requested the lanuague of “chairman” and/or “Vice Chairman” be changed to “Chair” or Vice Chair. Mr. McKechnie noted that he is up for re-election this year. Ms. Raposa noted that she will add term expiration dates to the annual report. Mr. McKechnie noted to remove “shade tree” from the scenic road description. Ms. Lemke made a motion to approve the Annual Report with minor edits. Seconded by Mr. McKechnie. The Vote: 3-0.
- **Affordable Housing Trust Update (if needed)** – Mr. Brand distributed an updated schedule to the Board. The Legion is scheduled to meet with the AHT on February 7, 2019. Mayrock is working on a market study, traffic study and fiscal analysis. Ms. Courtney Starling did a rental study. Ms. Raposa will forward Ms. Starling rental study to the Planning Board. Ms. Starling noted in her report that the location is not offensive and the town should want Mayrock to be profitable. Lifeworks, regarding group homes did tour the Hinkley lot but didn’t seem interested. They also looked at 96 Adams Street. Rosebay (Pound Street) did get an approved project eligibility letter from DHCD. The town commented possible invoking safe harbor if they don’t review the design. A small group is meeting with Rosebay regarding design review this Thursday. Medfield Meadows (Dale Street has the second ZBA hearing this Thursday.
- **Historical Commission Update (if needed)** – Mr. Meehan said the historical commission plans to write a warrant article for town meeting defining partial demolition. Mr. Meehan also noted there is still an open seat on the Board of the Historical Commission.

At approximately 10:00 pm, Ms. Lemke made a motion to adjourn. Seconded by Mr. McKechnie. The Vote: 3-0.

**Respectfully submitted,**

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