



Town of Medway

BOARD OF SELECTMEN

155 Village Street, Medway MA 02053
(508) 533-3264 • FAX: (508) 321-4988

Glenn Trindade, Chairman
Dennis Crowley, Vice Chairman
Richard D'Innocenzo, Clerk
John Foresto, Member
Maryjane White, Member

Board of Selectmen's Meeting

March 4, 2014, 7:00 PM

Town Administrator's Conference Room

Town Hall, 155 Village Street

Agenda

7:00 PM

- Call to order; Recitation of the Pledge of Allegiance
- Public Comments

Other Business

1. Discussion and Approval – Special and Annual Town Meeting Warrants (May 12, 2014)
2. Consideration of Appointments to Redevelopment Authority
3. Appointments to Town Administrator Search Committee
4. Approval of Warrants

Upcoming Meetings, Agenda and Reminders

March 17, 2014 ---- Regular Meeting

April 7, 2014 ---- Regular Meeting

AGENDA

ITEM #1

**Discussion/Approval – Special and
Annual Town Meeting Warrants
(May 12, 2014)**

Associated back up materials attached.

- Special Town Meeting Warrant
- Annual Town Meeting Warrant (incl. index)

**TOWN OF MEDWAY
WARRANT FOR MAY 12, 2014
SPECIAL TOWN MEETING**

NORFOLK ss:

To either of the Constables of the Town of Medway

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet at the **Medway High School, 88 Summer Street, on Monday, May 12, 2014** at 7:00 PM, then and there to act on the following articles:

ARTICLE 1: (Appropriation: Snow and Ice Deficit)

To see if the Town will vote to appropriate the sum of \$X from Fiscal Year 2013 Certified Free Cash for the purpose of funding the Snow & Ice Fiscal Year 2014 appropriation deficit; or act in any manner relating thereto.

DEPARTMENT OF PUBLIC SERVICES

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 2: (Appropriation: OPEB Trust Account)

To see if the Town will transfer the sum of the unexpended balance of the Fiscal Year 2014 Health Insurance expense account to the Other Post-Employment Benefits (OPEB) trust account in the amount of \$X, or act in any manner relating thereto.

FINANCE DIRECTOR/TREASURER

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 3: (Budget Transfer to Street Acceptance Account)

To see if the Town will transfer the sum of the unexpended balance of the Fiscal Year 2014 Planning Board Consulting Services account in the amount of \$____ and the balance remaining in the appropriation for the Claybrook II subdivision street acceptance as authorized by Article 5 of the January 17, 2012 Special Town Meeting in the amount of \$____ to a special Street Acceptance account, or act in any manner relating thereto.

PLANNING ADMINISTRATOR

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 4: (Budget Transfer: Economic Development)

To see if the Town will vote to transfer the sum of \$XX from the Fiscal Year 2014 Economic Development budget to fund the Economic Development program, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 5: (Budget Transfer: Consulting Services-Permitting)

To see if the Town will vote to transfer the sum of \$5,000 from the Fiscal Year 2014 Health Department's Professional Technical Services account to fund consulting services for electronic permitting and mapping, or to act in any manner relating thereto.

HEALTH DEPT.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 6: (Budget Transfer to Thayer Homestead Revolving Account)

To see if the Town will vote to authorize a revolving account for Thayer Homestead funds pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws, and to transfer the sum of \$20,000 from the Fiscal Year 2014 Thayer budget surplus to said revolving account, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 7: (Budget Transfer: Legal Services)

To see if the Town will vote to transfer the amount of \$X from the Fiscal Year 2014 Legal Expense Account to fund legal services associated with appellate tax court cases, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 8: (Budget Transfer: Redevelopment Authority)

To see if the Town will vote to transfer the amount of \$X from the Fiscal Year 2014 Legal Expense Account to fund expenses associated with the Redevelopment Authority established by vote of the May 13, 2013 Annual Town Meeting, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 9: (Prior Year Bills)

To see if the Town will vote to transfer from the Town Administrator's In-State Travel Account the sum of \$210 for the purpose of paying unpaid bills of prior years of the Town, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

Article #	Description	Page#
1	ESCO Stabilization Reserve Transfer: FY15 Operating Budget	
2	Appropriation: FY15 Operating Budget	
3	Appropriation: FY15 Water Enterprise Fund	
4	Sewer Stabilization Transfer to Sewer Enterprise Fund	
5	Appropriation: FY15 Sewer Enterprise Fund	
6	Appropriation: FY15 Solid Waste Enterprise Fund	
7	Appropriation: FY15 Ambulance Enterprise Fund	
8	Free Cash Appropriation: Capital Items	
9	Free Cash Appropriation: Capital Improvement Stabilization Fund	
10	Capital Project: Construct Athletic Fields – CPC Funds	
11	Capital Project: Construct Athletic Fields/Turf – General Funds	
12	Purchase Police Dept. Fingerprinting & Photo Booking Systems	
13	Borrowing: Capital Projects - Water Enterprise	
14	Capital Item: Sewer Enterprise Retained Earnings	
15	Repurpose Unissued Balance Art. 19 of Dec. 2, 1996 Town Mtg.	
16	Appropriation for MS Parking Lot: Unexpended Balances of Monetary Articles	
17	Appropriation for Town Hall Renovation: Unexpended Balances	
18	Appropriation for Fire Apparatus: Unexpended Balances	
19	Appropriation for Choate Park Improvements: Unexpended Balances	
20	Appropriation: Council on Aging - GATRA Revolving Account	
21	Revolving Accounts: Annual Authorization	
22	Appropriation: Community Preservation Committee	
23	Rescind Unissued Balance Art. 14 of 2009 Annual Town Mtg.	
24	Rescind Unissued Balance Art. 11 of 2007 Fall Town Mtg.	
25	Eminent Domain: Rt 109 Reconstruction Project	
26	Amend Wetlands Bylaw (Fees)	
27	Amend Dog Bylaw (License Duration)	
28	Amend Zoning Bylaw: Commercial District I	
29	Amend Zoning Bylaw: Permits in Section III	
30	Amend Zoning Bylaw: Registered Marijuana Dispensary	
31	Amend Zoning Bylaw: Bylaw Enforcement	
32	Amend Zoning Bylaw: Definitions	
33	Amend Zoning Bylaw: Purpose	
34	Amend Zoning Bylaw: Signs	
35	Amend Zoning Bylaw: Site Plan Review	

TOWN OF MEDWAY
WARRANT FOR MAY 12, 2014
ANNUAL TOWN MEETING

NORFOLK ss:

To either of the Constables of the Town of Medway

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet at the **Medway High School, 88 Summer Street, on Monday, May 12, 2014** at 7:30 PM, then and there to act on the following articles:

ARTICLE 1: (ESCO Stabilization Reserve Transfer: FY15 Operating Budget)
To see if the Town will vote to transfer the sum of \$X from the ESCO Stabilization Fund to the Fiscal Year 2014 Debt Service expense account for the purpose of funding ESCO related debt service, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 2: (Appropriation: FY15 Operating Budget)
To see if the Town will vote to fix the salary and compensation of all elected officers of the Town, provide for a Reserve Fund, and determine what sums of money the Town will raise and appropriate, including appropriation from available funds, to defray charges and expenses of the Town including debt and interest, for the Fiscal Year ending June 30, 2015, or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 3: (Appropriation: FY15 Water Enterprise Fund)
To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$X for the maintenance of the Water Department Enterprise fund as follows, or to act in any manner relating thereto:

Direct Costs

	Amount
Salaries	\$
Expenses	\$
Short Term Debt – Interest	\$
Long Term Debt – Principal	\$
Long Term Debt – Interest	\$
Direct Costs Total	\$

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$X for indirect costs consisting of health insurance, workers’ compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$
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Total	\$
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And further that the above listed appropriations be funded as follows:

Fees for Service [User Fees]	\$
	\$

WATER SEWER COMMISSION

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 4: (Sewer Stabilization Transfer to Sewer Enterprise Fund)
 To see if the Town will vote to transfer the sum of \$X from the Sewer Betterment Stabilization Fund to the Fiscal Year 2015 Sewer Enterprise Fund for the purpose of funding debt service related to sewer operations, or to act in any manner relating thereto.

WATER SEWER COMMISSION

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 5: (Appropriation: FY15 Sewer Enterprise Fund)
 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$X for the maintenance of the Sewer Department Enterprise fund as follows, or to act in any manner relating thereto:

Direct Costs

	Amount
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Salaries	\$
Expenses	\$
Short Term Debt - Interest	\$
Long Term Debt – Principal	\$
Long Term Debt – Interest	\$
Direct Costs Total	\$

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$X for indirect costs consisting of health insurance, workers’ compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$
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Total	\$
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And further that the above listed appropriations be funded as follows:

Fees for Service [User Fees]	\$
Total	\$

WATER SEWER COMMISSION

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 6: (Appropriation: FY15 Solid Waste Enterprise Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$X to operate the Solid Waste/Recycling Department Enterprise Fund as follows, or to act in any manner relating thereto.

Direct Costs

	Amount
Salaries	\$
Expenses	\$
Direct Costs Total	\$

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$X for indirect costs consisting of health insurance, workers’ compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$
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Total	\$
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And further that the above listed appropriations be funded as follows:

Trash Recycling Fees/Bag Revenues	\$
Total	\$

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 7: (Appropriation: Department of Public Services Facility Study)
 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$40,000 for the purpose of updating and advancing the DPS Facility Feasibility Study.

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 8: (Appropriation: FY15 Ambulance Enterprise Fund)
 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$X to operate the Ambulance Enterprise Fund as follows, or act in any manner relating thereto.

Direct Costs

	Amount
Salaries	\$
Expenses	\$
Long Term Debt – Interest	\$
Long Term Debt – Principal	\$
Direct Costs Total	\$

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$X for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$
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Total	\$
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And further that the above listed appropriations be funded as follows:

General Fund Appropriation	\$
Ambulance Retained Earnings	\$
Insurance and Fees for Service	\$
Total	\$

FIRE DEPARTMENT

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 9: (Free Cash Appropriation: Capital Items)

To see if the Town will vote to appropriate the sum of \$1,171,000 for Fiscal Year 2015 from Certified Free Cash for the purpose of funding the following capital items, including associated engineering, personnel, maintenance and legal service costs; said appropriations to be expended by June 30, 2015, with unexpended funds as of June 30, 2015 being returned to the General Fund, or act in any manner relating thereto:

Project	Department	Cost
VARIOUS ROAD/SIDEWALK IMPROVEMENTS	DPS	\$ 750,000
JAWS OF LIFE	FIRE	50,000
UPGRADE POLICE SERVER SOFTWARE	POLICE	13,500
TECHNOLOGY EQUIPMENT	IS	110,000
REFURBISH BRUSH 2	FIRE	18,000
LIBRARY DEHUMIDIFIER	LIBRARY	12,400
REDESIGN McGOVERN LOBBY	SCHOOLS	10,000
REPLACE TOWN SEDANS	TOWN	34,000
REPAVE COURTYARD & TRAFFIC LOOP AT MEMORIAL	SCHOOLS	12,000
REPLACE FIRE ALARM PANEL	LIBRARY	6,100
SUPERVISOR PICK-UP	DPS	38,000
TOWN WIDE ENERGY IMPROVEMENTS	TOWN	50,000
REPLACE LAWN TRACTOR	PARKS	15,000
REPAIR SHAW STREET BRIDGE	DPS	40,000
REFURBISH CHOATE TENNIS COURT	PARKS	12,000
Free Cash Total		<u>\$1,171,000</u>

**CAPITAL IMPROVEMENT
PLANNING COMMITTEE**

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 10: (Free Cash Appropriation: Capital Improvement Stabilization Fund)
To see if the Town will vote to appropriate the sum of \$X from Fiscal Year 2013 Certified Free Cash to the Capital Improvement Stabilization Fund or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 11: (Capital Project: Construct Athletic Fields – CPC Funds)
To see if the Town will vote to appropriate from Community Preservation Funds the sum of \$X for the purpose of funding the construction of athletic fields at Medway High School and on town land adjacent to Medway High School, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 12: (Capital Project: Construct Athletic Fields/Turf – General Funds)
To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of money for the purpose of funding the purchase of synthetic turf for athletic fields at Medway High School and on town land adjacent to Medway High School, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 13: (Borrowing: Capital Projects - Water Enterprise)
To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$X for Fiscal Year 2015 from for the purpose of funding the following item, including associated engineering, personnel, maintenance, and legal services costs, or act in any manner relating thereto.

PURCHASE GATE VALVE VACUUM BOX	WATER	15,411
		\$X

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 14: (Capital Item: Sewer Enterprise)

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$200,000 for Fiscal Year 2015 from the Sewer Enterprise Fund for the purpose of funding the following items, including associated engineering, personnel, maintenance, and legal services costs, or act in any manner relating thereto.

SEWER COLLECTION SYSTEM IMPROVEMENTS	SEWER	\$200,000
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PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 15: (Repurpose Unissued Balance Art. 19 of Dec. 2, 1996 Town Mtg.)

To see if the Town will vote to repurpose \$40,000 of unissued balance of the \$50,000 authorized by vote of the Town under Article 19 of the December 2, 1996 Town Meeting to pay costs for a Sewer Master Plan, which amount is no longer needed to pay costs of completing the project for which it was approved, to fund sewer collection improvements or to take any other action relative thereto.

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 16: (Appropriation for Parking Lots: Unexpended Balances of Monetary Articles) (placeholder article for repurposing of MS reno funds – build parking lots at MS)

SCHOOL BUILDING COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 17:

(Appropriation for Town Hall Renovation: Unexpended Balance of Monetary Article)

To see if the Town will vote to appropriate \$12,174, the unexpended balance of an appropriation authorized by vote of the Town under Article #8 of the February 24, 2009 Special Town Meeting, for the purpose of funding the renovation of a portion of the first floor of Town Hall; said

appropriation to be expended by June 30, 2015, with unexpended funds as of June 30, 2015 being returned to the General Fund, or to take any other action relative thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 18: (Appropriation for Fire Apparatus: Unexpended Balance of Monetary Article)
To see if the Town will vote to appropriate \$31,974.04, the unexpended balance of an appropriation authorized by vote of the Town under Article #8 of the May 13, 2013 Special Town Meeting, for the purpose of funding a self-contained breathing apparatus compressor; said appropriation to be expended by June 30, 2015, with unexpended funds as of June 30, 2015 being returned to the General Fund, or to take any other action relative thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 19: (Appropriation for Choate Park Improvements: Unexpended Balances of Monetary Articles)
To see if the Town will vote to appropriate \$X, the unexpended balances of appropriations authorized by vote of the Town under Article 18 (Choate Park Dam) of the Warrant at the 1999 Annual Town Meeting and Article 23 (Choate Dam Restoration) of the 2004 Annual Town Meeting, for the purpose of funding Choate Park Improvements; said appropriation to be expended by June 30, 2015, with unexpended funds as of June 30, 2015 being returned to the General Fund, or to take any other action relative thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 20: (Appropriation: GATRA Revolving Fund)
To see if the Town will vote to raise and appropriate a sum of money to support the Council on Aging GATRA revolving account, or to take any other action relative thereto.

COUNCIL ON AGING

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 21: (Revolving Accounts: Annual Authorization)

To see if the Town will vote to authorize the following revolving funds pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws for Fiscal Year 2015 as follows:

FUND	REVENUE SOURCE	AUTHORITY TO SPEND	USE OF FUND	SPENDING LIMIT
Parks and Recreation	Permit Fees	Board of Parks Commissioners	Self supporting recreation and parks services	\$100,000
Council on Aging	Donations/fees paid by riders and GATRA reimbursement	Council on Aging	Pay for dial-a-ride van service for seniors and disabled; shuttle service to Norfolk commuter rail station, and other necessary transportation services	\$96,000
Library Printer/Copier/Fax	Public printer use and copier and fax machine revenues	Board of Library Trustees	Printer, copier and fax machine expenses.	\$1,000
Library Meeting Room	Meeting room use fees	Board of Library Trustees	Meeting room maintenance, repairs and upgrades	\$1,000
Thayer Homestead	Facility use fees		Partial self-support of property	\$50,000

**BOARD OF SELECTMEN
(For the Various Departments Indicated)**

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 22: (Appropriation: Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee for the Fiscal Year 2015 Community Preservation budget and to appropriate, or reserve for later appropriations, monies from the Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the transfer to the general fund for the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the Fiscal Year 2015, or act in any manner relating thereto.

Appropriation

	Amount
Salaries	\$
Expenses	
Historical Commission	
Community Housing	
Long Term Debt – Interest	

Long Term Debt – Principal	
Direct Costs Total	\$

Reserves

	<u>10% of Estimated Fund Revenues</u>
Open Space	\$
Community Housing	\$
Historical Preservation	\$

COMMUNITY PRESERVATION COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 23: (Rescind unissued balance Art. 14 of 2009 Annual Town Mtg.)
 To see if the Town will vote to rescind \$60,000 unissued balance of the \$1,300,000 authorized by vote of the Town under Article 14 of the June 15, 2009 Town Meeting to pay costs for water meter installation or New Water Meters project, which amount is no longer needed to pay costs of completing the project for which it was approved, or to take any other action relative thereto.

TREASURER

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 24: (Rescind Unissued Balance Art. 11 of 2007 Fall Town Mtg.)
 To see if the Town will vote to rescind \$1,550,000 unissued balance of the \$3,844,884 authorized by vote of the Town under Article 10 of the November 19, 2007 and under Article 11 of the November 10, 2008 Town Meetings to pay costs for new well installation projects, which amount is no longer needed to pay costs of completing the project for which it was approved, or to take any other action relative thereto.

TREASURER

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 25: (Eminent Domain: Rt 109 Reconstruction Project)
 To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or take by eminent domain pursuant to General Laws, Chapter 40, §14, and Chapter 79, and any other lawful authority, the fee or other interest in real property necessary for the RT 109 Reconstruction Project located in the area bounded by and adjacent to Main Street from Holliston Street to

Highland Street; on such terms and conditions as the Board of Selectmen shall determine to be appropriate, and further to authorize the Board of Selectmen and town officers to take all actions to carry out the purposes of this article; and further to raise and appropriate, borrow or transfer from available funds a sum of money for said purpose and related expenses; or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 26: (Amend Wetlands Bylaw: Fees)

To see if the Town will vote to amend the general bylaws Article the Town of Medway General Wetlands Protection Bylaw Section 21.5 be deleted in its entirety and replaced with the following language to allow for a change in application fees to be adopted under the Rules and Regulations of the Town of Medway Conservation Commission promulgated under the authority of Article XXI.

Section 21.5 Fees

(a) Application Fees

The Commission shall establish fees for applications, notices of intent and other requests filed with the Commission in the rules and regulations of the Conservation Commission in accordance with Section 21.10 of this Bylaw. Such fees shall be paid by the applicant at the time the application, notice of intent or request is filed. Fees established by the Commission pursuant to this By-law are in addition to any fees required by the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40. The Commission may waive or reduce the filing fee and costs and expenses for an application or request filed by a government agency or otherwise as the Commission may determine by its rules and regulations.

Or take any other action relative thereto.

CONSERVATION COMMISSION

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 27: (Amend Dog Bylaw)

To see if the Town will vote to amend Section 12.16 (4) of the General By-laws to read as follows (new wording is underlined and wording that is being deleted is stricken through):

Section 12.16

(4) The license period for dog licenses shall begin January 1 of each year until December 31 of the following same year.

Or take any action relative thereto.

ANIMAL CONTROL OFFICER

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 28: (Amend Zoning Bylaw: Commercial District I)

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw by deleting Sub-Section G. Commercial District I in SECTION V. USE REGULATIONS and replacing it as follows:

G. COMMERCIAL DISTRICT I

1. Purpose: The C1 district represents the primary retail and office center of Medway. The purpose of this Sub-Section is to promote the development and redevelopment of the district in a manner that is sustainable, economically viable and functional and in a manner that represents the qualities of a traditional New England town center by encouraging mixed uses, a pedestrian-friendly environment and the design traditions of the community. It is intended to reflect the goals and objectives of the Medway Master Plan and to provide greater integration of land uses.

4. **2.** Buildings, structures and premises may be used for any of the following purposes and uses customarily accessory thereto but no others, subject to the regulations and conditions enumerated herein:

- a) Municipal use.
- b) Retail Sales
- c) Offices for business or professional use.
- d) Salesroom for motor vehicles, trailers, boats, farm implements or machinery with repair services and storage permitted but not including auto body, welding or soldering shops.
- e) Undertaking establishment or funeral home.
- f) Restaurant or other establishment providing food and beverage within a building. **Seasonal outdoor dining may be permitted by the Building Inspector upon a determination that the location of the seating does not represent a safety hazard.**
- g) Bank or other financial institution.
- h) Personal care services such as but not limited to barber shops, beauty parlors, and nail salons.
- i) **Services such as but not limited to health care, amusement, membership organizations and other miscellaneous business and social/human services.**
- i) Repair shops for small electronic equipment, appliances and tools.

k) Schools

j) Any of the following uses if authorized by special permit. ~~from the Zoning Board of Appeals:~~

- 1) Restaurant or other establishment providing food and beverages and live entertainment within a building.
- 2) Motel or hotel
- 3) Commercial indoor amusement or recreation place or place of assembly
- 4) Vehicle Fuel Station
- 5) Automotive car wash
- 6) Shopping center
- 7) Drive-thru facility
- 8) Kennel
- 9) Vehicle Repair

~~k) — Any of the following uses if authorized by a special permit from the Planning and Economic Development Board:~~

~~110) Assisted living residence facility as defined by M.G.L, chapter 19D.~~

~~211) Local Convenience Retail with Associated Vehicle Fuel Station~~

12) Mixed uses including a combination of any of the by right and special permit uses and/or multi-family dwelling units

3. Coordination of special permit and site plan - In order to facilitate a streamlined permitting process, when the scope of the development project necessitates major or minor site plan review pursuant to SECTION V. USE REGULATIONS, Sub-Section C. Site Plan Review and Approval of the Medway Zoning Bylaw, the special permit granting authority shall be the Planning and Economic Development Board so that the special permit and site plan reviews can be consolidated and conducted concurrently. Otherwise, the special permit granting authority shall be the Zoning Board of Appeals.

2.4. By-right uses ~~Permitted and allowable uses~~ shall comply with the following dimensional regulations:

- a) Minimum lot size: 20,000 sq. ft.
- b) Maximum lot coverage, including accessory buildings: 30%
- c) Minimum continuous frontage: 100 ft.
- d) Minimum front-yard setback: 50 ft. of which the first 10 ft. nearest the street line shall not be used for the parking or storage of vehicles but shall be suitably landscaped, and the next 20 ft. shall be utilized for through traffic to adjoining lots unless an alternative location is approved by the Planning and Economic Development Board during the site plan review process.
- e) Minimum side-yard and rear-yard setback: 25 ft. of which the first 10 ft. nearest each lot line, if the adjacent use is residential in whole or in part, shall not be used for the parking or storage of vehicles but shall be suitably landscaped.

f) Maximum building height: 40 ft. A height greater than 40 ft. up to a maximum of 60' may be allowed by special permit from the Planning and Economic Development Board

5. Special Permit Regulations – The following provisions shall apply to Special Permit Uses and are also available to applicants for “By Right” uses who wish to seek a Special Permit to achieve flexible site design.

a) Dimensional Requirements

1) Minimum lot size: 10,000 sq. ft.

2) Maximum lot coverage, including accessory buildings: 40% or 50%

3) Minimum continuous frontage: 50 ft.

4) Minimum front-yard setback: Principle buildings shall be set back a minimum of 10 feet from the front lot line. Architectural features such as bay windows, porches, balconies, porticos, canopies, etc. shall not be subject to the 10-foot minimum setback.

5) Minimum side-yard and rear-yard setback: For lot lines abutting a residential zoning district, 25 ft. of which the first 10 ft. nearest each lot line shall not be used for the parking or storage of vehicles but shall be suitably landscaped. There is no side-yard or rear-yard setback for properties abutting other properties within the C1 district.

6) Maximum building height: 60 ft. The front façade of one-story buildings shall be at least 20 feet in height, which may be achieved with a parapet or false façade, in order to screen mechanical equipment located on roofs.

b) Residential Uses

1) Except for assisted living residence facilities, dwelling units shall only be allowed on the upper floor(s) of a single building project or shall not constitute more than 67% of the gross floor area of the buildings of a multi-building project

2) Dwelling units shall be allowed on the ground floor of buildings only where:

a. the building is set behind another building which has commercial uses on the ground floor; or

b. the residential portion of the ground floor building is set behind the business uses within the same building

3) No more than 10% of the total number of a development’s residential dwelling units shall have 3 or more bedrooms.

c) A minimum of 15% of the site shall function as landscaped and/or public space. The landscaped and/or public space shall be architecturally integral to the site and/or, as appropriate and practical, to abutting sites. No space that is used for vehicular parking or circulation, or loading shall be included as landscaped and/or public space.

d) Review Criteria - The special permit granting authority may grant a special permit for the specified special permit uses or for flexible site design of by-right uses after considering all of the following factors:

1) Whether the proposed site design is more sustainable, economically viable and functional and whether the site design represents the qualities of a traditional New England town center than a design that conforms to the by-right dimensional requirements of this Sub-section.

2) Whether the design of buildings is consistent or compatible with traditional New England architectural styles as further described in the Planning and Economic Development Board's *Design Review Guidelines*.

3) Whether the site design provides mixed uses, a pedestrian-friendly environment and the design traditions of the community.

4) Whether the site design reflects and advances the goals and objectives of the Medway Master Plan and provides greater integration of land uses.

5) Whether adequate pedestrian and (where applicable) vehicular linkages within the site and connecting to abutting properties are provided.

6) Whether the uses and site design promote less sprawl and a more efficient form of development.

7) Whether the development facilitates the construction and maintenance of streets, sidewalks, utilities, and public services, in a more economical and efficient manner.

8) Whether the site design will have a detrimental impact on abutting properties and/or residential neighborhoods.

9) Whether the impact of the development on abutting properties and residential neighborhoods has been adequately mitigated.

10) Whether the development protects and enhances community character

11) Whether the development incorporates features that minimize energy consumption and reduces environmental impacts.

6. Design Requirements

a) All facades of a building that are visible from a public way or an internal pedestrian or vehicular way shall be designed in accordance with the current *Medway Design Review Guidelines* and the Design Principles and Standards included in the *Site Plan Rules and Regulations*.

b) All sites shall include pedestrian linkage(s) to connect to abutting commercial properties and, where appropriate, to abutting residential neighborhoods. The pedestrian connections shall be well-defined and of a design and quality that will encourage significant use.

c) Vehicular connections to abutting sites shall be provided where practical as determined by the Planning and Economic Development Board as part of the review process.

d) Buildings and developments shall be made pedestrian friendly by use of amenities such as wide sidewalks/pathways, outdoor seating, and patios or courtyards. All structures, parking, pathways and other pedestrian amenities shall be designed to maximum ease of pedestrian access.

7) Sustainability – New buildings constructed in the Commercial I district after the passage of this bylaw are encouraged to promote sustainability by being environmentally responsible and resource-efficient throughout a building’s life-cycle from siting to design, construction, operation, maintenance, renovation and deconstruction. This may be accomplished by incorporating sustainable materials in the construction (e. g, reused, recycled-content, or made from renewable resources); create healthy indoor environments with minimum pollutants (e.g., recued product emissions); and/or feature landscaping that reduces water usage (e.g., by using native plants that survive without extra watering). The criteria in the current Leadership in Energy and Environmental Design (LEED), and EPA’s Green Building program offer examples of measures that will help accomplish this goal.

And to amend the Sub-Section H. Parking Regulations of SECTION V. USE REGULATIONS by adding the following to the Parking Requirements Schedule in Paragraph 4.

Multi-Family Dwelling in Commercial I – 1.5 spaces per dwelling unit.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 29: (Amend Zoning Bylaw: Permits in Section III)

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw as follows:
By adding item 3. in Sub-Section B. Permits in SECTION III Administration as follows:

3. No land clearing, clear cutting of trees, or excavation shall be conducted on a property in anticipation of developing said property which requires action and/or approval of the Building Department, Planning and Economic Development Board, Conservation Commission, or Zoning Board of Appeals prior to said action or approval other than that necessary for engineering or testing for a plan or permit application to be submitted to the aforementioned permitting entities.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 30: (Amend Zoning Bylaw: Registered Marijuana Dispensary)

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS by deleting Sub-Section BB. Temporary Moratorium on Medical Marijuana Treatment Centers and replacing it as follows:

BB. REGISTERED MARIJUANA DISPENSARY

1. Purposes

- a) To address possible adverse public health and safety consequences and impacts on the quality of life of the Town of Medway related to the passage of Question 3 on the November 6, 2012 State Referendum.
- b) To provide for the limited establishment of a Registered Marijuana Dispensary (RMD) in an appropriate place and under strict conditions in accordance with Chapter 369 of the Acts of 2012, and 105 CMR 725.000.
- c) To minimize the adverse impacts of a RMD on adjacent properties, residential neighborhoods, schools, playgrounds and other land uses potentially incompatible with such a facility.
- d) To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of RMD's.
- e) To limit the overall number of RMD's in the community to what is essential to serve the public necessity.

2. Applicability

- a) The commercial cultivation [unless it meets the requirements for an agricultural exemption under Chapter 40A Section 3], production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a RMD under this Sub-Section.
- b) No RMD shall be established except in compliance with the provisions of this Sub-Section.
- c) Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- d) If any provision of this Sub-Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Sub-Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Sub-Section are severable.

3. Definitions

Marijuana – The same substance defined as “marijuana” under 105 CMR 725.004.

Marijuana for Medical Use – Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients as defined in 105 CMR 725.004.

Registered Marijuana Dispensary (RMD)– Shall mean a not-for-profit entity, as defined by Massachusetts law only, registered by the Massachusetts Department of Public Health under 105 CMR 725.000 that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their registered personal caregiver as determined by 105 CMR 725.000.

4. Eligible Locations for Registered Marijuana Dispensaries – Registered Marijuana Dispensaries, other than agricultural operations meeting exemption standards under Chapter 40A Section 3, may be allowed by special permit from the Planning and Economic Development Board in the following zoning districts, provided the facility meets the requirements of this Sub-Section:

- a) Industrial I
- b) Industrial II
- c) Industrial III

- d) Business/Industrial
- e) Commercial I

5. ***General Requirements and Conditions for all Registered Marijuana Dispensaries***

- a) All non-exempt RMD's shall be contained within a permanent building or structure. No RMD shall be located inside a building containing residential units or inside a movable or mobile structure such as a van, trailer, cargo container or truck.
- b) Size standards:
 - 1) A standalone dispensary shall not exceed 3,500 sq. ft. for product display, client dispensary, and patient consultation area.
 - 2) A standalone cultivation facility shall not exceed 25,000 sq. ft.
 - 3) A facility to manufacture/process marijuana infused products shall not exceed 5,000 sq. ft.
 - 4) Any combination of the above three facilities shall not exceed 30,000 sq. ft.
 - 5) The RMD shall be of adequate interior space to accommodate all activities inside the building so as not to have outside patient queuing on sidewalks, in parking areas, or in other areas outside the RMD.
- c) A RMD shall not be located in a building that contains any medical doctors' offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.
- d) The hours of operation of RMD's shall be set by the Special Permit Granting Authority, but in no event shall any RMD be open and/or operating between the hours of 8:00 PM and 8:00 AM.
- e) No RMD shall be located on a lot within 500 linear feet of any lot with the following:
 - 1) residence
 - 2) public school
 - 3) private educational entity that provides instruction to children and youth in an ongoing organized basis
 - 4) licensed registered childcare facility
 - 5) library
 - 6) religious facility
 - 7) playground, public park, or ball field
 - 8) recreation center
 - 9) Registered Marijuana Dispensary
 - 10) halfway house or similar facility
 - 11) drug or alcohol rehabilitation facility.

The distance requirement may be reduced by the SPGA if the applicant demonstrates that the RMD would otherwise be effectively prohibited from locating within the municipality and that adequate security measures will be employed to prevent the diversion of medical marijuana to minors who are not qualifying patients.

Distances shall be calculated by direct measurement in a straight line without regard for intervening structures from the nearest property line of the land used as noted above to the nearest portion of the building in which the RMD is located.

- f) No smoking, burning or consumption of any product containing marijuana or marijuana-infused products shall be permitted on the premises of a RMD.
- g) A RMD may not have a drive-thru service.
- h) Signage
 - 1) Signage for the RMD shall include the following language: "Registration card issued by the MA Department of Public Health required."
The required text shall be a minimum of two inches in height.
 - 2) No permitted RMD shall use any advertising material or graphics that are is misleading, deceptive, or false, or that is designed to appeal to minors.
 - 3) A RMD shall not display on the exterior of the facility any advertisement for medical

marijuana or any brand name.

- 4) Off-site signage or advertising in any form, including billboards shall not be allowed.
- i) The RMD shall provide the Medway Police Department, Building Commissioner and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key holders to whom the Town can provide notice if there are operating problems associated with the establishment.
- j) Prohibition Against Nuisances – No RMD shall create a nuisance to abutters or to the surrounding area, or create any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
- k) Openness of Premises
 - 1) Any and all cultivation, distribution, possession, storage, display, sales or other distribution of medical marijuana shall occur only within the restricted interior area of the RMD.
 - 2) The RMD shall be designed and constructed such that no area or portion where marijuana is processed or stored is visible from the exterior of the building.
 - 3) The front of the building which shall include the public entrance to the RMD shall be fully visible from the public street or building frontage.
 - 4) Marijuana, marijuana infused products, and products that facilitate the use of medical marijuana shall not be displayed or clearly visible to a person from the exterior of the RMD.
- l) No marijuana or marijuana based products shall be sold, grown or cultivated, interior or exterior to a residential dwelling unit except if a Hardship Cultivation Registration is granted by the Mass Department of Public Health according to 105 CMF 725.035.

6. ***Special Permit Requirements***

- a) A RMD shall only be allowed by special permit from the Medway Planning and Economic Development Board in accordance with G.L. c. 40A, §9, subject to the following statements, regulations, requirements, conditions and limitations.
- b) A RMD is subject to site plan review and approval by the Planning and Economic Development Board pursuant to SECTION V. C. of the Medway Zoning Bylaw which shall be coordinated with the special permit application process.
- c) A special permit for a RMD shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:
 - 1) cultivation of Marijuana for Medical Use (horticulture) except that sites protected under Chapter 40A Section 3 shall not require a special permit;
 - 2) processing and packaging of Marijuana for Medical Use, including marijuana that is in the form of smoking materials, food products, tinctures, oils, aerosols, ointments, and other marijuana infused products;
 - 3) retail sale or distribution of Marijuana for Medical Use to Qualifying Patients;
 - 4) retail sale of products that facilitate the use of marijuana for medical purposes and of patient educational materials.
 - d) A special permit application for a RMD shall include the following:
 - 1) the name and address of each owner of the facility;
 - 2) copies of all required licenses and permits issued for the RMD to the applicant by the Commonwealth of Massachusetts and any of its agencies;
 - 3) evidence of the Applicant's right to use the site of the RMD for the RMD, such as a deed, or lease;
 - 4) a statement under oath disclosing all of the Applicant's owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
 - 5) a certified list of all parties in interest entitled to receive notice of the hearing for the special

permit application, taken from the most recent tax list of the town and certified by the Town Assessor;

6) a detailed site plan that includes the following information:

a. a detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the facility including but not limited to sales, storage, cultivation, processing, food preparation, etc.

b. proposed security measures for the RMD, including lighting, fencing, gates and alarms, etc., to ensure the safety of qualifying patients, their caregivers, and facility employees and to protect the premises from theft.

7) a copy of the policies/procedures for the transfer, acquisition, or sale of medical marijuana between approved RMD's in compliance with 105 CMR 725.105(B)(2).

8) a copy of the policies/procedures for patient or personal caregiver home-delivery.

7. ***Special Permit Procedure***

a) The special permit application and public hearing procedure for a RMD shall be that as provided in G.L. c. 40A.

8. ***Mandatory Findings*** - The Special Permit Granting Authority shall not issue a special permit for a RMD unless it finds that:

a) the RMD is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, §11;

b) the RMD demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and

c) the applicant has satisfied all of the conditions and requirements of this Sub-Section and SECTION III. Sub-Section J. Special Permit Criteria.

9. ***Conditions*** – In issuing its decision, the Special Permit Granting Authority shall impose conditions, limitations and safeguards that are reasonably appropriate to:

a) improve site design, traffic flow, and public safety;

b) protect water quality, air quality and significant environmental resources;

c) preserve the character of the surrounding area.

These conditions, limitations and safeguards may address but are not limited to:

d) hours of operation

e) landscaping and site amenities

10. ***Annual Reporting*** - Each RMD permitted under this Bylaw shall as a condition of its special permit file an annual report with the Special Permit Granting Authority, the Building Inspector, the Health Agent, and the Police Chief no later than January 31st of each year, providing a copy of all current applicable state licenses for the RMD and/or its owners and demonstrate continued compliance with the conditions of the special permit.

11. ***Duration of Special Permit***

a) A special permit shall lapse if not exercised within two years from the grant thereof if a substantial use has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

b) A special permit granted under this Sub-Section shall remain exclusively with the applicant which shall be the owner or lessee of the premises described in the application. The special permit shall terminate automatically on the date the applicant alienates that title or leasehold interest in the premises.

12. ***Abandonment or Discontinuance of Use*** - A RMD shall be required to remove all material, plants, equipment and other paraphernalia:

a) prior to surrendering its state issued licenses or permits; or

- b) within six months of ceasing operations; whichever comes first.

13. Receipt of a special use permit from the Medway Planning and Economic Development Board for a RMD does not preclude an applicant from having to secure other required local permits from other Town boards/departments including but not limited to the Board of Health, Conservation Commission or the Department of Public Services.
Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 31: (Amend Zoning Bylaw: Bylaw Enforcement)

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw as follows:
By deleting Sub-Section C. Bylaw Enforcement in SECTION III ADMINISTRATION and replacing it as follows:

C. BYLAW ENFORCEMENT

1. Violations of this bylaw are punishable by a fine not to exceed \$300 per day for each offense.
2. Violations of this bylaw may be enforced via the noncriminal disposition provisions set forth in Article XX of the Medway General Bylaws in which case the penalty for any such violation shall be \$50.
3. Each day, or portion of a day, that any violation continues shall constitute a separate offense.
4. This bylaw shall be enforced by the Inspector of Buildings/Zoning Enforcement Officer.
AND by deleting in their entireties Paragraph 12 in Sub-Section C. Site Plan Review and Approval and items k), m), and n) in Paragraph 9. in Sub-Section R. Sign Regulations all in SECTION V. USE REGULATIONS and relabeling the subsequent paragraphs accordingly.

Or to act in any manner relating thereto.

ARTICLE 32: (Amend Zoning Bylaw: Definitions)

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw by adding the following definitions in alphabetical order to SECTION. II Definitions

Building Height – The vertical distance from the average finished grade of the adjacent ground to the top of the highest roof beams of a flat roof, the deck of a mansard roof, or the mean level of the highest gable or slope of a hip roof.

Gross Floor Area – The sum of the gross horizontal area of all floors of a building or structure as measured from the exterior face of exterior walls, but excluding any floor determined to be not occupiable.

School – Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or experience. Includes public and private schools; business, trade and vocational schools; and schools/studios for dance, fitness, gymnastics, yoga, martial arts, music, art, and other similar recreational or personal enrichment activities.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 33: (Amend Zoning Bylaw: Purpose)

To see if the Town of Medway will vote to amend SECTION I. AUTHORITY AND PURPOSE of the Medway Zoning Bylaw by inserting the **highlighted/underlined** text and deleting the ~~crossed-out words~~ in Sub-Section B. Purpose as follows:

B. PURPOSE - The objectives of this Bylaw include, but are not limited to the following: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution to the environment; **to facilitate conservation of energy resources and promote sustainability**; to develop the natural, scenic and aesthetic qualities of the community in a manner that reflects traditional New England architectural styles; to encourage the most appropriate use of land throughout the town, including consideration of the recommendations of the master plan, ~~if any~~, adopted by the Planning and Economic Development Board and the comprehensive plan, ~~if any~~, of the regional planning agency; and to preserve and increase amenities by the promulgation of regulations to fulfill these objectives under the provision of General Laws, Chapter 40 A.

Said Regulations may include, but are not limited to restricting, prohibiting, permitting or regulating the use, erection, establishment, movement, enlargement, alteration, height, area, and location of buildings and structures and the use of premises in the Town of Medway.

Or to act any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 34: (Amend Zoning Bylaw: Signs)

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw by adding a new item 28) to SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations, Paragraph 5. Signs Exempt from Regulation, sub-paragraph a) Exempt Signs in All Zoning Districts as follows:

28) Temporary, ground installed yard/lawn signs promoting community oriented/special events sponsored by local government, civic, or non-profit organizations, such as picnics, carnivals, bazaars, game nights, art fairs, craft shows, sporting events, parades, festivals, tournaments, fundraisers, sport sign-ups, and other similar activities, not to exceed a total of six sq. ft. of sign surface area (both sides) per sign. Signs may be positioned on Town property with permission of the Board

of Selectmen or its designee and on private property with the permission of the property owner. Signs may be installed up to two weeks before the event/activity and shall be removed within three days after its conclusion.

And to add a new item u) to SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations, Paragraph 6. Prohibited Signs as follows:

u) Any sign affixed to a utility pole, light pole, sign post or the like which promotes a business, sale or special event.

And to delete item p) in SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations, Paragraph 7. Sign Standards – All Zoning Districts and replace it as follows:

p) One temporary business sign is allowed per business. The temporary sign shall not exceed the size allowed for the permanent sign in the applicable zoning district and shall be located on the premises only where a permanent sign is allowed in the applicable zoning district.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 35: (Amend Zoning Bylaw: Site Plan Review)

To see if the Town will vote to amend the Medway Zoning Bylaw by deleting in its entirety Sub-Section C. Site Plan Review and Approval in SECTION V. USE REGULATIONS and replacing it as follows:

C. *SITE PLAN REVIEW and APPROVAL*

1. ***Purpose*** – The purpose of site plan review and approval is to:

a) Protect the health, safety, convenience and general welfare of the inhabitants of the Town of Medway;

b) Promote functional and aesthetic design, construction and improvement of all development projects;

c) Minimize harmful effects on surrounding areas;

d) Regulate uses through the imposition of reasonable conditions concerning location of buildings, open space, landscaping, parking, lighting, storage areas, access and egress, drainage, sewage, water supply, waste disposal, safety and site amenities; and

e) Promote and encourage desired community characteristics as expressed in the Medway Master Plan

by providing for a comprehensive process to review and approve the development plans for uses and structures which may have impacts on traffic, parking, drainage, environmental quality, community character, community economics, and community aesthetics.

It is intended that the site plan review and approval process will ensure compliance with all aspects of the Medway Zoning Bylaw.

2. Definitions

Alteration of Existing Parking Area - Includes installation, removal or relocation of any curbing, traffic channelization island, driveway, travel lanes, storm drainage, lighting or similar facilities, and includes resurfacing, striping or restriping pavement markings on existing parking or storage areas.

Board – The Planning and Economic Development Board of the Town of Medway

Office – The Planning and Economic Development office of the Town of Medway

Design Guidelines – A written document produced by the Design Review Committee and adopted by the Medway Planning and Economic Development Board.

Major Site Plan Project – Any multi-family building with three or more dwelling units, commercial, industrial, institutional, or municipal project which involves:

- a) New construction or improvements to land; or
- b) Alteration, reconstruction, renovation work that will result in a change in the outside appearance of an existing building or premises, visible from a public or private street or way; or
- c) A substantial change in use of a building or buildings or premises as determined by the Zoning Enforcement Officer

and which includes one or more of the following:

- d) Construction of 2,500 5,000 or more square feet of gross floor area; or
- e) A change in use in an existing building requiring the creation of fifteen (15) or more additional parking spaces; or
- f) Construction of a new building or addition requiring the creation of fifteen (15) or more additional parking spaces; or
- g) Construction, expansion, redesign or alteration of an existing parking area involving the creation of fifteen (15) or more additional parking spaces; or
- h) Large scale ground mounted solar photovoltaic installation with a rated name plate capacity of 250 kW (DC) or more; or
- i) An increase in impervious surface of more than 25% of the existing impervious coverage; or
- j) Any use or structure, or expansion thereof, exempt under MGL, c. 40A, s. 3, but only if one or more of the above criteria ~~d – g~~ d – i also apply, and only to the extent allowed by MGL, chapter 40A, s. 3.

Minor Site Plan Project – Any construction, alteration, reconstruction or renovation project, **improvements to land, or a** change of use, not included within the definition of a *Major Site Plan Project*, ~~which requires a building permit and~~ which involves one or more of the following:

- a) A change in the outside appearance of an existing building or premises, visible from a public or private street or way; or
- b) Construction of 2,000 – 4,999 square feet of gross floor **area; or**
- c) **Façade renovation/reconstruction/replacement; or**
- ~~b) d)~~ d) A change in use in an existing building requiring **the creation of** five (5) or more but less than fifteen (15) **additional** parking spaces; or
- e) e) Construction of a new building or addition requiring **the creation of** five (5) or more but less than fifteen (15) **additional** parking spaces; or
- ~~d) f)~~ f) Construction, expansion, redesign or alteration of a **an existing** parking area involving **the creation of** five (5) or more but less than fifteen (15) **additional** parking spaces; or
- g) **An increase in impervious surface of more than 10% but less than 25% of the existing impervious coverage; or**
- h) **A change in curb cuts/vehicular access to the site from a public way; or**
- i) **Alteration of landscaping in buffer areas; or**
- j) **Installation of sidewalks and other pedestrian access improvements; or**
- k) **Installation of roofing which is a distinctive and integral architectural element of the structure's design; or**
- l) **Construction of or conversion/alteration/enlargement of an existing building for use as three or more residential dwelling units or;**
- e) m) A site, which through continuous or proposed use may be detrimental to municipal infrastructure or to public safety, as determined by the Inspector of Buildings/Zoning Enforcement Officer after consultation with the Police Department Public Safety Officer and/or the Department of Public Services.
- ~~f) n)~~ n) Any use or structure, or expansion thereof, exempt under MGL, c. 40A, s. 3, but only if one or more of the above criteria ~~a—e~~ **a) – m)** also apply, and only to the extent allowed by MGL, chapter 40A, section 3.

3. **Overview** – The site plan review and approval process requires a filing of the site plan application, review by town departments/boards/outside consultants, public review, issuance of a *Decision*, and plan endorsement.

4. **Exemptions** **from Major and Minor Site Plan Project Review**

a) ~~In all zoning districts, site plan review and approval is required for any Major or Minor Site Plan Project as defined herein except that~~ **The following activities are exempt from the Major and Minor Site Plan Project Review process:**

1) Single-family homes, including additions or enlargements **and structures accessory thereto;**

2) Two-family homes, including additions or enlargements;

3) Proposed residential subdivisions, which are permitted in the Agricultural and Residential Districts I and II as a matter of right;

4) Projects that have received an Adult Retirement Community Planned Unit Development (ARCPUD) Special Permit, an Adaptive Use Overlay District (AUOD) Special Permit, **an Open Space Residential Development (OSRD) Special Permit** or other special permit from the Planning and Economic Development Board, in which case, site plan review and approval shall be incorporated into those special permit **review and approval** procedures.

5) Projects in which the only change in the outside appearance of an existing building or premises visible from a public or private street or way, pertains to:

a. Building renovation work required to provide handicap accessibility to the structure to comply with the Americans with Disabilities Act (ADA) or the regulations of the Massachusetts Architectural Access Board. (AAB); and/or

b. ~~Installation of awnings; and or~~ **Relocating less than 30% of the total approved parking spaces or moving of Handicapped Parking pursuant to 521 CMR as most recently amended; and/or**

c. Window and/or door replacement; and/or

d. Installation of exterior siding; and/or

e. Installation of roofing **which is not a distinctive and integral architectural element of the structure's design; and/or**

f. Changes to infrastructure and utility provisions; and/or

g. Increasing and/or replacing landscaping with the exception of landscaping approved for buffer areas; and/or

h. Construction of up to 500 sq. ft. of gross floor area; and/or

i. The Inspector of Buildings may determine that the number and scope of activities listed in 4. a) 5) herein as exempt from Major or Minor Site Plan Review is such that the changes merit Administrative Review.

6) Other projects, which as a result of extremely unusual circumstances or location, or which are so insignificant that the rigor of even **Administrative Site Plan** Review would be excessively burdensome to the applicant, or the construction of which will have no significant detriment to the achievement of any of the purposes of site plan review and approval as set forth in paragraph 1 herein, as may be determined by the **Inspector of Buildings.**

5. **General Requirements**

a) ~~Major Site Plan Projects shall be subject to Complete Site Plan Review. Minor Site Plan Projects shall be subject to Limited Site Plan Review.~~ **In all zoning districts, site plan review and approval by the Planning and Economic Development Board is required for any Major or Minor Site Plan Project as defined herein. Other development activity may be subject to Administrative Review.**

b) a) The Inspector of Buildings shall not issue a building permit for any project subject to this Sub-Section unless an application for site plan approval has been prepared for the proposed development in accordance with the requirements of the *Site Plan Rules and Regulations*, and unless the Board has **acted on the application** ~~approved or conditionally approved and endorsed a site plan and provided such to the Inspector of Buildings,~~ or has allowed ~~90-120~~ **120** calendar days (*in the instance of a major site plan project*) or sixty (60) calendar days (*in the instance of a minor site plan project*) **or 30 calendar days (in the instance of administrative review)** to elapse from the official site plan submission date unless the applicant has requested an extension in writing.

c) b) Site plan approval shall lapse after ~~±~~ **2** years of the ~~grant thereof~~ **endorsement of an approved site plan** if substantial use has not commenced except for good cause. Approved site plans shall be completed by the applicant or its assignees within ~~±~~ **3** years of the date of plan endorsement. Upon receipt of a written request by the applicant filed prior to the date of expiration, the Board may grant an extension for good case.

d) c) Approval of a site plan under this sub-section shall not substitute for the requirement of obtaining a special permit or other forms of relief as required by the Zoning By-Law, except as specifically exempted in 4. a) 4. of this sub-section.

e) d) Sidewalks shall be provided along the entire frontage of the subject property along existing Town ways, including the frontage of any lots held in common ownership with the parcel(s) within five (5) years prior to the submission of the application for site plan review and approval. In those instances where sidewalk construction is not feasible or practical as determined by the Planning and Economic Development Board, the Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public Works or by making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning and Economic Development Board at the recommendation of the Town's Consulting Engineer.
(Added June 14, 2010)

6. ***Rules and Regulations***

a) The Board shall adopt and may periodically amend *Site Plan Rules and Regulations* to administer Site Plan Review and Approval. The Board **and Town staff** shall be guided by these *Regulations* in conducting its review, making ~~its~~ *Decisions*, and monitoring the implementation of all approved site plan projects.

b) In exercising its jurisdiction regarding the adoption and amendment of *Site Plan Rules and Regulations*, the Board shall conform to the requirements for the advertisement of public hearing legal notices required by M.G.L., chapter 40A, section 11.

c) The *Site Plan Rules and Regulations* shall include but not be limited to the following provisions:

- 1) Required documents for site plan submission;
- 2) Contents of a site plan application;

- 3) Standards for preparation of site plan documents;
- 4) Application submittal procedures;
- 5) Application filing, plan review and construction inspection/observation fees;
- 6) Plan review process;
- 7) Use of outside consultants;
- 8) Design guidelines;
- 9) Site development standards;
- 10) ~~Review and approval criteria;~~
- 11) Development impact standards;
- 12) Project conditions, limitations, safeguards and mitigation measures;
- 13) Waivers from *Site Plan Rules and Regulations*
- 14) Plan compliance mechanisms;
- 15) Performance security measures
- 16) Process for plan modifications.

d) The *Site Plan Rules and Regulations* shall provide for differentiated application requirements and review procedures for Major and Minor Site Plan Projects and for Administrative Review.

7. *Application Procedure - ~~All Site Plans~~*

a) Before submitting a formal site plan application, prospective applicants for a Major Site Plan Project shall and prospective applicants for a Minor Site Plan Project may contact the Board to schedule an informal, pre-application meeting to review conceptual plans and discuss permitting procedures.

b) Any applicant desiring approval of a Major or Minor site plan under this Sub-Section shall submit one (1) copy of the site plan documents with an application directly to the Town Clerk. Additional copies of the application, site plan documents, all supporting information, and the required application and review fees shall be submitted to the Board in accordance with the *Site Plan Rules and Regulations*.

c) The official site plan submission date is the date the site plan application is filed with the Town Clerk and the Board, unless the applicant is notified by the Planning and Economic Development office within twenty-one (21) days of submission that the application is incomplete. In such a case, the application will not be deemed to have been submitted.

d) A project shall be considered to be a *Major Site Plan Project* as defined herein unless determined by the Inspector of Buildings to be a *Minor Site Plan Project*. To claim *Minor Site Plan Project* status, an applicant shall secure a written determination of the Inspector of Buildings and submit such with the site plan application to the Board. The Inspector of Buildings shall also determine if projects are exempt or are subject to Administrative Review.

e) Site plan applications shall be prepared in accordance with the provisions and requirements of the *Site Plan Rules and Regulations*.

8. *Major Site Plan Project - ~~Complete Site Plan Review~~*

a) *Town Staff & Board Review* - The Board shall, within fourteen (14) days of the official site plan submission date, transmit one (1) copy of the site plan to each of the following agencies: Board of Health; Board of Selectmen, Conservation Commission; Design Review

Committee, Department of Public Services, Fire Department, Inspector of Buildings/Zoning Enforcement Officer; Police Department; ~~Water/Sewer Board~~, and such other agencies, boards, committees, or departments as the Board determines may be helpful to the review of the respective application. These agencies may, at their discretion, evaluate the site plan and submit an advisory report to the Board. The Board shall not close the public hearing or issue its *Decision* until it has received reports from the aforementioned agencies or until such agencies have been allowed thirty (30) days to submit a written report. All such reports shall be entered into the public record during the public hearing.

b) *Development Review Coordination* – Within thirty (30) days of receipt of the application, the Board **may** schedule a meeting with the applicant and representatives of the various town boards/departments/committees. The purpose of such meeting is for the applicant to brief town boards/departments/committees on the project and to help the applicant better understand the permitting procedures of various Town agencies. This meeting also allows the Town to identify project issues and opportunities, which may benefit from further municipal attention, coordination or assistance.

c) *Public Hearing* - Within sixty-five (65) calendar days of the official site plan submission date, the Board shall ~~hold~~ **begin** a public hearing on the proposed site plan. The public hearing shall be held in conformance with the requirements for public hearings and notice as specified in M.G.L, chapter 40A, section 11, and as further described in the *Site Plan Rules and Regulations*. All costs of the public notice requirements shall be at the expense of the applicant.

d) *Decision*

1) Following the Board’s review and after the close of the public hearing, the Board shall prepare and file its written *Site Plan Decision* with the Town Clerk and the Inspector of Buildings. The Board’s *Decision* shall be filed within thirty (30) calendar days after the close of the public hearing and within ~~ninety (90)~~ **one hundred and twenty (120)** calendar days from the official site plan submission date. The deadline by which the Board must file its *Decision* may be extended upon mutual agreement when the applicant requests such an extension and the Board agrees thereto. Failure of the Board to take final action by filing its *Decision* with the Town Clerk within such thirty (30) day period shall be deemed constructive approval of the application.

2) The Board may approve, approve with the conditions, or disapprove the site plan application. An affirmative vote of a simple majority of the **full** membership of the Board shall be sufficient for the Board’s *Decision*.

3) In reviewing the application and making its *Decision*, the Board shall consider the information presented in the application and all supplemental information provided by the applicant during the course of the review; all reports of town departments/boards and outside consultants; and any additional information available to the Board, submitted to the Board by any person, official or agency, or acquired by the Board on its own initiative or research.

4) *Findings* - The Board shall determine whether the proposed project will constitute a suitable development based on conformance with the purposes of this Sub-Section and the various standards and criteria as set forth in the *Site Plan Rules and Regulations*. In making its *Decision*, the Board shall consider the project’s impacts and the proposed methods of mitigating such impacts.

5) *Approval* – Depending on the nature of the particular site plan project, the Planning and Economic Development Board’s approval Decision may include: waivers from the *Site Plan Rules and Regulations*; conditions, limitations and safeguards; requirements for construction observation/inspection, bonding or other performance guarantees, plan compliance measures and the submittal of as-built plans; and reasonable mitigation measures which the Board believes are in the Town’s best interests.

a.

Waivers – The Planning and Economic Development Board may authorize waivers from the *Site Plan Rules and Regulations* if it determines that that the *Regulations* are excessively burdensome to the applicant and that a waiver would permit a superior design or that a waiver would allow construction which will have no significant detriment to the achievement of any of the purposes of site plan review and approval as set forth herein, and that a waiver is in the best interests of the Town.

b. *Conditions, Limitations and Safeguards* - The Planning and Economic Development Board may require conditions, limitations and safeguards to promote the health, safety, convenience and general welfare of the community including, but not limited to, the following:

- (1) Plan revisions and design modifications to preserve property values, preserve aesthetic or historic features, maintain compatibility with existing uses, and promote the attractiveness of the community.
- (2) Controls on the location and type of access to the site;
- (3) Controls on the number, type and time that service and delivery vehicles access the site;
- (4) Provision for open space or preservation of views
- (5) Limitations on the hours of operation;
- (6) Conditions to minimize off-site impacts and environmental quality during construction.
- (7) Requirements to screen parking facilities from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;
- (8) Conditions to minimize the adverse impacts of the development on abutters and the adjacent neighborhood, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage.

c. *Mitigation Measures* – The Planning and Economic Development Board may require reasonable mitigation measures to offset adverse impacts of the development on the community, including but not limited to:

- (1) requirements for off-site improvements up to a maximum value of six percent (6%) of the *total development cost* of the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals/ controls, or municipal services, sufficient to service the development project. The *total development cost* shall mean the total of the cost or value of land and all development related improvements and shall be determined on the basis of standard building

or construction costs published in the *Engineering News Record* or other source acceptable to the Planning and Economic Development Board, for the relevant type of structure(s) and use (s).

(2) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements.

(Revised

November 10, 2008)

6) *Disapproval* - The Board may disapprove a site plan application that fails to furnish adequate information as required by the *Site Plan Rules and Regulations*. The Board may also disapprove a site plan where, although proper in form, the project fails to meet the bylaws, regulations, guidelines or standards of the Town of Medway, or where the plan depicts a use or structure so intrusive or contrary to the health, safety and welfare of the public in one regulated aspect or another, or where no form of reasonable conditions could be devised to address the problems with the plan, and the community does not possess the capacity to handle the proposed use, that disapproval by the Board would be tenable. The Board's *Decision* to disapprove a site plan shall state the reasons for such disapproval.

e) *Plan Endorsement*

1) In cases where the Board has approved or conditionally approved the proposed site plan, the applicant, within thirty (30) days after the Board has filed its *Decision* with the Town Clerk, shall revise and submit a final site plan reflecting all required changes, if any, to the Board to review for compliance with the Board's *Decision*, before endorsement.

2) The applicant shall provide an original ~~and six (6) copies~~ of the revised site plan for endorsement by the Board.

3) The Board shall not endorse the site plan until it is brought into compliance with the provisions of the Board's *Decision* and a twenty (20) day appeal period has elapsed following the filing of the Board's *Decision* with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. If appeal is made, endorsement shall not occur until after the court's decision sustaining the Board's decision.

4) The Board shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Inspector of Buildings, the Department of Public Services, the Assessor's office, and the Town's Consulting Engineer.

f) *Appeal* - Any person aggrieved by the Board's *Site Plan Decision* for a Major Site Plan Project may appeal such Decision to the court within twenty (20) days of the date the *Decision* is filed with the Town Clerk and Inspector of Buildings as provided for in MGL, chapter 40A, section 17.

9. *Minor Site Plan Project — Limited Site Plan Review*

a) *Town Staff & Board Review* - The Board ~~shall~~, **may**, within fourteen (14) days of the official site plan submission date, transmit one (1) copy of the site plan application and documents to each of the following agencies: Design Review Committee, Department of Public Services, Fire Department, Inspector of Buildings/Zoning Enforcement Officer; Police Department; and such other agencies, boards, committees, or departments as the ~~Planning and Economic Development~~ Board determines may be helpful to the review of the respective

application. These agencies may, at their discretion, evaluate the site plan and submit an advisory report to the Board. The Board shall not issue its *Decision* until it has received reports from the aforementioned agencies or until such agencies have been allowed fifteen (15) days to submit a written report. All such reports shall be entered into the public record during the Board's meeting to consider the *Minor Site Plan* application.

b) *Development Review Coordination* – The Board may schedule a meeting with the applicant and representatives of the various town boards/departments/committees. The purpose of such meeting is for the applicant to brief town boards/departments/ committees on the project and to help the applicant better understand the permitting procedures of various Town agencies. This meeting also allows the Town to identify project issues and opportunities, which may benefit from further municipal attention, coordination or assistance.

c) *Public Discussion Meeting* - Within thirty (30) calendar days of the official site plan submission date, the Board shall begin to consider the application as an agenda item at a duly posted open meeting. Public notice to abutters and parties of interest shall be **provided by first class mail**. ~~as described in the *Site Plan Rules and Regulations*.~~

d) *Decision*

1) Following the Board's review, the Board shall prepare and file its *Site Plan Decision* with the Town Clerk and the Inspector of Buildings. The Board's *Decision* shall be filed within sixty (60) calendar days from the official site plan submission date. The deadline by which the Board must file its *Decision* may be extended upon mutual agreement when the applicant requests such an extension and the Board agrees thereto. Failure of the Board to take its final action by filing its decision within such sixty (60) day period shall be deemed constructive approval of said application.

2) The Board may approve, approve with the conditions, or disapprove the site plan application. An affirmative vote of a simple majority of the **full** membership of the Board shall be sufficient for the Board's *Decision*.

3) In reviewing the application and making its *Decision*, the Board shall consider the information presented in the application and all supplemental information provided by the applicant during the course of the review; all reports of town departments/boards and outside consultants; and any additional information available to the Board, submitted to the Board by any person, official or agency, or acquired by the Board on its own initiative or research.

4) *Findings* - The Board shall determine whether the proposed project will constitute a suitable development based on conformance with the purposes of this Sub-Section and the various standards and criteria as set forth in the *Site Plan Rules and Regulations*. In making its *Decision*, the Board shall consider the project's impacts and the proposed methods of mitigating such impacts.

5) *Approval* – A *Decision* to approve may include but is not limited to the following provisions: waivers; conditions; limitations and safeguards including required plan revisions, design modifications, access controls, off-site improvements, construction observation/inspection, bonding or other performance guarantees, as-built plan submittals, site plan compliance mechanisms, and reasonable mitigation measures which the Planning and Economic Development Board believes are in the Town's best interests.

6) *Disapproval* - The Board may disapprove a site plan application that fails to furnish adequate information as required by the *Site Plan Rules and Regulations*. The Board may disapprove a site plan where, although proper in form, the project fails to meet the bylaws, regulations, guidelines or standards of the Town of Medway, or where the plan depicts a use or structure so intrusive or contrary to the health, safety and welfare of the public in one regulated aspect or another, or where no form of reasonable conditions could be devised to address the problems with the plan, and the community does not possess the capacity to handle the proposed use, that disapproval by the Board would be tenable. The Board's *Decision* to disapprove a site plan shall state the reasons for such disapproval.

e) *Plan Endorsement*

1) In cases where the Board has approved or conditionally approved the proposed site plan, the applicant, within thirty (30) days after the Board has filed its *Decision* with the Town Clerk, shall revise and submit final site plans reflecting all required changes, if any, to the Board to review for compliance with the Board's *Decision*, before endorsement.

2) The applicant shall provide an original ~~and six (6) copies~~ of the revised site plans for endorsement by the Board.

3) The Board shall not endorse the site plan until it is brought into compliance with the provisions of the Board's *Decision* and until a twenty (20) day appeal period has elapsed following the filing of the Board's *Decision* with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. If appeal is made, endorsement shall not occur until after the court's decision sustaining the Board's decision.

4) The Board shall retain a copy of the endorsed plan and shall distribute copies to the Town Clerk, the Inspector of Buildings, the Department of Public Services, the Assessor's office, and the Town's Consulting Engineer.

f) *Appeal* - Any person aggrieved by **the Board's Site Plan Decision** for a *Minor Site Plan Project* may appeal such *Decision* to the court within twenty (20) days of the date the *Decision* is filed with the Town Clerk and Inspector of Buildings, as provided for in MGL, Chapter 40A, Section 17.

10. ***Modification of Approved Site Plans*** – Any construction work that deviates from an approved site plan shall be a violation of the Zoning By-Law unless the applicant requests **and secures** approval of a plan modification pursuant to **the options** ~~any one of the three methods~~ specified below and such approval is provided in writing by the Board **or the Planning and Economic Development Coordinator and the Inspector of Buildings** before the changes are commenced.

a) ***On-Site Construction Changes for Minor and Major Site Plan Projects*** shall be **subject to Administrative Review**. **The Planning and Economic Development Board Coordinator and the Inspector of Buildings** may authorize applicants to make very limited on-site changes to an approved site plan based on unforeseen conditions, situations or emergencies necessitated by field conditions. Prior to undertaking any such on-site alteration, the applicant shall submit a letter to the Inspector of **Buildings** and the ~~Board~~ **Planning and Economic Development Coordinator** describing the proposed changes and what conditions, situations or emergencies necessitate such changes. The ~~Board~~ **Inspector of Buildings and the Planning and Economic Development Coordinator** shall ~~review such letter at its next meeting and~~ determine whether the

proposed changes are acceptable based on the unforeseen conditions, situations or emergencies and whether other options to address the unforeseen conditions are feasible. ~~The Board shall provide~~ A written determination whether the change is authorized ~~and submit it to the applicant and the Inspector of Buildings~~ shall be provided to the applicant. Any approved on-site construction changes authorized by the Board shall be made a permanent part of the approved site plan documents and shall be shown on the final as-built plans.

b) **Previously Approved Minor Site Plan Projects**

1) Proposed modifications to a previously approved site plan for a development that meets the criteria specified herein for a *Minor Site Plan Project* shall be reviewed and acted upon by the Board at a public meeting but without a formal public hearing. ~~The Board shall issue its Decision and file such with the Town Clerk and the Inspector of Buildings.~~ subject to **Administrative Review**. The applicant shall follow the same application and review process as provided herein for a *Minor Site Plan Project* and as described in the *Site Plan Rules and Regulations*, including the payment of fees. Any approved modifications approved by the Board shall be made a permanent part of the approved site plan documents and shall be shown on the final as-built plans.

2) If a proposed modification to a previously approved **Minor Site Plan Project** is such that the change would result in the development meeting the criteria specified herein for a *Major Site Plan Project*, the modification shall be handled in accordance with the provisions for reviewing and approving a *Substantial Modification* to *Major Site Plan Project* as specified in item e d) below.

d) **Previously Approved Major Site Plan Projects –**

1) **The Inspector of Buildings shall make a written determination if** proposed modifications to a previously approved site plan for a development which meet the criteria specified herein for a *Major Site Plan Project* shall be acted upon by the Planning and Economic Development Board. **are Substantial or Non-Substantial**. The applicant/developer or its representative shall submit a letter to the Inspector of Buildings and the Planning and Economic Development Board describing all proposed changes and the reasons for the modifications. ~~The Inspector of Buildings shall provide a written determination to the applicant/ developer and the Planning and Economic Development Board whether the proposed changes are Substantial or Non-Substantial.~~ *Substantial Modifications* require a formal public hearing before the Board. *Non-Substantial Modifications* shall be reviewed and acted upon by the Planning and Economic Development Board at a public meeting but without a formal public hearing. **are subject to Administrative Review.**

Substantial Modification – The Inspector of Buildings shall determine whether the scope of proposed changes is *Substantial*. To make that determination, the Inspector of Buildings will consider a variety of project elements including but not limited to:

- an increase in the height of the building
- an increase in the size of the building footprint in excess of ten percent (10%)
- the location of the building on the site
- the location and quantity of access and exits/curb cuts
- the layout and quantity of parking
- the location, dimensions and composition of buffer areas or screening devices
- the composition and quantity of landscaped areas and materials

- the location and design of site amenities
- overall appearance of the building including materials, fenestration, and distinctive architectural elements
- type or intensity of use, or
- if the proposed changes pertain to specific conditions of approval in the original *Site Plan Decision*,

The Inspector of Buildings may determine that the number of proposed *Non-Substantial Modifications* is such that the overall scope of changes constitutes a *Substantial Modification*.

For a *Substantial Modification*, the applicant shall follow the same application and review process as provided herein for a *Major Site Plan Project* and as described in the *Site Plan Rules and Regulations*, including the payment of fees.

The Board shall issue its *Decision* and file such with the Town Clerk and the Inspector of Buildings. Any modifications approved by the Board shall be made a permanent part of the approved site plan documents and shall be shown on the final as-built plans.

11. Administrative Review

a) Applicability - Administrative Review is to be used for:

1) Installation of or changes to awnings; or

2) Construction of 500 to 1,999 sq. ft. of gross floor area; or

3) Modifications of Previously Approved Site Plans

a. review of on-site construction changes

b. review of proposed modifications to previously approved Minor

Site Plans

c. review of Non-Substantial modifications to previously approved

Major Site Plans.

4) A series of exempt activities as may be determined by the Inspector of

Buildings

b) Administrative Review Process

1) The Planning and Economic Development Coordinator and the Inspector of Buildings shall review and act on applications for Administrative Review.

2) Depending on the scope of the proposed changes, the Planning and Economic Development Coordinator may, within eight (8) days of the application date, transmit one (1) copy of the application and documents to each of the following agencies: Design Review Committee, Department of Public Services, Fire Department, Police Department; and such other agencies, boards, committees, or departments as may be determined to be helpful. These agencies may, at their discretion, evaluate the proposal and submit an advisory report to the PED Coordinator. A *Decision* shall not be issued until such agencies have been allowed eight (8) days to submit a written report.

c) *Decision*

1) Following the review, the Planning and Economic Development Coordinator and the Inspector of Buildings shall prepare and file an Administrative Review Decision with the Town Clerk. The *Decision* shall be filed within 30 calendar days from the date which the application was filed. Failure of the Planning and Economic Development Coordinator and the Inspector of Buildings to take final action by filing its decision within the 30 day period shall be deemed constructive approval of said application. The deadline by which the *Decision* must be filed may be extended upon mutual agreement when the applicant requests such an extension.

2) The Planning and Economic Development Coordinator and the Inspector of Buildings may approve, approve with the conditions, or disapprove an application for Administrative Review.

3) In reviewing the application and making its *Decision*, the Planning and Economic Development Coordinator and the Inspector of Buildings shall consider the information presented in the application and all supplemental information provided by the applicant during the course of the review; any reports of town departments/boards and outside consultants; and any additional information available, submitted or acquired by the Planning and Economic Development Coordinator and the Inspector of Buildings on their own initiative or research.

4) *Approval* – A *Decision* to approve may include but is not limited to the following provisions: waivers; conditions; limitations and safeguards including required plan revisions, design modifications, access controls, off-site improvements, construction observation/inspection, bonding or other performance guarantees, as-built plan submittals, site plan compliance mechanisms, and reasonable mitigation measures which the Planning and Economic Development Coordinator and the Inspector of Buildings believes are in the Town’s best interests.

5) *Disapproval* - The Planning and Economic Development Coordinator and the Inspector of Buildings may disapprove an application for Administrative Review that fails to furnish adequate information as required by the *Site Plan Rules and Regulations*. A site plan modification may be disapproved where, although proper in form, the project fails to meet the bylaws, regulations, guidelines or standards of the Town of Medway, or where the plan depicts a use or structure so intrusive or contrary to the health, safety and welfare of the public in one regulated aspect or another, or where no form of reasonable conditions could be devised to address the problems with the plan, and the community does not possess the capacity to handle the proposed use, that disapproval by the Board would be tenable. The *Decision* to disapprove a site plan shall state the reasons for such disapproval.

6. *Appeal* – Appeal of an Administrative Review decision may be made to the Planning and Economic Development Board within twenty (20) days the decision is filed with the Town Clerk.

d) *Plan Endorsement*

1) In cases where the site plan modification has been approved or conditionally approved, the applicant, within thirty (30) days after the *Decision* is filed with the Town Clerk, shall revise and submit final modified site plan reflecting all required changes, if any,

to the Planning and Economic Development office for review for compliance with the *Decision*, before endorsement.

2) The applicant shall provide an original of the modified site plan for endorsement by the Inspector of Buildings and the Planning and Economic Development Coordinator.

3) The office shall retain a copy of the endorsed modified site plan and shall distribute copies to the Town Clerk, the Assessor's office, and other Town departments as may be appropriate depending on the nature of the plan modification.

12. Criteria for Site Plan Approval - A Site Plan shall be approved only upon determination of all of the following.

1) The buildings, uses and site amenities are properly and legally located on the development site in relation to the terrain and scale of other buildings in the vicinity and adjacent neighborhoods;

2) The construction and renovation of buildings and installation of site amenities are thoughtfully designed to reflect or be compatible with Medway's New England architectural style as further detailed in the *Design Guidelines*;

3) Adjacent and neighboring properties are protected from nuisance and harmful effects caused by noise, traffic, noxious or harmful fumes, and the glare of headlights and other light sources generated by uses on the development site;

4) Significant historic and natural features on a development *site* (i.e. hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, wildlife habitats, and other areas of aesthetic and ecological interest) are preserved with as minimal site disturbance as possible.

5) Off-street loading facilities and methods for unloading vehicles, goods, products materials and equipment incidental to the normal operation of the establishment(s) on the development site are conveniently and safely provided while the visual intrusion thereof is appropriately screened from public view;

6) Reasonable use is made of building location, grading, landscaping and other site amenities to reduce the visible intrusion of outside facilities for the storage, handling and disposal of sewage, refuse and other solid wastes resulting from the normal operations of the establishment(s) on the development site

7) Pedestrian ways, access driveways, loading areas and parking facilities are properly designed and operated for public convenience, universal accessibility and public safety of customers, employees and the general public;

8) Convenient and safe access for fire-fighting and emergency rescue vehicles is provided to each structure and within the development site in relation to adjacent streets;

9) Satisfactory methods for drainage of surface water to and from the development site are provided;

10) Public ways and private drives are properly designed and constructed to serve the intended use and provide an adequate level of service in relation to the traffic to be generated by the development site;

11) The effects and impacts of the proposed use of land or structures on vehicular and pedestrian traffic, municipal services and utilities, roadways, parking, drainage, environmental quality, water resources, signage, lighting, and community economics, character, values, amenities and appearance are identified and evaluated;

12) Site design modifications to lessen negative and harmful impacts are incorporated.

13) Reasonable conditions, limits, safeguards and mitigation measures are established.

14) The proposed limit of work is reasonable and protects sensitive environmental and/or cultural resources located on site or an adjacent parcels.

15) The development will not cause substantial or irrevocable damage to the environment, which could be avoided or mitigated through an alternative plan.

16) Internal circulation, queuing, entrances and egress are such that traffic safety is protected, access via secondary streets servicing residential neighborhoods is minimized, and traffic backing out onto the public way is minimized.

17) All other requirements of the Medway Zoning Bylaw are satisfied including but not limited to lighting and parking provisions.

13. *Plan Compliance*

a) An applicant shall construct improvements in compliance with the approved and endorsed site plan. No occupancy permit shall be granted by the Inspector of Buildings for any project subject to site plan review and approval or administrative review until:

1) The Board has given its written determination in the instance of a Major and Minor Site Plan Project that the project, as constructed, conforms to the approved site plan and any conditions, including construction of any required on and off-site improvements have been completed or suitable security/ performance guarantee is provided to the Town of Medway, to the Board's satisfaction, to cover the costs of the remaining work and ensure site plan compliance, and

2) The Inspector of Buildings verifies that all construction has been completed in accordance with the approved site plan and that all conditions of the approved site plan are met.

b) Developers of *Major Site Plan Projects* shall prepare an as-built plan stamped by a Professional Land Surveyor registered in the Commonwealth of Massachusetts, which shows actual as-built locations and conditions and any plan modifications authorized by the Board. The requirements for as-built plans shall be included in the *Site Plan Rules and Regulations*.

c) Other measures to secure plan compliance, including construction inspection and performance security may be included in the *Site Plan Rules and Regulations*.

d) Penalties – Any applicant, individual, property owner or business entity who violates or permits a violation shall be subject to enforcement and fines as specified elsewhere in the Medway Zoning Bylaw.

14. **Severability** - The invalidity of one or more provisions or clauses of this Sub-Section C. shall not invalidate or impair the Sub-Section as a whole or any other part hereof.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

AGENDA

ITEM #2

**Consideration of Appointments
to Redevelopment Authority**

No associated back up materials.

AGENDA

ITEM #3

**Appointments to Town
Administrator Search
Committee**

No associated back up materials.

AGENDA

ITEM #4

Approval of Warrants

Warrants to be provided at meeting.