

Board of Selectmen

Glenn D. Trindade, Chair
Maryjane White, Vice-Chair
Richard A. D'Innocenzo, Clerk
Dennis P. Crowley
John A. Foresto



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TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

Board of Selectmen's Meeting

February 21, 2017 6:30 PM

Sanford Hall, Town Hall

155 Village Street

Agenda

6:30 PM

- Call to order; Recitation of the Pledge of Allegiance
- Executive Session, Exemption 6: To consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body [123 Holliston St and 58 Oakland St]. Board to Return to Public Session.
- Public Comments

Other Business

1. Gift Acceptance – Flag from the U SS Arizona – Presented by John Larney, Memorial Committee
2. [7:00PM] Joint Meeting with Water Sewer Commission to Appoint Water Sewer Commissioner to Fill Vacancy; Appointment Consideration - Francis (Ted) Kenney, Jr.
3. Presentation - Capital Budget Recommendations – Capital Improvement Planning Committee
4. Review/Approve – Municipal Aggregation – Energy Committee
5. Review/Approve – May 8, 2017 Annual Town Meeting Warrant
6. Vote – Accept Mass. General Law Chapter 32B, Sections 21-23 (Employee/Retiree Health Insurance) and to Initiate Process for Fiscal Year 2018 Health Insurance Renewal
7. Special Event Permit – American Legion Scholarship Road Race – June 17, 2017
8. Action Items from Previous Meeting
9. Approval of Warrants
10. Approval of Minutes
11. Town Administrator's Report
12. Selectmen's Reports
13. Executive Session – Exemption 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; (Town Administrator's Contract)

For more information on agenda items, please visit the Board of Selectmen's page at
www.townofmedway.org

Upcoming Meetings, Agenda and Reminders

March 6, 2017 --- Regular Meeting

March 20, 2017 ---- Regular Meeting

AGENDA

ITEM #1

**Gift Acceptance – Flag from the USS Arizona –
Presented by John Larney, Memorial Committee**

No associated backup materials.

Proposed Motion: I move that the Board accept the Memorial Committee's donation of a Flag formerly flown from the USS Arizona.

AGENDA

ITEM #2

[7:00PM] Joint Meeting with Water Sewer Commission to Appoint Water Sewer Commissioner to Fill Vacancy; Appointment Consideration - Francis (Ted) Kenney, Jr.

Associated backup materials attached:

- Letter of Interest

Proposed Motion: I move that the Board appoint Francis (Ted) Kenney, Jr. as a Water & Sewer Commissioner for a term to expire May 16, 2017.

FRANCIS E. KENNEY JR.
50 OAKLAND STREET
MEDWAY, MASSACHUSETTS 02053-1305

Mr. Michael E. Boynton, Town Administrator

Town of Medway Board of Selectmen:

Mr. Glen Trindade
Ms. Maryjane White
Mr. Richard D'Innocenzo
Mr. Dennis Crowley
Mr. John Foresto

December 27, 2016

Dear Mr. Boynton and Board Members,

The purpose of this letter is to express my interest in seeking appointment as a commissioner on the Town of Medway Water Commission due to the recent vacancy.

I have recently retired from New England Water Works Association in Holliston, MA having served as the deputy executive director and education manager for 28 years. In that capacity, I was responsible for the development, delivery and administration of the association's education and training program which included specialized components in water distribution and treatment operations, safety, management and cross connection control. More than 5,000 drinking water professionals are trained in these programs each year. Additionally, I developed and administered specialized programs for drinking water operator certification and heavy equipment operator training and licensure.

Over the course of my career, I worked extensively with MADEP and U.S. EPA staff as well as a wide range of association members across the region serving in the water utility, regulatory and consulting engineering professions. I have also served on numerous American Water Works Association (AWWA) committees and on the AWWA Opflow Editorial Advisory Board.

I hold AB and BS degrees from Boston College and an MA degree from Framingham State University as well as several Massachusetts professional educator certifications. Currently, I am working part time for New England Water Works Association as an education advisor and special projects manager. I also serve in a volunteer capacity as a commissioner for the International Association for Continuing Education and Training (IACET), accrediting professional continuing education and training programs. Previously, I served on the MA Department of Public Safety Advisory Board and the New Hampshire Public Works Academy Advisory Board.

On a personal level, I seek the opportunity to serve as a water commissioner as a means of serving our community and "giving back" to the drinking water profession I have been proud to serve for nearly three decades. I have been a resident of 50 Oakland Street for 37 years. I am a third generation Medway resident and my family settled in Medway in the late 1880's.

I look forward to hearing from you regarding to this communication. Thank you for your time and consideration.

Sincerely,



Francis E. (Ted) Kenney, Jr.

AGENDA

ITEM #3

Presentation - Capital Budget Recommendations – Capital Improvement Planning Committee

Associated backup materials attached:

- Memo, Kelly O'Rourke – CIPC Chair
- FY18 Rankings

2/16/17

Board of Selectmen
Town of Medway

Dear Members,

Please find the CIPC's rankings for FY2018. The first sheet shows Michael's Free Cash Projections along with our numeric rankings on the side and any additional projects we're recommending.

The second sheet shows the same data but in numeric order by rank, to see it from that perspective.

Looking forward to presenting our rankings to you on Tuesday, 2/21/17, at 7pm.

Regards,
Kelly O'Rourke
Chairman, CIPC

CERTIFIED FREE CASH FY'2017		\$2,244,687.00
FALL TOWN MEETING ARTICLES EXPENDITURES		
	VOTED	
#5 - Demolition Unsafe Structure	\$35,000.00	
TOTAL ARTICLES	\$35,000.00	-\$35,000.00
PROPOSED SPRING 2017 TM STABILIZATION ADDITION		-\$100,000.00
PROPOSED FY'2018 FREE CASH CARRY FORWARD		-\$200,000.00
AMOUNT AVAILABLE FOR CAPITAL BUDGET & SPRING TOWN MEETING		\$1,909,687.00

BALANCES	
EMS Enterprise	\$103,723.00
Water	\$451,731.00
Sewer	\$354,185.00
Solid Waste	\$1,016,004.00

CIPC	PROPOSED CAPITAL ITEMS	Requested	Free Cash Recommend	Salmon Site Plan Funding	Purchase (Marijuana \$ Reimburse)	Water Enterprise Fund RE	Sewer Enterprise Fund RE
8	DPS - Various Road & Sidewalk Repai	\$750,000.00	\$500,000.00				
	DPS - Highway - Heavy Dump Truck 417 - Replacement	\$165,000.00	\$0.00				
	DPS - Water - Truck 415 Light Duty - Replacemen	\$58,000.00	\$0.00			\$58,000.00	
22	DPS - Water - Various Water Zsystem Improvement	\$15,000.00	\$0.00			\$15,000.00	
20	DPS - Sewer - Various Sewer Collection System Repa	\$50,000.00	\$0.00				\$50,000.00
3	Schools - Classroom Furniture - Middler Schc	\$325,000.00	\$302,667.00				
13	Schools - Food Service Equipment Replacement	\$110,000.00	\$110,000.00				
18	Schools - Boiler Replacements Design - McGovern & Men	\$40,000.00	\$40,000.00				
5	Schools - Fire Alarm System -McGovern	\$95,000.00	\$95,000.00				
24	Schools - Service Truck - Replacement	\$36,000.00	\$36,000.00				
2	IT - Technology Replacements	\$161,500.00	\$161,500.00				
25	IT - Systemwide Town Security Camera:	\$69,000.00	\$69,000.00				
	Fire - SCBA Systems Replacement	\$251,328.00	\$0.00		\$251,328.00		
	Fire - Radio Box System	\$155,000.00	\$0.00	\$59,500.00			
1	Fire - Purchase ALS Equipment & Turnout Gear - A-2 & A	\$158,020.00	\$158,020.00				
17	Community Devel./RDA - Oak Grove Land Acquisitio	\$74,400.00	\$74,400.00				
6	Police -Station Generator - Replacemen	\$100,000.00	\$90,000.00				
4	Police - Facility & Systems Security Improvement:	\$80,800.00	\$80,800.00				
14	Police - Digitize Police Logs & Arrest Repo	\$6,300.00	\$6,300.00				
11	Library - Roof Shingles & Gutters Improvement	\$60,000.00	\$60,000.00				
9	Library - Lower Level A/C Unit - Replacemer	\$10,000.00	\$10,000.00				
7	Inspectional Svcs. - Inspector's Vehicle AWD/4WD - Replacemer	\$25,000.00	\$25,000.00				
12	Senior Center - Sidewalk Repair & Access Point Improvemer	\$25,000.00	\$25,000.00				
15	Senior Center - Gas Stove - Replacemen	\$6,000.00	\$6,000.00				
39	Senior Center - Industrial Refrigerator/Freezer	\$35,000.00	\$0.00				
55	Communications - Welcome & Message Cente	\$44,300.00	\$0.00				
10	REPLACE TURNOUT GEAR	\$70,000.00	\$35,000.00				
19	VARIOUS BRIDGE IMPROVEMENTS	\$100,000.00	\$0.00				
21	UPDATE MEDWAY MASTER PLAN - CONSULTANT SERVICE!	\$50,000.00	\$25,000.00				
26	REPLACE SENIOR CENTER ROOF	\$50,000.00	\$0.00				
27	REPLACE CHOATE BUILDING ROOF	\$10,000.00	\$0.00				
			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL		\$3,185,648.00	\$1,909,687.00	\$59,500.00	\$251,328.00	\$73,000.00	\$50,000.00

Yellow Highlight = Priorities Not Funded At This 1
 Blue Highlight = CIPC rankings added to projections for disc

CIPC	PROPOSED CAPITAL ITEMS	Requested	Free Cash	#REF!	#REF!
			Recommend	\$	Diff per Requested
				\$ 1,909,687.00	
	1 Fire - Purchase ALS Equipment & Turnout Gear - A-2 & A-1	\$158,020.00	\$158,020.00	\$158,020.00	\$ -
	2 IT - Technology Replacements	\$161,500.00	\$161,500.00	\$161,500.00	\$ -
	3 Schools - Classroom Furniture - Middler School	\$325,000.00	\$325,000.00	\$302,667.00	\$ 22,333.00
	4 Police - Facility & Systems Security Improvements	\$80,800.00	\$80,800.00	\$80,800.00	\$ -
	5 Schools - Fire Alarm System -McGovern	\$95,000.00	\$95,000.00	\$95,000.00	\$ -
	6 Police -Station Generator - Replacement	\$100,000.00	\$90,000.00	\$90,000.00	\$ 10,000.00
	7 Inspectional Svcs. - Inspector's Vehicle AWD/4WD - Replacement	\$25,000.00	\$25,000.00	\$25,000.00	\$ -
	8 DPS - Various Road & Sidewalk Repairs	\$750,000.00	\$500,000.00	\$500,000.00	\$ 250,000.00
	9 Library - Lower Level A/C Unit - Replacement	\$10,000.00	\$10,000.00	\$10,000.00	\$ -
	10 REPLACE TURNOUT GEAR	\$70,000.00	\$70,000.00	\$35,000.00	\$ 35,000.00
	11 Library - Roof Shingles & Gutters Improvements	\$60,000.00	\$60,000.00	\$60,000.00	\$ -
	12 Senior Center - Sidewalk Repair & Access Point Improvements	\$25,000.00	\$25,000.00	\$25,000.00	\$ -
	13 Schools - Food Service Equipment Replacements	\$110,000.00	\$110,000.00	\$110,000.00	\$ -
	14 Police - Digitize Police Logs & Arrest Reports	\$6,300.00	\$6,300.00	\$6,300.00	\$ -
	15 Senior Center - Gas Stove - Replacement	\$6,000.00	\$6,000.00	\$6,000.00	\$ -
	17 Community Devel./RDA - Oak Grove Land Acquisition	\$74,400.00	\$74,400.00	\$74,400.00	\$ -
	18 Schools - Boiler Replacements Design - McGovern & Mem	\$40,000.00	\$40,000.00	\$40,000.00	\$ -
	19 VARIOUS BRIDGE IMPROVEMENTS	\$100,000.00	\$0.00	\$0.00	\$ 100,000.00
	20 DPS - Sewer - Various Sewer Collection System Repairs	\$50,000.00	\$0.00	\$0.00	\$ 50,000.00
	21 UPDATE MEDWAY MASTER PLAN - CONSULTANT SERVICES	\$50,000.00	\$50,000.00	\$25,000.00	\$ 25,000.00
	22 DPS - Water - Various Water Zsystem Improvements	\$15,000.00	\$0.00	\$0.00	\$ 15,000.00
	24 Schools - Service Truck - Replacement	\$36,000.00	\$36,000.00	\$36,000.00	\$ -
	25 IT - Systemwide Town Security Cameras	\$69,000.00	\$85,000.00	\$69,000.00	\$ -
	26 REPLACE SENIOR CENTER ROOF	\$50,000.00	\$50,000.00	\$0.00	\$ 50,000.00
	27 REPLACE CHOATE BUILDING ROOF	\$10,000.00	\$0.00	\$0.00	\$ 10,000.00
	39 Senior Center - Industrial Refrigerator/Freezer	\$35,000.00	\$0.00	\$0.00	\$ 35,000.00
	55 Communications - Welcome & Message Center:	\$44,300.00	\$0.00	\$0.00	\$ 44,300.00
NR	DPS - Highway - Heavy Dump Truck 417 - Replacement	\$165,000.00	\$0.00	\$0.00	\$ 165,000.00
NR	DPS - Water - Truck 415 Light Duty - Replacement	\$58,000.00	\$0.00	\$0.00	\$ 58,000.00
NR	Fire - SCBA Systems Replacements	\$251,328.00	\$0.00	\$0.00	\$ 251,328.00
NR	Fire - Radio Box System	\$155,000.00	\$0.00	\$0.00	\$ 155,000.00
	TOTAL		\$2,058,020.00	\$1,909,687.00	

AGENDA

ITEM #4

Review/Approve – Municipal Aggregation – Energy Committee

Associated backup materials attached:

- Aggregation Plan – Town of Medway
- Comments on the Posted Aggregation Plan and Responses
- Samples/Drafts – Town of Medway's Notification of its Power Supply Program and its business envelope; Town's Opt-Out Reply card.
- Area Towns with Aggregation Plans and Programs; Opt-Out information summary

Proposed Motion: I move that the Board adopt the proposed Town of Medway Community Choice Power Supply Program Aggregation Plan for submission to the Massachusetts Department of Public Utilities.



TOWN OF MEDWAY COMMUNITY CHOICE POWER SUPPLY PROGRAM AGGREGATION PLAN

PREPARED BY

COLONIAL POWER GROUP, INC.

PURPOSE OF THE AGGREGATION PLAN

The Town of Medway (“Town”) developed this Aggregation Plan (“Plan”) in compliance with Massachusetts law regarding public aggregation of electric consumers. It contains required information on the structure, operations, services, funding, and policies of the Town’s Plan. The Plan has been developed in consultation with an aggregation implementation consultant (Consultant), initially Colonial Power Group, Inc. (CPG) and the Massachusetts Department of Energy Resources (DOER).

The purpose of this Plan is to represent consumer interests in competitive markets for electricity. It seeks to aggregate consumers in the Town to negotiate rates for power supply. It brings together the buying power of more than 12,500 consumers. Furthermore, the Town seeks to take control of energy prices. Participation is voluntary for each eligible consumer. Eligible consumers have the opportunity to decline service provided through the Plan and to choose any Competitive Supplier they wish. Based on enrollment figures from previous community aggregations, CPG anticipates that 97% of the eligible consumers will participate. The Town has distributed this Plan for public review prior to submitting it to the Massachusetts Department of Public Utilities (“Department”).

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REQUIREMENTS FOR MUNICIPAL AGGREGATION

The Massachusetts Electric Utility Restructuring Act of 1997 (“Restructuring Act”) contains several requirements for municipal aggregators. One requirement is to develop an aggregation plan in consultation with the DOER. The Plan is subject to review by consumers in the participating municipality and approval by the Department.

1 THE PROCESS OF MUNICIPAL AGGREGATION

Municipal aggregation involves a multi-step public process as follows:

- 1.1 Vote and Authorization to become a Public Aggregator at Town Meeting
- 1.2 Development of Plan in Consultation with DOER
- 1.3 Review of Plan by Town Administrator, Board of Selectmen and Consumers
- 1.4 Vote on Plan by Board of Selectmen
- 1.5 Submission of Plan for Department Approval
- 1.6 Public Hearing on Plan by Department
- 1.7 Selection of Date for Receipt of Price Terms from Competitive Suppliers
- 1.8 Selection of Competitive Supplier by Town Administrator
- 1.9 Notification of Enrollment for Eligible Consumers
- 1.10 Beginning of Opt-Out Period (30 days prior to first service date)
- 1.11 Transfer of Participating Consumers to Competitive Supplier

In addition to this process, municipal aggregators must comply with open meeting laws, ethical rules, and certain public bidding and information requirements.

2 MEDWAY'S COMMUNITY CHOICE POWER SUPPLY PROGRAM

The Town offers one program to achieve its goals: Medway's Community Choice Power Supply Program ("Program"). The Program provides professional representation on behalf of consumers in state proceedings and in regional or local forums to protect consumer interests in an evolving marketplace.

The Program is designed to offer competitive choice to eligible consumers and to gain other favorable economic and non-economic terms in service contracts. The Town does not buy and resell power, but represents consumer interests to set the terms for service. Through a competitive bid and negotiation process, the Town develops a contract with a Competitive Supplier for firm, all-requirements service. The contract runs for a fixed term. The process of contract approval contains checks and balances. Once the contract has been negotiated by the Town's agent, it must be submitted to the Town Administrator for approval. And lastly, eligible consumers may opt-out of the Program, and select Basic Service or power supply from any other Competitive Supplier they wish at any time before or following their enrollment in the Town's Program. No eligible consumer is required to receive service under the Town's contract. [See Section 4.1.6 for detailed information on the opt-out process.]

2.1 ORGANIZATIONAL STRUCTURE

The Town's government is led by a five person Board of Selectmen. Daily operations are overseen by a Town Administrator. Town elections are held the third Tuesday in May.

The Board of Selectmen is composed of five members elected for three year terms. They meet every first and third Monday evening at 7:00 P.M. at Town Hall. They may also hold other meetings from time to time. The Board of Selectmen acts as the Town's Chief Executive Body responsible for the general welfare of the community. Specific powers and responsibilities of the Board of Selectmen are set forth in the Town Charter. The operational role of the Town and its agent in relation to consumers is outlined and described in the following pages.

2.2 OPERATIONAL LEVELS

There are five operational levels to the Town's Program as follows:

2.2.1 Level One: Consumers

Consumers hold the ultimate authority over the Program and its functions. They can elect candidates for the Board of Selectmen who may take positions regarding the Program. They can participate in local and regional meetings and hearings regarding issues related to restructuring in general and the Town's Program in particular. And they can attend meetings to express their views.

Every eligible consumer in the Town may participate in the Town's Program. All eligible consumers will also have the ability to decline service through the Competitive Supplier and choose any other power supply option they wish or remain with the Local Distributor, Eversource Energy ("Eversource", formerly NSTAR). Eligible consumers who are dissatisfied with services provided under the contract negotiated by the Town may also communicate directly with the Competitive Supplier or the Consultant retained by the Town to assist with the implementation of the Plan via e-mail or toll-free telephone number in an effort to alter or otherwise improve service. Eligible consumers may also opt-out at any time by contacting the Competitive Supplier. Eligible consumers may also bring issues before the Board of Selectmen.

2.2.2 Level Two: Board of Selectmen

Based upon its existing authority or authority provided by voters at Town elections, the Board of Selectmen may act on program and policy issues and contract recommendations. In addition, it may provide instructions to the Town's agent regarding specific policy or program decisions to be made under the Program. It may also raise issues directed to it by consumers for the Town to address.

2.2.3 Level Three: Town Administrator

The Town Administrator carries out the collective decisions and instructions of the Board of Selectmen and participating consumers.

2.2.4 Level Four: The Consultant

As the Town's agent, the Consultant shall provide the day-to-day management and supervision of the business affairs of the Program under a contract agreement. The Consultant shall serve as the Town's procurement agent, utilizing its existing staff to solicit services as requested by the Town. In addition, the Consultant provides office space and administrative support to coordinate the Program's operations.

This administrative support includes:

- communications;
- program development;
- recordkeeping; and
- program oversight and maintenance.

2.2.5 Level Five: Competitive Suppliers

Competitive Suppliers contract with the Town through its Town Administrator. The contract is negotiated, recommended, and monitored for compliance by the Consultant. No contract is binding until it is approved by the Town Administrator. The complete set of Competitive Supplier responsibilities is found in the Electric Service Agreement (ESA) between the Town and the Competitive Supplier.

2.3 OPERATIONS

The Program's operations are guided by the provisions and goals contained in this Plan and the instructions and decisions of the Town Administrator, the Consultant, and participating consumers.

The goals of this Plan are as follows:

- provide the basis for aggregation of eligible consumers on a non-discriminatory basis;
- acquire a market rate for power supply and transparent pricing;
- provide equal sharing of economic savings based on current electric rates;
- allow those eligible consumers who choose not to participate to opt-out;
- provide full public accountability to participating consumers; and
- utilize municipal and other powers and authorities that constitute basic consumer protection to achieve these goals.

2.4 STAFFING AND MANPOWER

The operations necessary to plan, deliver, and manage the Town's Program include:

- technical analysis;
- competitive procurement of services;
- regulatory approvals;
- accounting and fiscal management;
- contract maintenance;
- communications;
- program coordination; and
- administrative support.

The Town intends to utilize the Consultant as the professional, technical, and legal consultant to operate the Program. The Consultant is a licensed broker of electricity in Massachusetts (EB-107). The Consultant has experience designing, implementing and administering opt-out municipal aggregation programs.

The Consultant will be responsible for monitoring all aspects of the Program and any resulting

contractual agreements, including but not limited to: monitoring and reporting on compliance with all contract terms and conditions, resolution of contract issues, implementation of the opt-out process for consumers, participation in negotiations with Eversource, preparation of reports, as directed, and routine updates and attendance at meetings with the Town Administrator and Board of Selectmen.

The Program has been developed on behalf of the Town by the Consultant with the support of technical consultants and legal counsel. Once a contract has been secured, the Consultant will administer the Program.

The Consultant will undertake negotiations with Competitive Suppliers and provide representation at the state level, as needed, at the direction of the Town Administrator and Board of Selectmen. The terms and conditions of any contract may be subject to review by the Town Counsel, as well as by any outside legal counsel which may be selected by the Town, and may be further subject to the Town Counsel's approval as to legal form.

3 FUNDING

Initial funding for Town's Program comes from private capital supplied by CPG. The ESA with a Competitive Supplier will include a \$0.001 per kWh adder that will be paid by the Competitive Supplier to the Consultant. The \$0.001 per kWh adder will fund the on-going costs of the Program. The start-up costs, to be borne by the Consultant, include costs for legal representation, public education, and communications. Mailing costs will be borne by the Competitive Supplier.

4 ACTIVATION AND TERMINATION

4.1 ACTIVATION

Following the process of municipal aggregation and competitive procurement of a proposed contract by the Town, activation of the Program requires the following steps:

- a) Approval of Plan by Department
- b) Acceptance of ESAs by Board of Selectmen and Town Administrator
- c) Signing of ESA by Board of Selectmen and Town Administrator
- d) Notification of Enrollment for Eligible Consumers
- e) Notification of Eversource
- f) Beginning of Opt-Out Period
- g) Transfer of Participating Consumers to Competitive Supplier

Each of these steps is described as follows:

4.1.1 Approval of Plan by Department

The Town, through its agent, shall file this Plan with the Department. The Department is required to hold a public hearing on the Plan

4.1.2 Acceptance of ESAs by Board of Selectmen and Town Administrator

All contracts negotiated by the Town shall be expressly conditioned upon the acceptance of the contract by the Town Administrator. Competitive Suppliers and contracts must comply with all applicable laws and rules and regulations promulgated by the Department concerning Competitive Suppliers.

4.1.3 Signing of ESA by Board of Selectmen and Town Administrator

With the signing of the contract by the Town Administrator, the terms and conditions in the contract will be utilized for service for eligible consumers within the municipal boundaries of the Town, except for those eligible consumers who have selected a Competitive Supplier prior to the contract activation date and do not wish to switch to service under the Town's contract, or those eligible consumers who affirmatively opt-out of the Program.

4.1.4 Notification of Enrollment for Eligible Consumers

Following approval of the contract by the Town, the Competitive Supplier shall undertake notification of all eligible consumers on Basic Service to be enrolled. Eversource will inform the Competitive Supplier and the Consultant as to which consumers are on Basic Service and which consumers are receiving power from third-party suppliers. Eversource will electronically transmit the name, address and account of eligible consumers and run this data just prior to the meter read at which the change to the Competitive Supplier is set to occur to ensure that no consumers contracted with third-party suppliers are enrolled. Only current Basic Service consumers will be sent opt-out notices. The Town may also generally notify all consumers receiving competitive service of their eligibility to receive power from the Town's Competitive Supplier. Once the appropriate notification has been provided to the eligible consumer and applicable opt-out requirements met, the Competitive Supplier will electronically enroll the eligible consumer by submitting an "enroll customer" transaction to Eversource in accordance with the rules and procedures set forth in the EBT Working Group Report, which is applicable to all Competitive Suppliers and distribution companies in Massachusetts.

The process of notification shall be multi-layered and will include:

- mailings by the Town;

- newspaper notices;
- public service announcements (PSAs); and
- notices posted in Town Hall and on Town website.

Prior to enrollment, this notification shall:

- inform eligible consumers they have the right to opt-out of the aggregated entity without penalty and choose Basic Service at any time before or after their first day of service;
- prominently state all charges to be made and a comparison of the price and primary terms of the Town’s contract compared to the price and terms of Eversource’s Basic Service;
- explain the opt-out process; and
- provide written notification that no charges associated with the opt-out will be made by the Competitive Supplier.

When a new eligible consumer first moves to the Town, the eligible consumer will be enrolled automatically in the Town’s Program upon the initiation of service, subject to the eligible consumer’s right to opt-out of the Program. However, if the consumer is moving from another service address within the Eversource’s service area and had previously chosen an alternative supplier, then that supplier will be carried forward to the customer’s new service address. Enrollment will occur pursuant to the rules and procedures set forth in the EBT Working Group Report, which is applicable to all Competitive Suppliers and distribution companies in Massachusetts. Eversource will inform the Competitive Supplier of newly-enrolled consumers by submitting Auto-Enroll New Customer 814-AE transactions.

To facilitate enrollment in the Town’s Program, after approval by the Department and execution of a contract with a Competitive Supplier, Eversource will electronically transmit the name, address and existing power supply option (i.e. Basic Service or non-Basic Service) of each eligible consumer to the Town’s designated Competitive Supplier. Thereafter, the Competitive Supplier may access a list of Eversource’s new eligible consumers on a quarterly basis pursuant to the provisions of Investigation by the Department of Telecommunications and Energy on its Own Motion into Competitive Market Initiatives, D.T.E. 01-54, D.T.E. 01-54-A, and D.T.E. 01-54-B.

The approximate timing of the major procedural steps related to the notification of consumers is as follows:

Day 1	Supply contract executed between Town and Competitive Supplier
Day 2	Competitive Supplier notifies Eversource to prepare Town eligible consumer data
Day 3	Competitive Supplier begins EDI testing with Eversource

Day 14	Competitive Supplier receives eligible consumer data from Eversource
Day 18	CPG and/or Competitive Supplier mails opt-out notice to all eligible consumers
Day 19	30-day opt-out period begins on date of postmark
Day 21	Eligible consumers receive mail
Days 21-51	Consumers wishing to opt-out return reply card in pre-paid envelope to Competitive Supplier
Day 33	Competitive Supplier completes EDI testing with Eversource
Day 52	Competitive Supplier removes opt-outs from eligible list
Day 53	Competitive Supplier sends “supplier enrolls customer” EDI for all participating consumers

Participating consumers are enrolled with supplier on the next meter read, provided that the enrollment transaction is submitted no fewer than two full business days before the meter read.

Our Consultant’s experience with previous aggregation programs suggests that the Town, Competitive Supplier and Eversource need about two months to complete the consumer notification and enrollment process.

The methods by which eligible consumers will be enrolled in the Program are consistent with Eversource’s Terms and Conditions for Competitive Suppliers, M.D.P.U. Nos. 101D, 201D, and 301D, as amended or superseded from time to time.

4.1.5 Notification of Eversource

Along with notification of eligible consumers, the Town shall notify the selected Competitive Supplier and Eversource to begin preparation of the administrative process to transfer eligible consumers coincident with each eligible consumer’s billing cycle. Alternatively, or in combination with the Town notification, the selected Competitive Supplier may notify Eversource to begin preparation of the administrative process.

4.1.6 Beginning of Opt-Out Period

Eligible consumers may opt-out of service from the Program at no charge either in advance of service start up deadlines or at any time after the first day of service. Participating consumers who seek to return to Eversource’s Basic Service should provide notice to the Competitive Supplier and/or Eversource five or more business days before the next scheduled meter read date. Pursuant to Eversource’s Terms and Conditions for Competitive Suppliers, M.D.P.U. Nos. 101D, 201D, and 301D, participating residential consumers will be transferred to Eversource’s Basic Service in two business days if they directly notify Eversource of the intent to terminate generation service from the Competitive Supplier. If a commercial or industrial consumer directly notifies Eversource

of the choice to terminate generation service from the Competitive Supplier, the generation service shall be terminated on the date of the customer's next scheduled meter read. If a residential, commercial, or industrial customer notifies the Competitive Supplier of the choice to terminate receipt of generation service, the termination shall take place on the date of the customer's next scheduled meter read, so long as the Competitive Supplier has submitted the transaction to Eversource no fewer than two business days prior to the meter read date. There shall be no charge for returning to Eversource's Basic Service in this manner. Further opportunities for eligible consumer opt-out may be negotiated by the Town and the Competitive Supplier and included in the terms of the contract presented to the Board of Selectmen, the Town Administrator, and made part of the public information offered to each eligible consumer. Eligible consumers who opt-out and subsequently wish to enroll may be enrolled at the Competitive Supplier's discretion and pursuant to Eversource's Terms and Conditions for Competitive Suppliers, M.D.P.U. Nos. 101D, 201D, and 301D, as amended or superseded from time to time.

4.1.7 Transfer of Participating Consumers to Competitive Supplier

The process of activation is an administrative function with three parts:

- a) Data Preparation: Eversource will identify all eligible consumers on Basic Service in the Town by eliminating those who have already selected a Competitive Supplier.
- b) Automatic Enrollment: All verified eligible consumers shall be transferred to the Town's Competitive Supplier coincident with Eversource's billing periods, unless they have previously sent in notification of their intent to opt-out according to established deadlines. Eligible consumers will be enrolled with the new Competitive Supplier over the period of one month. Service under the new Competitive Supplier shall begin at the start of the billing period following transfer.
- c) Notification: Eversource shall notify each transferred participating consumer of the change to the Town's Competitive Supplier with its last bill for Basic Service.

4.2 TERMINATION

The Program may be terminated in two ways:

- upon contract termination or expiration without any extension, renewal, or subsequent contract being negotiated; or
- at the decision of the Board of Selectmen and Town Administrator to dissolve the Program.

Each participating consumer receiving service under the Town's Program will receive notification of termination of the Program 90 days prior to such termination.

In the event of contract termination, participating consumers would return to Eversource's Basic Service or choose a Competitive Supplier. This transfer would occur in coordination with Eversource using established EDI protocols and in accordance with the rules and procedures set forth in the EBT Working Group Report.

5 METHODS FOR ENTERING AND TERMINATING AGREEMENTS

The Town's process for entering, modifying, enforcing, and terminating all agreements associated with the Program shall comply with the requirements of the Town's charter, and state and federal laws. Where required, the procedures outlined in M.G.L. c. 30B shall be followed. Other agreements shall be entered, modified, or terminated in compliance with the law and according to the express provisions of the relevant agreement.

Prior to the end of the initial ESA, the Consultant will be responsible for conducting a subsequent bidding process for a new ESA. The Town Administrator is responsible for executing a new ESA. Customers will be notified through press releases and public notices. New opt-out notices may be mailed. The Town may use on-bill messaging or bill inserts. However, Eversource may include on-bill messaging notifying consumers of a supplier switch. The transfer of customers from the existing supplier to the new supplier is conducted by the new supplier in coordination with Eversource using established EDI protocols.

The Town will notify Eversource of the planned termination or extension of the program. In particular, the Town will provide Eversource notice:

- 90 days prior to a planned termination of the program;
- 90 days prior to the end of the anticipated term of the program's ESA; and
- four business-days after the successful negotiation of a new electricity service agreement.

6 RATE SETTING, COSTS, AND BILLING

The Town will offer the Program at rates and terms to be negotiated with Competitive Suppliers. All Competitive Supplier charges to the participating consumer will be fully and prominently disclosed under the notification process.

Eversource shall continue to provide metering, billing, and maintenance of the distribution system as a regulated monopoly function. Charges for metering, billing and other distribution services shall be regulated by the Department, unless otherwise provided for in law, or Department rules and regulations.

6.1 RATE SETTING

Under Department orders, Eversource assigns the rate classification and corresponding character of service and associated regulated rates. These rates include a monthly customer charge, a distribution charge, a transmission charge, a transition charge, an energy conservation charge, and a renewable energy charge that currently make up a portion of a ratepayer's bill. Although the Town, or its agent, may participate in regulatory proceedings and represent the interests of ratepayers regarding these regulated rates, it will not assign or alter existing rate classifications without the approval of the Department. [See Section 6.3 for an example of a typical residential bill.]

The focus of the Town, as noted above, will be acquisition of competitive prices and terms for power supply. This price, or prices, will be set through the competitive bid and negotiation process, and will be noted on the participating consumer's bill as the "generation charge".

The competitive bid process will seek prices that will differ among the rate classifications established by Eversource's tariffs. The terms and conditions of service may also vary among rate classifications.

6.2 COSTS

There is no cost to eligible or participating consumers. The Program funding will be derived from a \$0.001 per kWh commission fee payable by the Competitive Supplier to the Consultant.

In addition, the Town may fund personnel costs associated with an Energy Manager position(s), of which one of the responsibilities would be to assist with the Aggregation Program, through an Operational Adder payable by the Competitive Supplier to the Town.

6.3 BILLING

Participating consumer billing under the Town's Program will be made by the Competitive Supplier under contract and shall be incorporated into the standard monthly utility billing. Participating consumers will receive a "complete bill" from Eversource that incorporates the power supply charge and Eversource's delivery charges. The bill shall include a clear delineation of all regulated and non-regulated charges.

The typical residential "complete bill" for use of 500 kWh shows the following charges for Eversource's Basic Service in January 2016:

For Customer With Monthly Usage of 500 kWh		
	Rate (\$/kWh)	Charge
Delivery Services Detail (Rate: R1)		
Transmission Charge	\$0.02517	\$ 12.59
Distribution Charges:		
Customer Charge		\$ 3.73
Energy Charge*	\$0.07198	\$ 35.99
Transition Charge	\$0.01184	\$ 5.92
Energy Conservation Charge	\$0.00250	\$ 1.25
Renewable Energy Charge	\$0.00050	\$ 0.25
Total Delivery Services		\$ 59.73
Supplier Services Detail (Rate: Default Service)		
Generation Services Charge	\$0.10844	\$ 74.86
Total Supplier Services		\$ 74.86
Average Bill Total		
		\$ 134.59

Sources: <https://www.eversource.com/Content/ema-e/residential/my-account/my-bill/basic-service>
<https://www.eversource.com/Content/docs/default-source/rates-tariffs/390.pdf?sfvrsn=20>

Accessed: November 1, 2015

7 UNIVERSAL ACCESS

“Universal access” is a term derived from the traditional regulated utility environment in which all consumers desiring service receive that service. The DOER’s Guide to Municipal Electric Aggregation in Massachusetts has defined universal access to mean “electric services sufficient for basic needs (an evolving bundle of basic services) available to virtually all members of the population regardless of income.” The Guide also provides that a municipal aggregation plan meets the requirement of universal access “by giving all consumers within its boundaries the opportunity to participate, whether they are currently on Basic Service or the supply service of a

Competitive Supplier.” For the purposes of the Town’s Program this will mean that all existing consumers within the borders of the Town and all new consumers in the Town shall be eligible for service from the Competitive Supplier under the terms and conditions of the contract. One of the Town’s goals, as indicated in Section 2.3, is to “Provide the basis for aggregation of eligible consumers on a non-discriminatory basis”.

Service under the Town’s Program shall include rate classifications in adherence with universal service principles and requirements, and the traditional non-discriminatory practices of local government. Contracts with all Competitive Suppliers shall contain provisions to maintain these principles and equitable treatment of all rate classifications.

Eligible existing consumers in the Town shall be transferred to the Program unless they have already contracted with a Competitive Supplier, or affirmatively opted-out of the Program.

Eligible low-income consumers shall remain subject to all existing provisions of state law regarding their rights to return to Basic Service and to participate in the Program as well.

New Eligible consumers in the service territory shall be enrolled in the Program unless they already contracted with a Competitive Supplier or affirmatively opted-out of the Program. New Eligible consumers will retain the right to opt-out any time after the commencement of Program service.

8 EQUITABLE TREATMENT OF RATEPAYERS

All ratepayers will be treated equitably. They will be guaranteed the right to raise and resolve disputes with the Competitive Supplier, be provided all required notices and information, and always retain the right to opt-out of the Town’s Program as described herein or to switch Competitive Suppliers. The requirement of equitable treatment of all ratepayers does not, however, require that all ratepayers be offered the same pricing or terms and conditions. To impose such an interpretation to the statutory requirements governing municipal aggregation programs would, in effect, result in inequitable treatment, as attempting to apply identical prices, terms, and conditions to ratepayers with widely disparate characteristics would have the inevitable effect of giving some ratepayers more favorable service than others. The implementation of the Program will recognize this reality through appropriate distinctions in pricing and, where applicable, terms and conditions among ratepayers.

9 RELIABILITY

“Reliability” in power supply and in transmission and distribution is essential to consumers. This will be accomplished and reinforced by the Program at several levels through:

- provisions of the contract that will include language on reliability of supply, liability and damages provisions;
- traditional proceedings related to Eversource’s regulated transmission and distribution services; and
- direct discussions with Eversource concerning specific or general problems related to quality and reliability of transmission and distribution service in the Town.

10 RIGHTS AND RESPONSIBILITIES OF PARTICIPANTS

10.1 RIGHTS

All participating consumers shall enjoy the protections of law afforded to them as they currently exist or as they may be amended from time to time. These include rights to question billing or service quality or service practices. Under protocols developed by the Department, problems related to billing or service shall be directed to the appropriate parties. All eligible consumers shall also enjoy the individual right to decline participation in the Town’s Program.

10.2 RESPONSIBILITIES

All participating consumers shall meet all standards and responsibilities required by the Department, including payment of billings and access to essential metering and other equipment to carry out utility operations.

11 BENEFITS OF MUNICIPAL AGGREGATION

The Program functions under the restrictions of state law and reflects a range of results and opportunities:

11.1 PARTICIPATION IN COMPETITIVE MARKET

Many consumers lack knowledge and leverage to negotiate terms for power supply. A municipal aggregator provides them with an option for professional representation and the leverage of a large group so that they may participate more effectively in the competitive process and achieve benefits.

11.2 SELECTION OF ALTERNATE SUPPLIER

Because the law guarantees the right to opt-out, including the right to choose Basic Service at no charge, all eligible consumers have the right to select a Competitive Supplier other than the one chosen by the Town Administrator and Board of Selectmen.

11.3 INDEMNIFICATION AND RISK ASSOCIATED WITH COMPETITIVE MARKET

In a competitive market, it is possible that the failure of a Competitive Supplier to provide service may result in the need for participating consumers to acquire alternative power supply, or for participating consumers to receive power at Basic Service prices. The Town will seek to minimize this risk by contracting with reputable Competitive Suppliers who demonstrate reliable service. The Town also intends to include conditions in its contract with a Competitive Supplier that will indemnify participating consumers against risks or problems with power supply service.

11.4 RENEWABLE ENERGY CERTIFICATES

In addition to soliciting bids for power supply that meet the required Massachusetts Renewable Portfolio Standard (RPS) obligation, the Town will solicit bids to supply additional Renewable Energy Certificates (RECs) for an optional product. The Town will seek RECs from a variety of renewable sources and will choose the proposal that offers the best combination of environmental benefit and price.

The Town will ask Competitive Suppliers to identify the technology, vintage, and location of the renewable generators that are the sources of the RECs. The Town will require that the RECs either be created and recorded in the New England Power Pool Generation Information System or be certified by a third party such as Green-e.

11.5 OTHER PROTECTIONS

The Town intends to negotiate a range of provisions in its contracts to enhance participating consumer protection.

12 REQUIREMENTS CONCERNING AGGREGATED SERVICE

The Town shall comply with the requirements established by law and the rules set forth by the Department concerning aggregated service.



TOWN OF MEDWAY
Town-Wide Energy Committee

TO: Town of Medway Board of Selectmen
FROM: Medway Town-wide Energy Committee
DATE: February 21, 2017

RE: Responses from Colonial Power Group to Comments on Posted Aggregation Plan

What follows are the comments on the Town's proposed Community Electric Aggregation Plan and the responses formulated by our consultant, Colonial Power Group. The Plan was posted on the Town's website from December 28, 2016 through February 15, 2017.

RE PURPOSE OF THE AGGREGATION PLAN (Page 1, second paragraph)

Comment:

Confirm this number is residential meters that would be covered by the Aggregation program. This number would suggest there is one electric meter for each resident of the town (which is not the case).

Response:

This sentence says the program bring(s) . . . the buying power of 12,500 consumers which is the approximate number of Medway residents. If you are looking for actual meter Eversource is showing currently 3,909 residential meters, 336 commercial and industrial meters, and 11 Muni/Gov meters.

2.2.1 Level One: Consumers

Comment:

To the point of hearings, what local hearings have been held by the "Town" and or one of its "Committees" on the subject of Aggregation? If none, the statement in this paragraph is not accurate.

Response:

On Wednesday May 25th 2016 Colonial met with Mr Weiss Energy Manager for the Town of Medway and Allison Potter Assistant Town Manager for the Town of Medway. Colonial meet with the Medway Energy Committee on June 15, 2016 to discuss Municipal Aggregation for the Town of Medway. Colonial was in front of the Board of Selectmen on October 17, 2016 to discuss aggregation and the process needed to be completed for the Town of Medway to successfully complete the aggregation process. Informal meeting with the Medway Energy Committee on December 21, 2016 to discuss any issue with the aggregation plan presented to the Town of Medway. Back in (front) of the Board of Selectmen on February 6, 2017 to make sure all outstanding issues with the plan have been addressed.

Comment:

Define consumer? Is it the apartment building owner who pays the meter or the tenants who do not pay the meter?

Response:

A consumer would be any person receiving basic service from Eversource that has not opt'd out of the aggregation program. Consumers that have already made a choice to with a supplier other than Eversource are also eligible they would just need to opt in to the program.

2.2.5 Level Five: Competitive Suppliers

Comment:

Why isn't there a specimen ESA attached to this Plan for review by the public? Without a specimen ESA the public cannot properly evaluate the Plan as they do not know the Terms.

Response:

The process of municipal aggregation is completely transparent. A copy of the ESA was sent to the Energy Committee for their review. The Aggregation Plan is the document that the Department of Public Utilities rules on to make sure that the community has follow at the statutory requirements in the law. The ESA is the contract between the Supplier and the Town outlining the roles and responsibilities of each party. Including price, term and makeup of the energy the Town wishes to procure. (The ESA is posted with the Town Clerk.)

2.3 OPERATIONS

Comment:

The goals should be restated to reflect the desire to "lower" rates and "save money". Neither term is used in the goals. I could go out to bid and come back with a higher rate if these goals are left as they are now.

Response:

This point is where I believe aggregation stands strongest. The Town of Medway decides what the price of electricity will be for the town residents in the program. I do not believe anyone would vote to rise everyones electric bill in Town. Colonial will conduct an RFP for the Town of Medway in which the Town officials will let Colonial know what the terms and conditions they are willing to receive prices for the aggregation, those terms and conditions will be put in the RFP and supplier willing to meet those conditions will submit bids. The Town of Medway retains the final decision to move forward or not. This is how aggregation completely changes the game on the energy markets it requires the supplier to meet the Towns needs not the Town meeting the suppliers needs.

2.3 OPERATIONS

Comment:

To whom are we "equally" sharing with? As stated this is open ended and not clear.

Response:

This statement makes sure that there is no class of customer that gets an economic advantage in the aggregation. All residential customers have the same rate and all commercial customers have the same rate providing equal and sharing and economic saving based on utility and market rates.

2.4 STAFFING AND MANPOWER

Comment:

Change "is" to "shall be".

Response:

Colonial is a licensed broker of electricity in Massachusetts, Electric Broker license EB-107 so this statement is factual correct.

Comment:

Change "has" to "shall have".

Response:

Colonial Power has completed these task for communities in Massachusetts for the past 10 years so this statement of has is correct.

4.1.4 Notification of Enrollment for Eligible Consumers

Days 21-51

Comment:

There should be multiple channels to opt out - ie mail, email, dropping off a form a Town Hall, etc.

Response:

This statement addresses the statutory requirement of the law. In practice the consumer has the ability to send back the opt out card, call the supplier, call Colonial Power Group, Inc. or go on line and opt out via Colonial Power Website maintained for each community. www.colonialpowergroup.com.

4.2 TERMINATION

Comment:

As worded this implies that upon the end of the ESA with one supplier everything stops. It should be rephrased to state the end of an Aggregation program. Language should be added that covers the situation when a supplier change is made.

Response:

I believe your concerns are addressed in section 5 of the document. the paragraph you are referring to is a statutory requirement that addresses the procedure around termination of a program.

6.1 RATE SETTING

Comment:

The term "may" should be replaced with "will". The consultant should attend the proceedings and represent the interest of the aggregation program.

Response:

The reason the word may is used is this is on the regulated side of the bill and most times does not effect aggregation but should something of interest to aggregation Colonial will always participate in the proceeding. The language proposed does not give the correct flexibility should the docket not be addressing competitive supply issues or aggregation.

Comment:

Is it a given that the term "competitive" will result in a cost savings?

Response:

(T)the Term Competitive means that Colonial Power Group, Inc. will allow all electric suppliers interested in bidding on the Town of Medway municipal aggregation the ability to do so. This is truly a market place with electricity futures being traded, depending on what product the community choses depends upon cost savings.

6.2 COSTS

Comment:

This means there is a cost to the consumer as it means that not all of the so called savings will be returned to the consumer. That means the first sentence of 6.2 is not correct.

Response:

All of these costs will be included in the Generation Charge on the customers bill. Municipal aggregation statute requires that cost associated with the program be disclosed in the plan. I do not see these cost an(y) different than the capacity cost or the renewable portfolio standard cost associated with the energy except that those cost are not required to be disclosed in the MGL 164 134.

7 UNIVERSAL ACCESS

Comment:

Reference in this section should be made to protection for Seniors. Reference to consumer protection law should be made in this section.

Response:

All the same protections under basic service exist under municipal aggregation. The Utility is the entity that connects and disconnects customers according to the Department of Public Utilities Rules and Regulations.

9 RELIABILITY

Comment:

Lack of a specimen agreement attachment precludes evaluation of this bullet point in Section 9.

Response:

The Medway Energy Committee has standard form of Electricity Suplly Agreement (ESA). Colonial would be happy to supply anyone with a copy of the agreement. Again advantage aggregation full transparency.

11.4 RENEWABLE ENERGY CERTIFICATES

Comment:

This section does "nothing" to support sustainability. All it does is promote green. It fails to set any goals. It fails to suggest a minimum green content.

Response:

This is again done on purpose not to lock the Town into any certain RPS requirement. This only allows the Town of Medway to set it(s) own Energy Policy with out any futher regulation from the state. Other communities have named certain goals and when they wanted to change or increase they need to go back to the state because what was approved was not what was being implemented in the community.

11.5 OTHER PROTECTIONS

Comment:

Examples should be offered in this section so that we have an idea of what they may be

Response:

Again I would respectfully disagree any protections required would be in the ESA and you would not want to hinder your ability to negotiate with supplier during the ESA process. Colonial has no issue entering any consumer protection the Town of Medway may want for it's participating consumers just doing so in this document has the ability to hinder the aggregation down the line.



THE TOWN OF MEDWAY'S COMMUNITY CHOICE POWER SUPPLY PROGRAM CONSUMER NOTIFICATION FORM

<Month> <Day>, <Year>

Dear Medway Basic Service Consumer:

The Town of Medway is pleased to announce that _____ has been selected as the supplier for its Community Choice Power Supply Program ("Program"). _____ will provide electric power supply for all Basic Service consumers in Medway. This letter is intended to tell you about this Program for electric power supply. In accordance with state law, it also informs you of your rights and options if you choose not to participate in the Program.

YOU WILL NOT NOTICE ANY CHANGE IN YOUR ELECTRICITY SERVICE. The only difference you will see is that _____ will be printed under the "Generation Charges" section of your monthly bill. You will continue to receive one bill from Eversource Energy. You will continue to send your payments to Eversource Energy for processing. Eversource Energy will continue to respond to emergencies, read meters and maintain the distribution and transmission lines. Reliability and quality of service will remain the same. Furthermore, you will continue to have all existing consumer rights and protections.

COMPARATIVE RATES AND TERMS

	Medway's Program (Generation Charges Only)	Eversource Energy Basic Service (Generation Charges Only)
Rate* Residential Commercial/Streetlight Industrial	\$X.XX per kWh \$X.XX per kWh \$X.XX per kWh	\$X.XX per kWh \$X.XX per kWh \$X.XX per kWh
Duration	_____ 2017 – _____ 2017 <i>[Rates apply to service beginning and ending on the days of the month that your meter is read in your service area.]</i>	_____ 2017 – _____ 2017 <i>[Residential and Small Commercial rates change every 6 months. Large Commercial and Industrial rates change every 3 months.]</i>
Exit Terms	NO PENALTY CHARGE	NO PENALTY CHARGE

*Rate includes Operational Adder of \$X.XXX/kWh to fund personnel costs associated with an Energy Manager position(s).
[The annotation above will be removed if the Operational Adder is not being utilized.]

IF YOU HAVE BEEN MAILED THIS NOTIFICATION you do not need to take any action to participate in the Program.

ALL BASIC SERVICE CONSUMERS who have been mailed this notification will automatically be enrolled in the Program and start benefiting from the aggregation rate beginning on the day of the month in _____ that your meter is read. This date varies by service area. Your meter reading date is shown on your bill.

BUDGET PLAN OR ELIGIBLE LOW-INCOME DELIVERY RATE CONSUMERS will continue to receive those benefits from Eversource Energy.

SOLAR PANEL CONSUMERS will continue to receive their net metering credits while benefiting from the aggregation rate.

TAX EXEMPT SMALL BUSINESS CONSUMERS must send or fax a copy of their Energy Exemption Certificate directly to ___(Supplier)___ at ___(Supplier address/fax)___ in order to maintain their tax exempt status.

IF YOU HAVE ALREADY CHOSEN A COMPETITIVE SUPPLIER ON YOUR OWN you must opt-out of this Program. This will ensure you continue to get your electricity from that Competitive Supplier.

IF YOU HAVE ALREADY CHOSEN A GREEN POWER SUPPLY OPTION ON YOUR OWN you must opt-out of this Program. This will ensure you continue to get your electricity from that Green Power Supply.

IF YOU DO NOT WISH TO PARTICIPATE IN THIS PROGRAM you may: 1) Opt-out and continue paying Eversource Energy's Basic Service rate; or 2) Opt-out and choose your own Competitive Supplier (if one is available to you).

HOW TO OPT-OUT

Sign and return the enclosed card in the postage paid envelope provided **OR** visit www.colonialpowergroup.com/medway/ and click the opt-out button, then fill out and submit the Opt-Out Form.

ANY TIME AFTER ENROLLMENT you can still opt-out with NO PENALTY CHARGE. It may take a couple of billing cycles before you are back on Eversource Energy's Basic Service. If you choose to opt-out after the initial enrollment, you may submit an Opt-Out form at www.colonialpowergroup.com/medway/ **OR** call _____ at _____ and ask to be placed on Eversource Energy Basic Service.

TO CHOOSE A GREENER PRODUCT WITH A HIGHER PERCENTAGE OF RENEWABLE ENERGY you may call _____ at _____ and ask to be enrolled in Medway's Optional Green Product.

FOR MORE DETAILED INFORMATION regarding Medway's Program you can visit www.colonialpowergroup.com/medway/ or call us toll-free at (866) 485-5858. To learn more about _____ you can visit www._____.

Basic Service consumers in the Town of Medway will receive further notification of this Program on their _____ bill from Eversource Energy.

Colonial Power Group, Inc. is an energy consulting company chosen on a competitive basis by the Town of Medway to facilitate the Community Choice Power Supply Program.

MEDWAY'S COMMUNITY CHOICE POWER SUPPLY PROGRAM
CUSTOMER NOTIFICATION LETTER ENVELOPE

OFFICIAL TOWN BUSINESS



Town of Medway
c/o Competitive Supplier
1 Supplier Street
Supplier, MA 00000

John Smith
1 Main Street
Medway, MA 02053

PRESORTED
FIRST-CLASS
MAIL
U.S. POSTAGE
PAID
STAMFORD, CT
PERMIT NO. 102

DO NOT DISCARD – IMPORTANT Notice Regarding Electricity Rates

MEDWAY'S COMMUNITY CHOICE POWER SUPPLY PROGRAM
CUSTOMER OPT-OUT NOTIFICATION CARD WITH REPLY ENVELOPE

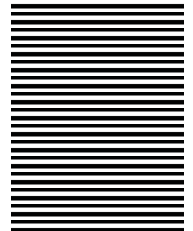
BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 41 MARLBOROUGH, MA

POSTAGE WILL BE PAID BY ADDRESSEE

TOWN OF MEDWAY
c/o COMPETITIVE SUPPLIER
1 SUPPLIER STREET
SUPPLIER, MA 00000

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



**MEDWAY COMMUNITY CHOICE POWER SUPPLY PROGRAM
OPT-OUT REPLY CARD**

John Smith
1 Main Street
Medway, MA 02053

If you want to participate in the Medway Community Choice Power Supply Program, you do not need to take any action. You will be automatically enrolled.

Opt-Out Instructions

If you do not want to participate:

- 1) Sign and date
- 2) Place in envelope provided
- 3) Drop in the mail

X

Signature

Date

The card must be signed by the customer of record whose name appears in the address on this card. Please return within 30 days of receiving this Consumer Notification.

Area Towns with Aggregation Plans Activated to Accepted by DPU.

<u>TOWN</u>	<u>AGGREGATOR or SUPPLIER</u>	<u>CURRENT ELECTRIC SUPPLY RATE per kWh / STATUS</u>
Default	Eversource	\$0.10318 (until June 30, 2017)
Dedham	Mass CEA	\$0.094 (22 other towns mostly in S.E. Mass*)
Foxborough	Peregrine	\$0.09203
Holliston	Global/Colonial	\$0.09955
Marlborough	Colonial	\$0.09585
Natick	Peregrine	\$0.0965
Ashland	Colonial	\$0.08667
Franklin	Colonial	Approved but is waiting on a better price.
Mendon	Colonial	Filed on October 28, 2016.
Millville	Colonial	Approved but holding off for non-related reasons.
Upton	Colonial	Approved but is waiting on a better price.
Sudbury	Good Energy	Filed October 6, 2016.

*Towns in Mass CEA group (SRPEDD) @ \$0.094/kWh

Attleboro	Douglas	Mattapoisett	Seekonk
Acushnet	Dracut	New Bedford	Somerset
Carver	Fairhaven	Northbridge	Swansea
Dartmouth	Fall River	Norton	Westford
Dedham	Freetown	Plainville	Westport
Dighton	Marion	Rehoboth	

OPT Out

- Colonial, as the Town's agent, will request the list of eligible consumers from Eversource and provide that list to the supplier for the opt-out mailing.
- Only Basic Service consumers will be mailed opt-out notices. Every Basic Service consumer who receives the mailing will be automatically enrolled unless they choose not to participate and opt-out.
- Public education is through mailings, newspaper, social media, public services announcements, Town Hall and Website notices, public relations such as cable, if desired.
- Notifications inform eligible consumers they have the right to opt-out of the aggregated entity without penalty and choose Basic Service. It will state all charges to be made and a comparison of the price and primary terms of the Town's contract compared to the price and terms of Eversource's Basic Service
- Can opt out during the initial period by telephone, website, in person or mail (postage paid) to Colonial Power Group or the supplier.
- Eligible consumers may opt-out of service from the Program at no charge either in advance of service start up deadlines or at any time after the first day of service.

AGENDA

ITEM #5

Review/Approve – May 8, 2017 Annual Town Meeting Warrant

Associated backup materials attached:

- May 8, 2017 Annual Town Meeting Warrant
- Article 26- Proposed By-Law Amendments

Proposed Motion: I move that the Board approve the articles in the May 8, 2017 Annual Town Meeting Warrant as presented.

TOWN OF MEDWAY
WARRANT FOR MAY 8, 2017
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 8, 2017** at 7:30 PM, then and there to act on the following articles:

ARTICLE 1: (ESCO Stabilization Reserve Transfer)

To see if the Town will vote to transfer the sum of \$34,396 from the ESCO Stabilization Fund to the Fiscal Year 2017 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: FY18 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, 2018, or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 3: (Appropriation: FY18 Water Enterprise Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$2,545,734 for the maintenance of the Water Department Enterprise Fund as follows, or to act in any manner relating thereto:

Direct Costs

	Amount
Salaries	\$ 697,603
Expenses	611,100
Debt	946,054
Direct Costs Total	\$2,254,757

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$290,977 for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$290,977
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Total	\$2,545,734
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And further that the above listed appropriations be funded as follows:

Fees for Service [User Fees]	\$2,545,734
Total	\$2,545,734

WATER SEWER COMMISSION

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 4: (Appropriation: FY18 Sewer Enterprise Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,666,810 for the maintenance of the Sewer Department Enterprise Fund as follows, or to act in any manner relating thereto:

Direct Costs

	Amount
Salaries	\$ 250,427
Expenses	1,050,250
Debt	242,832
Direct Costs Total	\$1,543,509

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$123,301 for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$123,301
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Total	\$1,666,810
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And further that the above listed appropriations be funded as follows:

Fees for Service [User Fees]	\$1,622,000
Sewer Betterment Stabilization	17,055
Sewer Retained Earnings	27,755
Total	\$1,666,810

WATER SEWER COMMISSION

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 5: (Appropriation: FY18 Solid Waste Enterprise Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$1,644,157 to operate the Solid Waste/Recycling Department Enterprise Fund as follows, or to act in any manner relating thereto.

Direct Costs

	Amount
Salaries	\$ 342,425
Expenses	1,117,342
Debt	14,626
Direct Costs Total	\$1,474,393

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$169,764 for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$169,764
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Total	\$1,644,157
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And further that the above listed appropriations be funded as follows:

Trash Recycling Fees/Bag Revenues	\$1,450,000
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Solid Waste Retained Earnings	194,157
Total	\$1,644,157

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 6: (Appropriation: FY18 Ambulance Enterprise Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$872,994 to operate the Ambulance Enterprise Fund as follows, or act in any manner relating thereto.

Direct Costs

	Amount
Salaries	\$422,489
Expenses	230,225
Debt	72,400
Direct Costs Total	\$725,114

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$147,880 for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$147,880
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Total	\$872,994
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And further that the above listed appropriations be funded as follows:

General Fund Appropriation	\$150,000
Ambulance Retained Earnings	87,994
Insurance and Fees for Service	635,000
Total	\$872,994

FIRE DEPARTMENT

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 7: (Free Cash Appropriation: Capital and Other Items)

To see if the Town will vote to appropriate the sum of \$X from Certified Free Cash for the purpose of funding the following capital and other items, including associated engineering, personnel, maintenance and legal service costs; said appropriations to be expended by June 30, 2018, with unexpended funds as of June 30, 2018 being returned to the General Fund, or act in any manner relating thereto:

Project	Department	Cost
Free Cash Total		\$X

**CAPITAL IMPROVEMENT
PLANNING COMMITTEE**

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 8: (Borrowing – Sewer Enterprise)
 To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$50,000 for Fiscal Year 2018 from the Sewer Enterprise Fund for the purpose of funding the following project(s), including associated engineering, personnel, maintenance and legal services costs:

Project	Department	Cost
Various Sewer Collection Projects	SEWER	\$50,000
Total		\$50,000

Or act in any manner relating thereto.

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 9: (Borrowing – Water Enterprise)

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$98,000 for Fiscal Year 2018 from the Water Enterprise Fund for the purpose of funding the following project(s), including associated engineering, personnel, maintenance and legal services costs:

Project	Department	Cost
Replace Truck (2004 Chevy Silverado)	WATER	\$58,000
Replace Truck (2004 Ford F250)	WATER	\$40,000
Total		\$98,000

Or act in any manner relating thereto.

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 10: (Free Cash Transfer to General Stabilization)

To see if the Town will vote to transfer the sum of \$100,000 from Certified Free Cash to the General Stabilization Fund, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 11: (Lease Air Packs)

To see if the Town will vote to authorize the Board of Selectmen to enter into a lease arrangement for the procurement of self-contained breathing apparatus to be utilized by the Fire Department, or to act in any manner relating thereto.

FIRE/EMS DEPTS.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 12: (Appropriation: Medway Day)

To see if the Town will vote to raise and appropriate the sum of \$9,500 for Medway Day, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 13: (Fund OPEB Trust)

To see if the Town will vote to raise and appropriate the sum of \$100,000 to the Town of Medway Other Post-Employment Benefits (OPEB) Trust account, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 14: (Transfer to Athletic Fields Stabilization Fund)

To see if the Town will vote to transfer the sum of \$50,000 from the Parks Revolving Fund, Hanlon Field Account, to the Athletic Fields Stabilization Fund, or act in any manner relating thereto.

PARKS AND RECREATION COMMISSION

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 15: (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 2018 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 payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the Fiscal Year 2018, or act in any manner relating thereto.

COMMUNITY PRESERVATION COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 16: (CPA Funds: Choate Park and Other Recreation Improvements)

To see if the Town will vote to raise and appropriate, borrow, and/or transfer from Community Preservation Funds a sum of money not to exceed \$100,000 to supplement the \$450,000 funded at the May 9, 2016 Annual Town Meeting for the purpose of funding design and engineering services and the preparation of public bid documents for the purpose of making improvements, including accessibility enhancements, to recreational facilities at Choate Park, the Medway Middle School, Cassidy Fields, and Oakland Park, and for the payment of all other costs incidental and related thereto, and to authorize the Board of Selectmen and Town officers to take all related actions necessary or appropriate to carry out this article, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 17: (Fund Trail Kiosks and Signage)

To see if the Town will vote to transfer from available Community Preservation Act Fund Open Space Reserves the sum of \$10,000 to the Open Space Committee to fund the costs of producing identification and wayfinding signage for Medway's various open space areas and trails, or to act in any manner relating thereto.

OPEN SPACE COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 18: (Fund Adams Street Meadow Parking Area)

To see if the Town will vote to transfer from available Community Preservation Act Funds the sum of \$2,000 to the Open Space Committee to fund the costs of natural surface materials for developing a small parking area at the Adams Street meadow site, or to act in any manner relating thereto.

OPEN SPACE COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 19: (Fund Open Space Master Plan)

To see if the Town will vote to transfer from Community Preservation Act Fund Open Space Reserves the sum of \$25,000 to the Community and Economic Development Department to fund the costs to update the Town of Medway's official Open Space and Recreation Plan, or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

OPEN SPACE COMMITTEE

CONSERVATION COMMISSION

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 20: (Repurpose Borrowing – Library Fixtures and Equipment)

To see if the Town will vote to re-purpose \$34,000 of unexpended bond proceeds originally voted under Article 9 of the 2015 Annual Town Meeting and, further, to transfer the proceeds to make improvements to the property and to purchase fixtures and equipment, or act in any manner relating thereto.

LIBRARY DIRECTOR

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 21: (Accept Gift of Land – 0R Stone End Rd)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift or purchase and to accept the deed to the Town of a fee simple interest in all or a portion of the parcel of land located at 0R Stone End Road, Medway, Norfolk County, MA, identified on the Town of Medway Assessors Map X, Parcel 26-002, containing 26.240 acres more or less, which land is now owned by Kobryn Corp., upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, to be used for general municipal purposes, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 22: (Land Acquisition: DPS Facility – 0R Crooks St)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise and to accept the deed to the Town of a fee simple interest in all or a portion of a parcel of land located at 0R Crooks Street, Assessors Map X, Parcel 50-003, containing X acres more or less, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, to be under the management and control of Board of Selectmen for general municipal purposes, and, further, to see if the Town will vote to transfer from available funds or raise and appropriate a sum of money to pay costs of purchasing the property and for the payment of all other costs incidental and related thereto and to authorize the Board of Selectmen and Town officers to take all related actions necessary or appropriate to carry out this acquisition, including the submission, on behalf of the Town, of any and all applications deemed necessary for grants and/or reimbursements from any state or federal programs and to receive and accept such grants or reimbursements for this purpose, and/or any other purposes in any way connected with the scope of this Article, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 23: (Land Acquisition: DPS Facility – Chestnut St)

May 8, 2017 Annual Town Meeting Warrant

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise and to accept the deed to the Town of a fee simple interest in all or a portion of a parcel of land located at 13R Chestnut Street, Assessors Map X, Parcel 51-007, containing 0.957 acres more or less, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, to be under the management and control of Board of Selectmen for general municipal purposes, and, further, to see if the Town will vote to transfer from available funds or raise and appropriate a sum of money to pay costs of purchasing the property and for the payment of all other costs incidental and related thereto and to authorize the Board of Selectmen and Town officers to take all related actions necessary or appropriate to carry out this acquisition, including the submission, on behalf of the Town, of any and all applications deemed necessary for grants and/or reimbursements from any state or federal programs and to receive and accept such grants or reimbursements for this purpose, and/or any other purposes in any way connected with the scope of this Article, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 24: (Accept MGL Ch. 138 – Cordials & Liqueurs)

To see if the town will vote to accept the provisions of the following paragraph of General Laws chapter 138, Section 12: “A common victualler, who holds a license under this section to sell wines and malt beverages may, upon written approval, also sell liqueurs and cordials pursuant to said license, subject, however, to all other licensing provisions of this chapter.”, or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 25: (Amend General Bylaws – Revolving Funds)

To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to amend the General Bylaws by inserting a new bylaw establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

Revolving Funds

There are hereby established in the Town of Medway pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds:

Program or Purpose	Authorized Representative or Board to Spend	Department Receipts
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Self-supporting parks and recreation services	Parks and Recreation Commission	Fees and charges received from permitting parks, fields, and recreational activities.
Dial-a-ride van service for seniors and disabled; shuttle service to Norfolk commuter rail station, and other necessary transportation services	Council on Aging	Fees, charges or donations received in connection with transportation services provided through the Council on Aging and the Greater Attleboro Taunton Regional Transit Authority (GATRA) reimbursement.
Library printer, copier and fax expenses	Board of Library Trustees	Fees or charges received in connection with public use of this equipment.
Library Meeting Room	Board of Library Trustees	Fees or charges received in connection with public use of meeting rooms.
Thayer Homestead partial self-support of property	Town Administrator	Fees or charges received in connection with rental of the facility.
Tobacco license compliance inspections	Board of Health	Tobacco license fees

Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with G.L. c.44, §53E½.

And, further, to set FY2018 spending limits for such revolving funds as follows:

Program or Purpose	FY 2018 Spending Limit
Self-supporting recreation and parks services	\$150,000
Dial-a-ride van service for seniors and disabled; shuttle service to Norfolk commuter rail station, and other necessary transportation services	\$120,000
Library printer, copier and fax expenses	\$3,000
Library Meeting Room	\$1,000
Thayer Homestead partial self-support of property	\$50,000
Tobacco license compliance inspections	\$2,500

Or take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 26: (Amend General Bylaws: License or Permit Denial)

To see if the Town will vote to amend Medway General Bylaws Section XVI, License or Permit Denial, Section 16.1, to conform to recent amendments to Massachusetts General Law Chapter 40, Section 57, as follows:

Section 16.1: insert after the word “annually”, the following: “, and may periodically”; and delete the words: “for not less than a twelve month period”.

Or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 27: (Amend General Bylaws: Stormwater Regulation)

To see if the Town will vote to amend the Medway General By-Laws Stormwater Management Article XXVI by replacing the language in its entirety with the following:

(see attached)

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 28: (Amend Zoning and General Bylaws – New Noise Bylaw)

To see if the Town will vote to amend Medway Zoning Bylaws by deleting sub-section 2. of section 7.3 Environmental Standards and to amend the General Bylaws by adding a new section **X** in the entirety with the following:

X.1 Prohibited Noise

It shall be unlawful for any person to willfully create, assist in creating, continue or allow to continue any excessive, unnecessary, or unusually loud noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness in the area. The standards which shall be considered in determining whether a violation of the provisions_ of this section exists shall include, but not be limited to, the following:

1. The level of the noise.
2. The intensity of the noise.
3. Whether the nature of the noise is usual or unusual.
4. Whether the origin of the noise is natural or unnatural.
5. The level and intensity of the background noise, if any.
6. The proximity of the noise to residential sleeping facilities.

7. The nature and zoning of the area within which the noise emanates.
8. The density of the inhabitation of the area within which the noise emanates.
9. The time of day or night the noise occurs.
10. The duration of the noise.
11. Whether the noise is recurrent, intermittent or constant.
12. Whether the noise is produced by commercial or non-commercial activity.

X.2. Exemptions. None of the terms or prohibitions of Section 1 shall apply or be enforced against:

- a) Emergency Vehicles. Any police or fire vehicle or any ambulance while engaged in necessary emergency business.
- b) Highway and utility maintenance and construction. Necessary excavation in or repairs of bridges, streets or any public utility installation by or on behalf of the Town or any public utility or any agency of the Commonwealth of Massachusetts.
- c) Public address. The reasonable use of amplifiers or loudspeakers for public addresses which are non-commercial in nature.
- d) Parades and school bands. School bands, duly licensed parades and other authorized activities.
- e) Noise caused by agricultural, farm related, or forestry-related activities as defined by Massachusetts General Law, Chapter 128, Section 1A, as amended from time to time, including, but not limited to, the operation of farm equipment, sawmills, harvesting equipment, noises from farm animals, and the like.

X.3. Enforcement. The Police Department shall be charged with the enforcement of the provisions of this bylaw A verbal warning to abate the noise violation shall be given first; only if a person refuses to abate a noise violation after being warned to do so by a police officer shall any penalty be imposed. X.4. Penalties. The first violation of this bylaw shall be punished by a fine of \$50. The second violation of this bylaw within twelve months after the first violation shall be punished by a fine of not less than two hundred dollars. Further violations within twelve months after the last violation shall be punished by a fine of two hundred dollars. Each such act which either continues or is repeated more than one-half hour after issuance of a written notice of violation of this bylaw shall be a separate offense and shall be prosecuted as a separate offense. If the violation occurs on the premises of rental property which is owned by a non-resident owner, then the owner will be notified in writing that the violation has occurred.

X. 6. Variances. The Board of Selectmen shall have the authority to grant special variances to this bylaw. Any person or entity seeking a special variance to this bylaw shall file an application with the Board of Selectmen that demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this bylaw would constitute an unreasonable hardship on the applicant, on the community or on other persons. The Board of Selectmen shall establish procedures for processing applications for such special variances, including such hearing as the Board of Selectmen deems appropriate.

X.6. Severability. If any provision of this bylaw is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the bylaw shall not be invalidated.

Or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

May 8, 2017 Annual Town Meeting Warrant

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FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 29: (Amend Zoning Bylaws – Nonconforming Uses and Structures)

To see if the Town will vote to amend Section 5.5. Paragraph B Nonconforming Uses and Structures of the Zoning Bylaw as follows:

B. Commencement of Construction or Operation. Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this Zoning Bylaw, unless the use or construction is commenced within a period of not more than ~~six~~ **twelve** months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 30: (Amend Zoning Bylaws: Flood Plain/Wetland Protection District)

To see if the Town will vote to amend the Zoning Bylaw, Sub-Section 5.6.1 Flood Plain/Wetland Protection District by revising Paragraph C. Applicability as follows:

C. Applicability. The Flood Plain/Wetland Protection District includes:

All special flood hazard areas designated as Zone A or AE on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program as may be updated or revised. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Medway are panel numbers 25021C - 0136E, 0137E, 0138E, 0139E, 0141E, 0142E, 0413E, and 0144E with a preliminary date of June 12, 2009 and an effective date of July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) with an effective date of July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning and Economic Development Board, Conservation Commission, Building Department and Board of Assessors.

And by deleting items 2-5 in Paragraph C. Applicability as noted below:

~~2. All land bordering any natural water body that lies within a horizontal distance of twenty-five feet from the mean high water line except as otherwise defined on the Flood Plain/Wetland Protection District Map.~~

~~3. All water bodies encircled by boundary lines of the District.~~

~~4. All that land along the following named brooks and their tributaries: Stall Brook, Hopping Brook, Chicken Brook and certain unnamed brooks and streams that lie within a horizontal distance of twenty five feet of the thread of said brooks and streams except as otherwise defined on the Flood Plain/Wetland Protection District Map.~~

~~5. All those wetlands which may be described as upland swamps or marshes which lie at the source of the brooks or their tributaries or which lie in surface depressions without drainage outlets, as defined on the Flood Plain/Wetland Protection District Map.~~

And by changing the name of Sub-Section 5.6.1 from Flood Plain/Wetland Protection District to Flood Plain District.

And by changing all references to Flood Plain/Wetland Protection District in Sub-Section 5.6.1 to Flood Plain District.

And by changing the reference to Flood Plain/Wetland Protection district in Paragraph C. 1 Overlay Districts in Section 4.1 Districts and in Paragraphs A and B in Section 4.2 Zoning Map to Flood Plain District.

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: Correct Internal Cross References)

To see if the Town will vote to amend the Zoning Bylaw at various locations throughout to correct the numbering of internal cross references to other sections or sub-sections of the Bylaw as follows:

In Sub-Section 5.6.2 Adaptive Use Overlay District, Paragraph E. Medway Mill Conservation Subdistrict.

- In the opening paragraph, by deleting the reference to SECTION 1 and inserting **5.6.2. A.** in its place.
- In item 1. Permitted Uses, by deleting the reference to Section D(1) and D(2) and inserting **5.6.2.D.1. and D.2.** in its place.

In Section 7.2 Signs, Sub-Section 7.2.2 Exempt Signs, Paragraph A. 16. c., by deleting references to Paragraphs 7 and 8 and replacing those with **7.2.4 and 7.2.5** in its place.

In Section 7.2 Signs, Sub-Section 7.2.6 Administration, Paragraph A. 1, by deleting the reference to Paragraph 5 and inserting **7.2.2** in its place.

In Section 7.3 Environmental Standards, by deleting the reference in Paragraph A. to Section 3 and inserting **SECTION 5.** in its place.

In Section 8.1 Infill Housing, by deleting the reference in Paragraph C. Basic Requirements, 4. to Section 5.5.1 and inserting **Section 8.1.** in its place.

In Section 8.5 Adult Retirement Community Planned Unit Development, Paragraph H. Open Space, 2. by deleting the reference to Section 5.5.3.(F) and inserting **8.4. F.** in its place.

In Section 8.4 Open Space Residential Development, Paragraph I. Special Permit Procedures, 3. Decision, by deleting the reference in a. to Section 5.5.3 and inserting **Section 8.4** in its place.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 32: (Amend Zoning Bylaw: New Definitions)

To see if the Town will vote to amend the Zoning Bylaw, SECTION 2 DEFINITIONS by adding certain new definitions in alphabetical order, by revising other definitions, and inserting Figure A as follows: (deletions are noted with a ~~strike through~~):

Assisted Living or Congregate Living Facility: An assisted living residence facility as defined by G.L. c. 19D.

Buffer Area – Natural wooded, vegetated, landscaped or open areas, earthen berms or mounds, or any combination thereof including fences and walls, used to physically separate or screen one use or property from another use or property. A buffer area provides a visual and sound barrier between adjacent properties by shielding or reducing noise, lights or other nuisances.

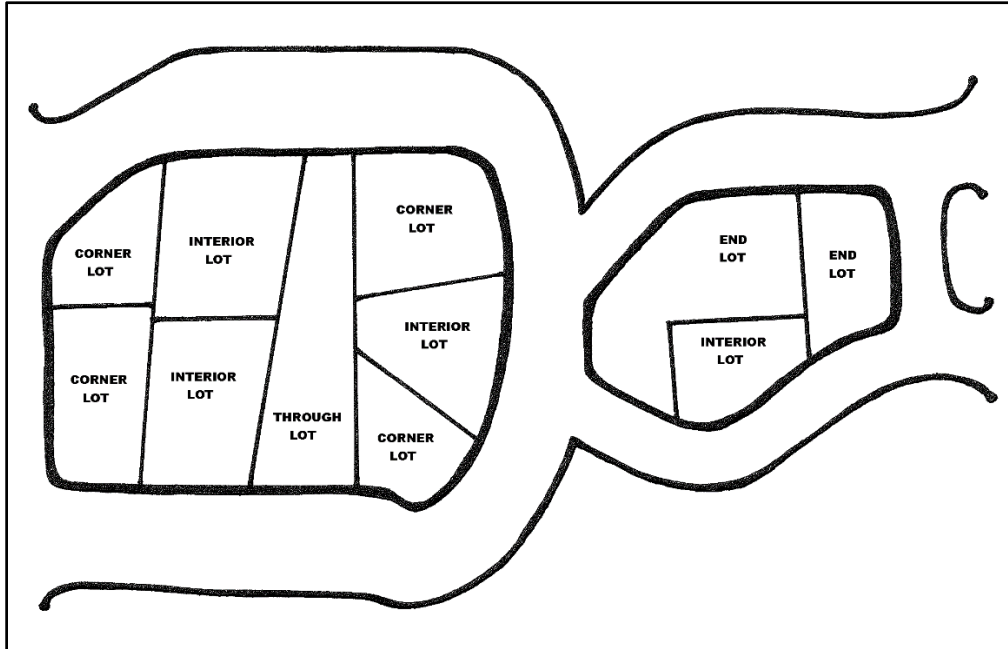
Frontage: That portion of a lot which fronts on a street or streets from which physical access to the principal building on the lot can be provided. ~~Frontage is measured as the distance between the points of intersection of the side lot lines with the front lot line. In the case of a corner lot bounding more than one street, the measurement on both streets may be used to determine if the lot meets the minimum frontage requirements of the particular zoning district. With a corner lot, the frontage is measured from the side lot line to the midpoint of the arc that constitutes the corner rounding at the intersection of the two streets. See Section 6.2., Paragraph E.~~

Lot: A single area of land in one ownership defined by bounds or boundary lines in a recorded deed or shown on a recorded plan.

- **Lot, Corner:** A lot that is contiguous with the intersection of two streets meeting at an angle of less than one-hundred and thirty-five degrees. A corner lot has two front lot lines. A lot that is contiguous with one street and located at an arc of said street which is less than one hundred and thirty-five degrees shall also be defined as a corner lot.
- **Lot, End:** A lot that is contiguous with the intersections of one or more streets meeting at an angle of less than one-hundred and thirty-five degrees at two or more points. An end lot has at least three front lot lines. A lot that is contiguous with one or more streets and located at an arc of said streets which is less than one hundred and thirty-five degrees at two or more points shall also be defined as an end lot.

- **Lot, Interior:** Any lot which is not a Corner Lot or an End Lot.
- **Lot, Through:** An interior lot having a pair of parallel, or approximately parallel, front lot lines and street frontages.
See Figure A – Lot Types

FIGURE A – Lot Types



Lot Area: The total area of a lot, including land over which permanent easements have been granted, but not including the area of any adjacent street rights-of-way.

Lot Line: A line of record bounding a lot that divides one lot from another lot or from a way or any public space.

- **Lot Line, Front:** A lot line separating a lot from a street right of way.
- **Lot Line, Rear:** A line separating a lot from other lots or from land in a different ownership, being the boundary of a lot which is opposite or approximately opposite the front lot line. Any lot line other than a front or side lot line.
- **Lot Line, Side:** Any lot line other than a front or rear lot line. Any lot line which intersects a front lot line.

Manufacturing – The transformation or processing of raw materials or substances, components or parts into new finished or semi-finished products by the use of machines, tools, and labor through a mechanical, chemical or other process. Also includes May also include the blending of materials, fabrication, and the assembly of component parts, and the packaging of products for distribution, storage and sale.

- **Assembly –** The putting together of manufactured parts to make a machine or other completed product

- **Fabrication** – A manufacturing process in which an item is made from raw or semi-finished materials instead of being assembled from ready-made components or parts
- **Packaging** – The enclosing or protecting of manufactured products for distribution, storage, sale and use.
- **Processing** – A manufacturing process in which a series of mechanical or chemical operations takes place on something in stages or a sequence of actions taken in order to change or preserve something during production
- **Light Manufacturing** – The manufacturing of finished products or parts from predominantly previously prepared materials, which may include processing, fabrication, assembly, treatment, and packaging of such products, provided that all manufacturing activities are contained entirely within a building and any resulting noise, dust, glare, odor, smoke, heat, and vibration are confined entirely within the building.

Tract: An area, piece of land, property, site, parcel, or lot or a combination thereof that is the subject of an application to the Town of Medway for a land use permit.

Two Family House/Duplex: A building intended and designed to be occupied by two families living independently in separate dwelling units within the same building, each of which has direct access to the outside.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 33: (Amend Zoning Bylaws: Schedule of Uses, Table 1)

To see if the Town will vote to amend the Zoning Bylaw, Section 5.4 Schedule of Uses, TABLE 1: Schedule of Uses as shown below:

NOTE: Table 1 Legend

Y: A use permitted by right

N: A prohibited use

SP: A use that may be allowed by special permit from the Zoning Board of

Appeals

TABLE 1: SCHEDULE OF USES										
	AR-I	AR-II	VR	CB	VC	C-V	BI	I-I	I-II	I-III
C. RESIDENTIAL USES										
Detached single-family dwelling house	Y	Y	Y	N	Y	N	N	N	N	N

Two family house/duplex dwelling, provided that the exterior of the dwelling has the appearance of a single-family house dwelling.	N	SP	SP	N	N	N	N	N	N	N
E. INDUSTRIAL AND RELATED USES										
Manufacturing, processing, fabrication, packaging and assembly, and storage of goods manufactured on the premises	N	N	N	N	N	N	Y	Y	Y	Y
Light Manufacturing	N	N	N	N	N	N	Y	Y	Y	Y

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 34: (Amend Zoning Bylaws: OSRD)

To see if the Town will vote to amend the Zoning Bylaw, Section 8.4, Open Space Residential Development (OSRD) as described below:

By inserting a new Paragraph D. Affordable Housing as follows and relabeling Paragraphs D through J to become E through K.

D. **Affordable Housing.** An OSRD is subject to Sub-Section 8.6 Affordable Housing of this Bylaw.

And by revising existing Paragraph E. Density and Dimensional Regulations, Item 3. as follows:

E. **Density and Dimensional Regulations**

3. ~~There shall be a buffer area at least 15 feet side, consisting of natural vegetation, earthen materials and/or landscaping and/or fencing, located along the boundary of the site where it abuts existing neighborhoods unless waived by the Planning and Economic Development Board. The fifteen foot area from the perimeter lot line of the subject parcel shall serve as a buffer area as defined in this Bylaw. No buildings, structures, roadways, utilities or other infrastructure shall be constructed within this buffer area, however fencing/stone walls and walking paths/trails are permitted.~~

And by inserting a new Item 4 as follows and relabeling the current item #4 to become #5.

4. No buildings or structures shall be constructed within fifty feet from the right-of-way line of a public way or within fifty feet from the perimeter lot line.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 35: (Amend Zoning Bylaws: ARCPUD Definition)

To see if the Town will vote to amend the Zoning Bylaw, SECTION 2 DEFINITIONS by amending the definition for Adult Retirement Community Planned Unit Development (ARCPUD) in SECTION 2 DEFINITIONS as follows:

Adult Retirement Community Planned Unit Development (ARCPUD): A master-planned development of land as a unified, self-contained ~~for~~ a residential community, constructed expressly for use and residency by persons who have achieved a minimum age requirement for residency of fifty-five years of age or older in accordance with G.L. c. 151B, § 4 and also incorporating the preservation and/or establishment of ~~natural~~ open space areas as an integral element of the development. ~~An ARCPUD shall be permitted only in an Adult Retirement Community Overlay District and only upon the granting of a special permit by the Planning and Economic Development Board. An ARCPUD shall include at least one of the Adult Retirement Community Residential Uses defined below in this Section 2 of the Zoning Bylaw. The Planning and Economic Development Board in its granting of the ARCPUD special permit may specifically authorize other appropriate uses.~~ An ARCPUD may include a variety or combination of housing types that may be sold or leased to individual residents, or may be operated or ~~managed~~ sponsored as a ~~coordinated unit~~ ~~unit~~ by a corporation or organization having among its principal purposes the provision of housing and resident services for retired and/or aging persons.

And by amending Section 8.5, Adult Retirement Community Planned Unit Development as specified below:

By amending Paragraph B. Applicability to read as follows:

B. Applicability. The Planning and Economic Board may grant a special permit for an Adult Retirement Community Planned Unit Development (ARCPUD), ~~ARCPUD Assisted Living Residence Facility, ARCPUD Congregate Living Facility, or ARCPUD Long Term Care Facility~~ for any tract of land with ~~ten~~ 40 or more acres, whether in one parcel or a set of contiguous parcels in the AR-I and AR-II district.

And by amending Paragraph D. Use Regulations, item 1. to read as follows:

1. The ARCPUD shall include at least one of the following residential uses.
 - a. ~~Congregate housing~~
 - a. b. Assisted living residence facility
 - b. e. Long-term care facility
 - c. d. Coordinated unit
 - d. e. Independent living residence facility
 - e. f. ~~Residential~~s Subdivision

And by amending Paragraph D. Use Regulations, item 2. to read as follows:

2. The ARCPUD may include any ~~one or more~~ of the following:
 - a. Detached single-family dwelling ~~or cottage~~
 - b. Townhouse

- c. Two-family house/duplex ~~Multifamily dwelling~~
- d. Multifamily dwelling or apartment house
- ~~e.~~ e. Conservation, agricultural, and recreation uses
- ~~e.~~ f. Accessory uses, provided that aggregate floor area for accessory uses shall not exceed 5 percent of the total gross floor area of the buildings in the ARCPUD:
 - i. Local convenience retail, up to a maximum of 4,500 sq. ft. of gross floor area
 - ii. Medical office or clinic
 - iii. Adult day care
 - iv. Community center

And by amending Paragraph E. Density and Dimensional Regulations, item 2. as follows:

- 2. For purposes of this Section 8.5, a housing unit shall be defined as equal to:
 - a. A home site in an ARCPUD Subdivision, a dwelling unit in an ARCPUD Independent Living Residence Facility, an ARCPUD Coordinated Unit, a townhouse, or a dwelling unit as defined in Section 2 of this Zoning Bylaw;
 - b. Two ~~studios or suites of rooms~~ apartments/suites in an ARCPUD Assisted Living Residence Facility ~~or Congregate Living Facility~~;

And by amending Paragraph E. Density and Dimensional Regulations, item #5 as follows:

- 5. No buildings or structures shall be constructed within ~~fifty~~ 50 feet from the right-of-way line of a public way or within ~~fifty~~ 50 feet from the perimeter lot line. ~~The 50-foot buffer shall be maintained in its natural state or a landscaped open space.~~

And by amending Paragraph E. Density and Dimensional Regulations by inserting a new item #6 as follows and relabeling current items #6 and #7 to become items #7 and #8.

- 6. The fifteen foot area from the perimeter lot line of the subject parcel shall serve as a buffer area as defined in this Bylaw. No buildings, structures, roadways, utilities or other infrastructure shall be constructed within this buffer area, however fencing/stone walls and walking paths/trails are permitted.

And by amending Paragraph H. Open Space, by adding item 5. as follows:

- H. Open Space. At least 40 percent of the total land area of the ARCPUD shall be set aside and maintained as open space in accordance with the following standards:
 - 5. Buffer areas required by E. 6 may be included in the required open space area.

And by inserting a new Paragraph E. Affordable Housing as follows and relabeling Paragraphs E through M to become F though N.

- E. **Affordable Housing.** Except for a long-term care facility, an ARCPUD is subject to Section 8.6 Affordable Housing of this Bylaw.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 36: (Amend Zoning Bylaws: Special Permits)

To see if the Town will vote to amend Paragraphs B, C and D in Section 3.4. SPECIAL PERMITS of the Zoning Bylaw as follows:

3.4 SPECIAL PERMITS

B. Public Hearing. The special permit granting authority shall hold a public hearing within sixty-five days of receipt of a special permit application, and shall issue a decision no later than ninety days from the close date of the public hearing. Notification requirements for a public hearing shall be in accordance with G.L. c. 40A, § 11.

C. Decision Criteria. Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.

In making its determination, the special permit granting authority, in addition to any specific factors that may be set forth in other sections of this Zoning Bylaw, shall make findings on all of the applicable criteria specified below: ~~The determination shall include findings that all of the following criteria for granting a special permit are met:~~

1. The proposed use will not be detrimental to the public good.
- 2.6. The proposed use is consistent with the goals of the Medway Master Plan.
- 3.1. The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw.
- 4.2. The proposed site use is in an appropriate location for such a use, and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district.
5. The use as developed will not adversely affect the surrounding neighborhood and does not significantly alter the character of the zoning district.
- 6.3. Adequate and appropriate facilities will be provided for the operation of the proposed use.
- 7.4. The proposed use will not constitute a nuisance ~~be detrimental or otherwise offensive to the adjoining zoning districts and neighboring properties~~ due to the effects of air and water pollution, lighting, flood, odors, dust, smoke, noise, vibration, sewage, refuse materials, or visually offensive structures and site features ~~or other nuisances.~~
- 8.5. The proposed use will not cause undue traffic congestion or conflicts in the immediate area.
9. The use as developed will not create a hazard to abutters, vehicles, the environment or pedestrians.

D. Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Zoning Bylaw. Such conditions may include but shall not be limited to the following:

1. Deadline to commence construction.
2. Dimensional standards more restrictive than those set forth in Section 6 of this Zoning Bylaw.
3. Limitations on signage, number of vehicles or parking spaces, noise, or hours of operation of construction equipment.
4. Limitation of size, method or hours of operation, extent of facilities, or other operating characteristics of a use.
5. Requirements pertaining to integrated emergency or alarm systems, maintenance, landscaping, dust control, wastewater disposal or water supply, bond or other performance guarantee.
6. Requirements for independent monitoring, at the expense of the applicant, and reporting to the Building Inspector, if necessary to ensure continuing compliance with the conditions of a special permit or of this Zoning Bylaw.
7. Term for years with or without automatic renewals, to the extent allowed by law.
8. The date of when the special permit shall commence.
9. On-site and off-site mitigation of traffic concerns and/or infrastructure mitigation to ensure that the petitioner properly mitigates the development's impacts on the Town and/or neighborhood.
10. Other limitations as may be reasonably related to reducing any adverse impact on, or increasing the compatibility of the proposed use, structure or activity with, the surrounding area.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 37: (Amend Zoning Bylaws: Accessory Building or Use Definition)

To see if the Town will vote to amend the Zoning Bylaw, SECTION 2. DEFINITIONS by deleting the existing definition of *Accessory Building or Use* and by inserting the following definitions instead:

~~**Accessory Building or Use:** A building or use customarily incidental to and located on the same lot with a principal building or use or on an adjoining lot under the same ownership.~~

Accessory Building or Structure: A detached building or structure located on the same lot as the principal building or on an adjoining lot under the same ownership and in the same zoning district, which is customarily incidental and subordinate to the principal building

Accessory Use: A use of land or of a building or structure or a portion thereof located on the same lot as the principal use or on an adjoining lot under the same ownership and in the same zoning district, which is customarily incidental and subordinate to the principal use.

And by adding a new Section 6.3 Accessory Buildings and Structures in SECTION 6 DIMENSIONAL REGULATIONS as follows:

6.3 Accessory Buildings or Structures

- A. In a residential zoning district, there shall be no more than five accessory buildings or structures on any lot unless authorized by special permit from the Zoning Board of Appeals.
- B. In a residential zoning district, the total combined size of accessory buildings or structures shall not exceed 3,000 sq. ft. in area unless authorized by special permit from the Zoning Board of Appeals.
- C. In a residential zoning district, the area of any single accessory building or structure shall not exceed the area of the principle residential building on the premises unless authorized by special permit from the Zoning Board of Appeals.
- D. In any zoning district, the primary and accessory buildings and structures shall not exceed the maximum lot coverage requirements specified in TABLE 2 DIMENSIONAL AND DENSITY REGULATIONS of this Bylaw.
- E. In reviewing special permit applications for accessory buildings or structures in residential zoning districts, the Zoning Board of Appeals shall consider the *Medway Design Review Guidelines* applicable to residential zones.

And by amending Section 6.1 TABLE 2. DIMENSIONAL AND DENSITY REGULATIONS as follows:

TABLE 2. DIMENSIONAL AND DENSITY REGULATIONS										
Requirement	R-I	R-II	R	B	C	-V	BI	-1	2	3
imum Lot Coverage (pct. of lot) (Primary and accessory buildings) and structures)	5%	0%	0%	0%	0%	0%	0%	A	A	A

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 38: (Amend Zoning Bylaws: Lot Frontage and Setbacks)

To see if the Town will vote to amend the Zoning Bylaw, Section 6.2 General Provisions by revising Paragraph E. Lot Frontage, item 2. Measurement of Lot Frontage as follows:

E. Lot Frontage

- 2. Measurement of Lot Frontage.

- a. Frontage is measured in a continuous line along the sideline of the street right-of way between points of intersection of the side lot lines with the street- right-of way line. The measurement of lot frontage excludes jogs in the street width, backup strips and other irregularities in the street line.
- ~~b. The minimum frontage for a Corner Lot or End Lot shall be provided from one contiguous line along the front lot line, from the point of intersection with a side lot line to the midpoint of the corner arc.~~
- b. For a Corner Lot or End Lot, the measurement of multiple front lot lines may be used, however the entire minimum length of frontage shall be continuous without any breaks.
- c. For Through Lots, only one front lot line may be used to meet the minimum frontage length requirement.

And by inserting a new Paragraph F. Setbacks as follows:

F. Setbacks

- a. Minimum setbacks. Every lot must have at least the minimum lot setbacks set forth in TABLE 2 Dimensional and Density Regulations for the zoning district in which the lot is located.
- b. For a Corner or End Lot, the required minimum front setback shall be required from all front lot lines.
- c. For Through Lots, the front setback shall be required on all front lot lines; side setbacks shall be required on all remaining side and rear lot lines.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 39: (Amend Zoning Bylaws: Affordable Housing)

To see if the Town will vote to amend the Zoning Bylaw by adding or revising the definitions in SECTION 2 DEFINITIONS as follows:

Affordable Housing Unit: A dwelling unit that is affordable to and occupied by a low or moderate income household and meets the requirements for inclusion on the Massachusetts Department of Housing and Community Development (DHCD) Chapter 40B Subsidized Housing Inventory. ~~Affordable units shall remain as affordable units in perpetuity. These units shall have the same construction methods, physical characteristics as, and be intermingled with other units in the subdivision or development.~~

~~**Affordable Housing Trust Fund:** An account established and operated by the Town for the exclusive purpose of creating or preserving affordable housing units in the Town of Medway.~~

Area Median Income (AMI): The median income for households within the designated statistical area that includes the Town of Medway, as reported annually and adjusted for household size by the U.S. Department of Housing and Urban Development for the Boston Standard Metropolitan Statistical Area.

Deed Rider:

DHCD: Massachusetts Department of Housing and Community Development and its successors, as established and currently existing pursuant to M.G.L. ch. 23B and c. 6A.

Eligible Household: Any household whose total income does not exceed eighty (80) percent of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the Affordable Housing Trust Fund.

~~**Equivalent Affordable Housing Unit Value:** An amount equal to the difference between the median sale price for market rate single family homes sold in Medway during the thirty six months preceding the date of application, as determined by the Board of Assessors based on deeds recorded with the Norfolk Registry of Deeds for arms length transactions, and the purchase price of a home that is affordable to a qualified purchaser as determined by (DHCD), assuming a household size of four, or one person per bedroom plus one additional person with the number of bedrooms being the average number in the development, whichever is less. For developments other than single family detached structures (e.g. duplexes or multifamily condominiums) the Planning and Economic Development Board may substitute the median sale price of the applicable type of market rate dwelling unit for the median sale price of single family homes in the preceding formula.~~

LIP: Massachusetts Local Initiative Program pursuant to M.G.L. c. 40B.

Medway Affordable Housing Trust: An organization established by the Town of Medway pursuant to Massachusetts General Laws, Chapter 44, Section 55C, to support the creation and preservation of affordable housing in order to secure rental and homeownership opportunities for low- and moderate-income households.

Medway Affordable Housing Trust Fund: A fund established by the Town of Medway pursuant to Massachusetts General Laws, Chapter 44, Section 55C, for the purpose of receiving, holding, investing, and/or expending funds to reduce the cost of housing for Qualified Purchasers and Renters, or for the purpose of encouraging, creating, preserving, or subsidizing the construction or rehabilitation of housing for Qualified Purchasers and Renters. Sources of receipts for the Fund shall be as specified in Section 2.18 of the Medway General Bylaws.

Mixed-Income Housing: Residential development that includes a combination of market-rate housing units and affordable housing units deed-restricted for households earning no more than eighty percent (80%) of the Area Median Income (AMI).

Mixed-Use Development: A building that combines retail/commercial, service, and/or office uses with residential in the same building or on the same site.

Off-Site Unit: An affordable housing unit produced by the applicant on a site other than the primary residential development in compliance with Section 8.6 of the Medway Zoning Bylaw.

increase with the size of a given residential project as described in the following Table ##, “Affordable Units Required by Project Size”:

TABLE ###	
Affordable Units Required by Project Size	
Project Size (Units)	Required Affordable Units
1-10	0
11-20	1
21-30	2
31-40	3
41-50	4
51-60	5
61-70	6
71-80	7
81-90	8
91-100	9
101 and over	10

*Projects consisting of less than 10 single-family detached units do not require an affordable set-aside.

2. The table above may generate a fractional affordable housing unit. A fractional affordable housing unit of 0.5 or higher shall be rounded up to the next whole number. Fractional housing units of less than 0.5 shall require a payment equal to the product of the fraction multiplied by the cash contribution for a whole affordable housing unit as specified in Paragraph E-D. 3. below. The applicant may choose to have the fractional housing unit of less than 0.5 rounded up to the next whole number, rather than converted to a cash payment.
3. Deed rider. Any affordable housing unit shall have a deed rider to regulate the future resale of the property. The applicant is required to prepare a deed rider for each affordable housing unit that is consistent with that used in the Local Initiative Program (LIP) and the Regulatory Agreement approved by DHCD to be recorded with the appropriate Registry of Deeds or Registry District of the Land Court.

D. Methods of Providing Affordable Housing Units. The Planning and Economic Development Board in consultation with the Affordable Housing Trust and Affordable Housing Committee may authorize one or more of the following methods for providing affordable housing units, alone or in combination.

1. On-site affordable housing units. See Paragraph E. Construction of affordable housing units within the development shall be permitted by right.
2. Off-site affordable housing units, or comparable affordable units on another site in Medway. Off-site units may be constructed by the applicant or be an existing dwelling unit that is rehabilitated. Off-site units need not be located in the same zoning district as the development. The Board shall approve the location of the off-site affordable housing unit(s).
 - a. The applicant shall provide a demonstration of site control, documenting that the applicant or a related entity holds title, ground lease, option, or contract for purchase.
 - b. The applicant shall demonstrate that the land is developable and suitable for the number of affordable housing units required in conformance with this Zoning Bylaw and according to any relevant state and local regulations governing the property.
 - c. The applicant shall provide a demonstration of the necessary financing to complete the off-site development or rehabilitation, an architect’s conceptual site plan with unit designs and architectural elevations, a demonstration that the site plan can meet the

Site Plan Review standards set forth in Section 3.5 of this Zoning Bylaw, and agreement that the off-site units will comply with this ~~Sub~~-Section.

- d. Preservation of existing dwelling units for affordable housing, rather than construction of off-site units, may be accomplished by purchasing deed restrictions and providing funds for capital improvements, ~~to create housing with equal or greater value than new construction units.~~
 - e. The Planning and Economic Development Board may require that the applicant submit appraisals of the off-site property in question, as well as other data relevant to the determination of equivalent value.
 - ~~f. Deed restriction. Any off site affordable unit shall have a deed restriction to regulate the future resale of the property. The applicant is required to prepare a deed rider for each affordable housing unit that is consistent with that used in the LIP to be recorded with the appropriate Registry of Deeds or Registry District of the Land Court.~~
3. Payment of a fee in lieu of affordable housing units made to the Medway Affordable Housing Trust. The payment shall be an amount equal to the required number of affordable housing units multiplied by the median price of a Medway market-rate home comparable in type, size, and number of bedrooms over a period of eighteen months prior to the date of application submission.
 - a. Payments in lieu of affordable units shall not be accepted as part of a rental development, either mixed-use or multifamily.
 - b. Payments in lieu shall be made according to the *Provision of Units Schedule* set forth in Paragraph I herein.
 4. In no event shall the total value of newly constructed or rehabilitated off-site affordable housing units and/or cash payments provided be less than the median price of a Medway market-rate home comparable in type, size, and number of bedrooms over a period of eighteen months prior to the date of application submission multiplied by the number of affordable units required under Paragraph C.1.

E. Density Bonus; Affordable Housing Special Permit.

1. The Planning and Economic Development Board may grant an Affordable Housing special permit, by a four-fifths vote, to modify or waive this Bylaw's dimensional and density requirements as specified in Section 6.1 in order to increase the ~~total~~ number of market-rate units as follows to help offset the affordable housing requirement: to a number equal to the required number of affordable units under Paragraph C herein.
 - a. On-site provision of affordable housing units. A density bonus may be granted to increase the number of market-rate units by the required number of affordable housing units under Paragraph C. For example, for a development that must provide two affordable housing units, and the developer choses to include those on the premises, an additional two market-rate units may be allowed.
 - b. Off-site provision of affordable housing units. A density bonus may be granted to increase the number of market-rate units by one-half the required number of affordable units under Paragraph C. For example, for a development that must provide two

~~affordable housing units and the developer chooses to provide those off-site, one additional on-site market rate unit may be allowed. The density bonus may be granted for developments that provide affordable units on site or off site in another location in Medway pursuant to Paragraph D. 2.~~

- ~~c.~~ The density bonus may be granted for a development not subject to Paragraph B. 1. that provides affordable units voluntarily.
 - ~~d.~~ No density bonus shall be granted when the requirements of this Section are met with a payment in lieu of units pursuant to Paragraph D. 3.
2. Adjustment of Dimensional Requirements. The Board may adjust the minimum lot area, minimum lot frontage, and minimum front, rear, and side setbacks required in the underlying zoning district for the subject development to allow for the increase in total number of dwelling units as long as the layout of all lots meets both of the following requirements:
- a. No individual lot shall be reduced in area or frontage to less than eighty percent of the required minimum in the district, and
 - b. Any lot with an affordable dwelling unit shall be no smaller in area and frontage than the median of the lot area and frontage of all the lots in said development.
3. Type of dwelling unit. The Board may authorize types of dwelling units not otherwise permitted in the underlying zoning district to allow for the increase in the total number of market rate dwelling units. For example, in a district where only single-family dwellings are allowed by right, a development with an affordable housing density bonus may be designed to include duplexes, townhouses, or multi-family dwellings.

F. Location and Comparability of Affordable Housing Units.

- 1. The permit application for the proposed development shall include a plan showing the proposed locations of the affordable housing units.
- 2. On-site affordable dwelling units shall be proportionately distributed throughout a development in terms of location and unit type, size and number of bedrooms in accordance with the ~~Local Initiative Program~~ (LIP) requirements. For example, a development consisting of a mix of single-family detached homes, attached townhouses, and apartments ~~will shall~~ include affordable units of each housing type in proportion to the market-rate units.
- ~~3.~~ On-site affordable dwelling units shall be as conveniently located to the development's common amenities as the market rate units.
- ~~3.~~ ~~The permit application for the proposed development shall include a plan showing the proposed locations of the affordable dwelling units.~~
- 4. Newly constructed on and off-site affordable dwelling units shall comply at a minimum with the LIP Design and Construction standards as they may be amended, including the requirement that affordable dwelling units shall be indistinguishable from market-rate units as viewed from the exterior.

5. ~~Further, on~~ On-site affordable dwelling units shall:

- a. be comparable to the market-rate units in terms of design, quality of construction and materials, mechanical systems, and energy efficiency; and
- b. include a garage(s) and/or parking space if the market-rate units include a garage(s) and/or parking space; and
- c. contain interior finishes, flooring, fixtures and appliances that are provided as standard features in the market rate units.

56. Off-site rehabilitated units for affordable housing shall comply at a minimum with the following criteria:

- a. Exterior renovations/improvements shall reflect the character of the surrounding neighborhood.
- b. DHCD's HOME/HSF/CIPF/CATNHP Construction/Rehabilitation Guidelines as may be amended.
- c. Medway Building Code

67. Newly constructed affordable units shall contain at least the minimum amount of interior living ~~area~~ space, excluding basement space, as specified in the LIP Design and Construction Standards. The Planning and Economic Development Board may make reasonable exceptions for the size and number of bedrooms of existing dwelling units that are purchased and resold or rented as affordable housing units with an appropriate deed restriction.

68. The owners and tenants of market-rate and on-site affordable units shall have the same rights and privileges to use any common amenities within the development.

G. Affordable Purchase and Rental Prices.

1. The initial affordable purchase price shall comply with the LIP guidelines in effect when the Regulatory Agreement project application is filed with DHCD.
 - a. The calculations used to determine an affordable purchase price shall be consistent with the terms, rates, fees, down payments, and other requirements of first-time homebuyer mortgage products available from lending institutions located in or serving Medway, in accordance with the requirements of DHCD.
 - b. The initial affordable rent shall comply with DHCD requirements and LIP guidelines in effect when the affordable housing special permit application is filed.

H. Applicant Responsibilities.

1. Marketing Plan for Affordable Housing Units. The applicant ~~is required shall to~~ select qualified purchasers or qualified renters via lottery under an Affirmative Fair Housing Marketing Plan prepared and submitted by the applicant and approved by the Planning and Economic Development Board in consultation with the Medway Affordable Housing Committee or the Medway Affordable Housing Trust. The marketing plan shall comply

with LIP guidelines in effect on the date of filing of the Regulatory Agreement with DHCD.
~~special permit or other permit application with the Town of Medway.~~

2. Regulatory Agreement. For both ownership and rental projects, the applicant shall prepare the Regulatory Agreement in consultation with the Town of Medway and DHCD. Said Regulatory Agreement will be executed by DHCD, the Town of Medway, and the applicant. The applicant shall, and record the Regulatory Agreement at the Registry of Deeds or filed with the Registry District of the Land Court.
3. Deed restriction. The applicant ~~is required shall to~~ prepare a deed rider for each affordable housing unit that is consistent with that used in the LIP and the Regulatory Agreement to be recorded with the appropriate Registry of Deeds or Registry District of the Land Court.

I. Timing of Compliance, Construction of Affordable Housing Units

1. On-site affordable housing units shall be constructed in accordance with the Table below.
~~or otherwise provided in proportion to market rate units, but in no event shall the construction of affordable housing units be delayed beyond the “Provision of Units Schedule” below.~~ Proportionality shall be determined by the number of building permits ~~or certificates of occupancy~~ issued for affordable and market-rate units, ~~or lot releases, as applicable.~~ In accordance with the table below, affordable units shall not be the last units to be built in any development that is subject to this Section.

<u>TABLE ###</u>	
ision of Units Schedule <u>Schedule for Completion of Affordable Housing Units</u>	
ent Market-Rate Units	ent Affordable Units
p 30%	required
plus 1 unit	ast 10%
p 50%	ast 30%
p 75%	ast 50%
plus 1 unit	ast 70%
p 90%	p

2. Construction or rehabilitation of Off-site affordable units shall be completed prior to issuance of the building permit for the unit representing fifty-one percent of the development triggering this ~~Sub~~-Section.
3. In the case of payments in lieu of affordable units, the following methods of payment may be used at the option of the applicant:
 - a. The total amount due shall be paid upon the release of any lots or, in the case of a development other than a subdivision, upon the issuance of the first building permit; or,
 - b. The total amount due shall be divided by the total number of market rate units in the development. The resulting quotient shall be payable at, or prior to, the closing of each market rate unit; or,

- c. A combination of the above methods if approved by the Planning and Economic Development Board.

J. Preservation of Affordability.

1. Homeownership and rental affordable housing units provided under this Section shall be subject to ~~an~~ DHCD approved affordable housing deed rider restriction that complies with LIP requirements as they may be amended for inclusion in the Chapter 40B Subsidized Housing Inventory and is enforceable under G.L. c. 184, § 26 or §§ 31-32. Units required by and provided under the provisions of this Section shall remain affordable to the designated income group in perpetuity, or for as long as legally permissible.
2. No building permit for any unit in a development subject to Paragraph B. shall be issued until the Town has approved the ~~Regulatory~~ aAgreement and the applicant has submitted it to DHCD. Further, the building permit representing fifty-one percent of the development shall not be issued until the ~~Regulatory~~ aAgreement has been approved by DHCD and recorded with the Norfolk Registry of Deeds.
3. For homeownership units, issuance of the certificate of occupancy for any affordable housing unit is contingent on a DHCD-approved affordable housing deed rider signed by the qualified purchaser.
4. Subsequent resale of an affordable housing unit shall be made to a qualified affordable housing purchaser in accordance with the deed restriction.
5. Right of first refusal to purchase. The purchaser of an affordable unit shall execute ~~a~~ an affordable housing deed rider in a form provided by the DHCD, granting the Town of Medway the right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be found.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 40: (Amend Zoning Bylaw: SECTION 8. Special Regulations, Add Section 8.10 Temporary Moratorium on Non-Medical Marijuana Establishments)

To see if the Town will vote to amend the Zoning Bylaw, SECTION 8. SPECIAL REGULATIONS, by adding a new Section 8.10 as follows:

8.10 TEMPORARY MORATORIUM ON NON-MEDICAL MARIJUANA ESTABLISHMENTS

A. **Purposes.** On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana for persons at least twenty-one years of age took effect on December 15, 2016 and (as amended on December 30,

2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses by April 1, 2018.

The law authorizes municipalities to adopt ordinances or bylaws regulating the time, place and manner of operations of marijuana establishments. Further it authorizes municipalities to enact ordinances or bylaws or hold local ballot questions to impose additional limitations regarding the types and number of Marijuana Establishments to be allowed in a community and whether to allow for marijuana cafes for the consumption of marijuana and marijuana products on the premises where they are sold.

Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a “Non-Medical Marijuana Establishment”), as defined in G. L. c. 94G §1 is not specifically addressed. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulations of Non-Medical Marijuana Establishments. The regulation of Non-Medical Marijuana Establishments raises novel and complex legal, planning, and public safety issues. The Town needs time to study and consider the regulation of Non-Medical Marijuana Establishment and address such issues. Questions and concerns have been raised regarding the timeline for implementation, local control mechanisms, regulation of marijuana products, amount of tax, licensing of non-medical marijuana establishments, and additional matters. The Town needs to consider the potential impact of the State regulations on local zoning, and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Non-Medical Marijuana Establishments.

The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Non-Medical Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

B. Definitions. As used in this Sub-Section, the following term shall have the following meaning:

Non-Medical Marijuana Establishment: A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of marijuana-related business as defined by G.L. c. 94G.

C. Temporary Moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Non-Medical Marijuana Establishments and other uses related to personal use of marijuana. The moratorium shall be in effect through June 30, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Non-Medical Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to consider how the Town will address the potential impacts of Non-Medical Marijuana Establishments in the Town, and to consider the Cannabis Control Commission’s regulations regarding Non-Medical Marijuana Establishments, and shall consider amending the Zoning Bylaw in response to these new issues. This temporary moratorium shall not affect in any way the use of land or structures for Registered Marijuana Dispensaries, (for medical marijuana), which are governed by Section 8.9 of this Zoning Bylaw.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 41: (Amend Zoning Bylaws: AR-I & AR-II) A

To see if the Town will vote to rezone the following parcels as shown on a map titled “Proposed Changes to AR-I & AR-II Zoning Districts, January 3, 2017, MAP 5 OF 7” on file with the Town Clerk and to amend the Zoning Map accordingly, such that:

The following split parcels shall be rezoned so that the portion which is presently zoned Agricultural Residential I district shall be converted to Agricultural Residential II district, so that

Address	Medway Assessor’s Parcel ID #	Parcel Size	Current Owner
10 Clover Lane	21-070	.68	Joseph & Shari Meehan
8 Clover Lane	21-069	.68	Paul & Deborah Rossi
6 Clover Lane	21-068	.68	Michael & Janice Kaslosky
4 Clover Lane	21-067	.68	Michael & Dawn Heffron
2 Clover Lane	21-066	.68	Stephen & Gail Kadlik
13 Delmar Road	30-021	.4	Edward & Helen Richard
15 Delmar Road	30-022	.87	Matthew Parabolicoli & Heidi Dragon
17 Delmar Road	30-023	1.446	Dale & Vanessa Lambirth
0R Maple Street (also listed in Article B)	30-010	.5	Robert Briggs

the entire parcel is zoned Agricultural Residential II:

The following split parcels shall be rezoned so that the portion which is presently zoned Agricultural Residential II district shall be converted to Agricultural Residential I district, so that the entire parcel is zoned Agricultural Residential I:

Address	Medway Assessor’s Parcel ID #	Parcel Size	Current Owner
60 Winthrop Street	21-062	10	Michael & Elaine Ruggieri
50 Winthrop Street	30-003	14	Town of Medway Conservation Commission
38 Winthrop Street (also listed in Article B)	30-005	32.00	Shady Oaks Rlty, Robert Briggs Et. Al. Trst.

The following parcels shall be rezoned from the present zoning in the Agricultural Residential I district to Agricultural Residential II district, so that the entire parcel is converted to Agricultural Residential II:

	Medway		
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Address	Assessor's Parcel ID #	Parcel Size	Current Owner
62 Winthrop Street	21-063	.25	Bernard & Donna Peck
64 Winthrop Street	21-064	.25	Anne Marie Price
66 Winthrop Street	21-065	.25	Steven & Myra Abate

And to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 42: (Amend Zoning Bylaws: AR-I & AR-II) - B

To see if the Town will vote to rezone the following parcels as shown on a map titled "Proposed Changes to AR-I & AR-II Zoning Districts, January 3, 2017, MAP 6 OF 7" on file with the Town Clerk and to amend the Zoning Map accordingly, such that:

The following split parcels shall be rezoned so that the portion which is presently zoned Agricultural Residential I district shall be converted to Agricultural Residential II district, so that the entire parcel is zoned Agricultural Residential II:

Address	Medway Assessor's Parcel ID #	Parcel Size	Current Owner
0R Maple Street (also listed in Article A)	30-010	.5	Robert Briggs
23 Maple Street	30-008	.735	Thomas & Kathleen Gay
28 Winthrop	39-005	.7	David & Phyllis Linaryd
19 Winthrop Street	39-071	1.18	Sheila Donovan

Address	Medway Assessor's Parcel ID #	Parcel Size	Current Owner
38 Winthrop Street (also listed in Article B)	30-005	32.00	Shady Oaks Rlty, Robert Briggs Et. Al. Trst.
30 Winthrop Street	39-004	3.29	Robert Briggs
25 Winthrop Street	38-010	47	Shady Oaks Realty Trust
11-R Winthrop Street	39-078	4.4	Town of Medway
0R Oak Street	47-032	9.15	Town of Medway Conservation Commission
16R Oak Street	38-011	30.1	Town of Medway Conservation

(also listed in Article C)			Commission
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The following split parcels shall be rezoned so that the portion which is presently zoned Agricultural Residential II district shall be converted to Agricultural Residential I district, so that the entire parcel is zoned Agricultural Residential I:

The following parcels shall be rezoned from the present zoning in the Agricultural Residential II district to Agricultural Residential I district, so that the entire parcels is converted to Agricultural Residential I.

Address	Medway Assessor's Parcel ID #	Parcel Size	Current Owner
11-R Winthrop Street	39-078	4.4	Town of Medway
0 Oak Street	39-074	10.0	Town of Medway Conservation
0 Oak Street	39-074-0001	.060	Town of Medway Conservation
2-B Oak Street	47-033	3.29	Town of Medway

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 43: (Amend Zoning Bylaw: AR-1 & AR-II) C.

To see if the Town will vote to rezone the following parcels as shown on a map titled "Proposed Changes to AR-I & AR-II Zoning Districts, January 3, 2017, MAP 7 OF 7" on file with the Town Clerk and to amend the Zoning Map accordingly, such that:

The following split parcels shall be rezoned so that the portion which is presently zoned Agricultural Residential I district shall be converted to Agricultural Residential II district, so that the entire parcel is zoned Agricultural Residential II:

Address	Medway Assessor's Parcel ID #	Parcel Size	Current Owner
3 Independence Lane	46-031	1.443	James & Darlene Lane
1 Independence Lane	46-032	.826	John & Tanya Green
2 Independence Lane	46-041	.574	Mendes Realty Trust
4 Independence Lane	46-042	.518	John Khoury
56 Summer Street	46-028	6.0	Michael & Paulene DelGenio
62 Summer Street	46-040	.96	Dennis & Susan Nickerson
39 Highland Street	46-023	1.5	Francis Davis
37 Highland Street	46-024	1.219	Barbara Phillips & Marlene Levine Phillips
35 Highland Street	46-025	1.312	Daniel & Barbara Tramontozzi
33 Highland Street	46-026	1.25	Harlan Peterson
31 Highland Street	47-092	1.04	Glen & Tammy Reed
31A Highland Street	47-093	1.02	Robert & Charlene Coakley
3 Brandywine Road	47-005	1.585	Brian & Tina Marie Bartel
5 Brandywine Road	47-006	1.824	John & Rosanne Hamblin
6 Brandywine Road	47-008	1.01	Edward & Eileen Paulsen
3 Daniels Road	47-009	1.01	Susan Steinhauer
5 Daniels Road	47-010	.769	Robert & Stephanie Kenney

The following split parcels shall be rezoned so that the portion which is presently zoned Agricultural Residential II district shall be converted to Agricultural Residential I district, so that the entire parcel is zoned Agricultural Residential I:

Address	Medway Assessor's Parcel ID #	Parcel Size	Current Owner
16R Oak Street (also listed in Article B)	38-011	30.1	Town of Medway Conservation Commission

The following parcels shall be rezoned from the present zoning in the Agricultural Residential I district to Agricultural Residential II district, so that the entire parcel is converted to Agricultural Residential II:

Address	Medway Assessor's Parcel ID #	Parcel Size	Current Owner
0 Independence Lane	46-033	.019	Town of Medway
46 Summer Street	46-034	.23	Peter & Regina Bates
48 Summer Street	46-035	.23	Tara & Christopher Rice
50 Summer Street	46-037	.417	Kristopher Loper
58 Summer Street	46-038	.39	Sally Newton
60 Summer Street	46-039	.46	Vicki Boyd
64 Summer Street	46-021	.3	BHR Development
41 Highland Street	46-022	.75	Daniel & Stephanie McMullin
32 Highland St	47-001	.6879	Erin & Gregory Cabral
30 Highland St	47-002	.593	Richard & Jessica Scalzo
8 Brandywine Road	47-007	1.01	Gary & Lauri Kline

And to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 44: (Amend Zoning Bylaws: AR-1 & VC) D.

To see if the Town will vote to rezone the following parcels as shown on a map titled "Proposed Changes to AR-I & VC Zoning Districts, January 3, 2017" on file with the Town Clerk and to amend the Zoning Map accordingly, such that:

The following split parcel shall be rezoned so that the portion which is presently zoned Village Commercial district shall be converted to Agricultural Residential I district, so that the entire parcel is zoned Agricultural Residential I:

Address	Medway Assessor's Parcel ID #	Parcel Size	Current Owner
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And to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 45: (Amend Zoning Bylaws: AR-II & IND-III) E.

To see if the Town will vote to rezone the following parcels as shown on a map titled “Proposed Changes to AR-II & IND-III Zoning Districts, January 3, 2017” on file with the Town Clerk and to amend the Zoning Map accordingly, such that:

The following split parcels shall be rezoned so that the portion which is presently zoned Industrial III district shall be converted to Agricultural Residential II district, so that the entire parcel is zoned Agricultural Residential II:

Address	Medway Assessor’s Parcel ID #	Parcel Size	Current Owner
1 Lost Hill Drive	64-007	1.078	Matthew & Kelly Rice
2 Lost Hill Drive	64-013	.92	John & Eileen Aviza
5 Lost Hill Drive	54-125	1.5	Jeffrey & Eileen Kalukin
28 Fox Run Road	64-020	4.82	Marie Fortune
0 Granite Street	64-066	11.54	Boston Edison/NSTAR
40 Granite Street	64-073	10.79	Bertrand & Julie Goemaere
42 Granite Street	74-002	7.5	Michael Charney
19 Alder Street	54-126	1.687	Edward Griffin

And to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 46: (Amend Zoning Bylaws: IND-II & AR-II) F.

To see if the Town will vote to rezone the following parcels as shown on a map titled “Proposed Changes to IND-II & AR-II Zoning Districts, January 3, 2017” on file with the Town Clerk and to amend the Zoning Map accordingly, such that:

The following split parcel shall be rezoned so that the portion which is presently zoned Agricultural Residential II district shall be converted to Industrial II district, so that the entire parcel is zoned Industrial II:

Address	Medway Assessor’s Parcel ID#	Parcel Size	Current Owner
34 West Street	66-012	48.7	Sithe West Medway LLC NStar Services Co.

The following parcels shall be rezoned from the present zoning in the Agricultural Residential II district to Industrial II district, so that the entire parcel is converted to Industrial II:

Address	Medway Assessor’s Parcel ID#	Parcel Size	Current Owner
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30 West Street	66-011	.7	New England Power Company Property Tax Dept
12 West Street	66-010	.2	Sithe West Medway LLC NStar Services Co.

And to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 47: (Amend Zoning Bylaws: CB & AR-II) G.

To see if the Town will vote to rezone the following parcels as shown on a map titled “Proposed Changes to CB & AR-II Zoning Districts, January 3, 2017” on file with the Town Clerk and to amend the Zoning Map accordingly, such that:

The following split parcels shall be rezoned so that the portion which is presently zoned Agricultural Residential II district shall be converted to Central Business district, so that the entire parcel is zoned Central Business:

Address	Medway Assessor’s Parcel ID #	Parcel Size	Current Owner
123 Main Street	48-047	6.3	Maritime Housing Fund
117 Main Street	40-071	4.112	CMR Investments LLC

And to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

And you are hereby directed to serve this warrant by posting printed attested copies thereof at two (2) locations in each precinct at least SEVEN (7) days before the day of said meeting. Hereof fail not and make due return of this warrant with your doings thereon to the Clerk of said Town at or before the time of said meeting.

Given under our hands in Medway, this 4th day of April 2016.

A TRUE COPY:

SELECTMEN OF THE TOWN OF MEDWAY

John Foresto, Chairman

Maryjane White, Vice Chairman

Richard D’Innocenzo, Clerk

Glenn Trindade, Member

Dennis Crowley, Member

ATTEST: _____
Paul Trufant, Constable

Article XXVI

Stormwater Management and Land Disturbance

Section 26.1 Authority

This bylaw is adopted in accordance with the authority granted by M.G.L. Chapter 43B, Section 13.

Section 26.2 Purpose

The purpose and intent of this bylaw is to fulfill the Town's obligations under the Clean Water Act (33 U.S.C 1251 & seq.) (the "Act") and under the Town's National Pollution Discharge Elimination System ("NPDES") permit. More specifically, its purpose is the following:

1. To protect the waters of the U.S. as defined in the act and implementing regulations from uncontrolled Discharges of Storm Water or Discharges of Contaminated Water which have a negative impact on the receiving waters by changing the physical, biological and chemical composition of those waters resulting in an unhealthy environment for aquatic organisms, wildlife and people;
2. To establish a comprehensive and fair system of regulation of Discharges to the Town's Municipal Separate Storm Sewer System (MS4);
3. To prohibit illicit connections and unauthorized discharges to the MS4;
4. To require the removal of all such illicit discharges;
5. To comply with Town, state and federal regulations related to storm water discharges, including but not limited to point sources, construction or industrial activities, and post-construction runoff; and
6. To establish legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring and enforcement.

Section 26.3 Definitions

Except as listed below, words, all terms, abbreviations and acronyms that appear in this bylaw and are also defined in Appendix A of the [Final 2016 Massachusetts Small MS4 General Permit](#) signed April 4, 2016 with an effective date of July 1, 2017, (MS4 General Permit) or as most recently amended, shall be construed to have the meaning presented in Appendix A.

Common Plan of Development - A "larger common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention

of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than one acre ~~for 20,000 square feet of land~~ ~~for 10,000 square feet of land with a greater than 15% slope~~ by separate, independent builders, this activity still would be subject to stormwater permitting requirements if the smaller plots were included on the original site plan.

Illicit Connection -- A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed or approved before the effective date of this Bylaw

New Development – Any construction activities or land alteration resulting in total earth disturbances greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) an area that has not previously been developed to include impervious cover.

Redevelopment – Any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of New Development (see above).

Section 26.4 Illicit Discharges

Section 26.4.12. Prohibited Activities:

- (a) Illicit Discharges – no person shall dump, discharge, cause or allow to be discharged any pollutant, unauthorized stormwater or non-stormwater discharge into the municipal separate storm sewer system (MS4) and/or Town right-of-way.
- (b) Illicit Connections – No person shall construct, use, allow, maintain or continue any illicit connection to the municipal separate storm sewer system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- (c) Obstruction of MS4 – No person shall obstruct or interfere with the normal flow of storm water into or out of the MS4 without prior written approval from the Enforcement Authority.
- (d) Yard Wastes – No person shall dump or dispose of yard waste (leaves, grass clippings, etc.) into the MS4, or into catch basins, retention/detention basins or any other component of a stormwater management system which discharges to the MS4.

Section 26.4.2 Pre-existing Illicit Discharges.

Illicit discharges in existence prior to the adoption of this bylaw shall be addressed in compliance with the Town’s Illicit Discharge Detection and Elimination (IDDE) program.

Section 26.4.3. Non-Stormwater Discharges -- The following categories of non-stormwater discharges are allowed unless the Town, EPA, or the MassDEP identifies any category or individual discharge of non-stormwater discharge as a significant contributor of pollutants to the MS4, then that category or individual discharge is not allowed but rather shall be deemed an “illicit discharge” and the Town shall address that category or individual discharge as part of its IDDE Program:

- a. Water line flushing
- b. Landscape irrigation
- c. Diverted stream flows
- d. Discharge from potable water sources
- e. Air conditioning condensation
- f. Irrigation water, springs
- g. Lawn watering
- h. Individual resident car washing
- i. Flows from riparian habitats and wetlands
- j. Street wash waters
- k. Residential building wash waters without detergents
- l. Fire-fighting activities

Commented [GC1]: We discussed having a 5-10 year time period to remove such illicit discharge. However, do you want to specify that here in the bylaw or make it part of the IDDE program to provide more flexibility for individual circumstances?

Section 26.4.4 Permitted Non-Stormwater Discharges

A limited category of non-stormwater discharges are ~~prohibited without~~ only allowed with a permit from the Department of Public Services (DPS). Such permits may be granted only following an examination of potential alternatives and a finding by DPS that there is no viable alternative. These categories are:

- a. Uncontaminated pumped ground water
- b. Foundation drains
- c. Water from crawl space pumps
- ~~b-d.~~ d. Footing drains

Section 26.4.5 Prohibited Non-Stormwater Discharges

The following non-stormwater discharges are strictly prohibited:

- a. De-chlorinated swimming pool discharges
- b. Discharging water from any source into the street

Section 26.4.4 Notification of Spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or

operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Fire Department and the Department of Public Services (DPS). In the event of a release of non-hazardous material, the reporting person shall notify DPS no later than the next business day. The reporting person shall provide to DPS written confirmation of all telephone, electronic or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 26.4.5 Enforcement – The Department of Public Services or an authorized agent of DPS shall enforce Section 26.4 of this by-law, including associated regulations, and may issue orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Section 26.5 Land Disturbance and Construction Activity

Section 26.5.1 Applicability. This section shall apply to all activities that result in disturbance of one or more acres ~~[or 20,000 square feet] of land [or 10,000 square feet of land on with a greater than 15% slope]~~, (or less if the activity is part of a larger common plan of development that exceeds one acre of land disturbance within a 5-year period).

Section 26.5.2 Land Disturbance Permit. Except as authorized by the applicable board, commission, department or its agent, as specified in Section 26.5.3 and hereafter known as *the “reviewing authority,”* no person shall perform any activity that results in disturbance of an acre or more of land ~~or 20,000 square feet] of land [or 10,000 square foot of land with a greater than 15% slope]~~ without a Land Disturbance Permit. Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.04, are exempt. Roadway and utilities improvement and maintenance are also exempt from permitting but such road work that involves increasing impervious surface by more than a single lane width shall comply with MS4 General Permit requirements as specified in Section 26.8.2 (3)(d).

Section 26.5.3 Coordinated Permitting.

26.5.3.1 In the case of activities requiring an Order of Conditions from the Conservation Commission or subdivision, site plan or special permit approval from the Planning and Economic Development Board (PEDB), Land Disturbance Permits shall be reviewed and issued as a component of those other permits, including the fees, regulations, timing, notice and hearing requirements of those other permits. In cases where activities are subject to Conservation Commission jurisdiction under the Wetlands Protection Act for part of a site and activities on another part of the site are subject to the jurisdiction of the

Commented [GC2]: This is intended to provide exemption from a permitting requirement, but the MS4 General Permit does require compliance for large widening projects.

PEDB, the Conservation Commission shall have sole jurisdiction for issuing a Land Disturbance Permit for the entire site. For activities outside the jurisdiction of the Conservation Commission and that do not require subdivision, site plan or special permit approval from the PEDB (e.g. construction of a house and associated facilities on an existing lot), a Land Disturbance Permit shall be required from an administrative team consisting of the Building Inspector, DPS Director, Community and Economic Development Director, Planning and Economic Development Coordinator and Conservation Commission Agent, and may include the Board of Health Agent or the designee of any of the preceding.

~~26.5.3.2 The procedures specified in Section 26.6 specifies procedures for administrative review. Sections 26.7 through 26.14 pertain to cases where no simultaneous permit from Conservation Commission or PEDB is required and administrative review is applicable. The submittal requirements of Sections 26.7, 26.8 and 26.9 shall be applicable to cases where the Land Disturbance Permit is a component of an Order of Conditions of the Conservation Commission or a subdivision, site plan or special permit approval of the PEDB. The provisions of Sections 26.10 through 26.14 shall be applicable in all cases.~~

Commented [GC3]: At our meeting, we suggested moving this section to under 26.6. However, upon further consideration, I think it belongs here since we have changed the title of Section 26.6 to "Administrative Review." Also, I have changed it to specify that all of the same submittals are required for administrative review since more than an acre is still being disturbed. Its just that those projects don't fall into the jurisdiction of another board. Its not like administrative site plan where the proposed change is minor.

Section 26.6 Permits and Procedure Administrative Review

~~26.5.3.2 The procedures specified in the following sections pertain to cases where no simultaneous permit from Conservation Commission or PEDB is required. The submittal requirements of Sections 26.7, 26.8 and 26.9 shall be applicable to cases where the Land Disturbance Permit is a component of an Order of Conditions of the Conservation Commission or a subdivision, site plan or special permit approval of the PEDB. The provisions of Sections 26.10 through 26.14 shall be applicable in all cases.~~

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26.6.1. Application. A completed application for a Land Disturbance Permit shall be filed with the ~~applicable entity~~ administrative team as established in Section 25.5.3. A permit must be obtained prior to the commencement of land disturbing activity that may result in the disturbance of an area of one acre ~~for 20,000 square feet~~ of land ~~for 10,000 square feet of land with a greater than 15% slope~~ or more. The Land Disturbance Permit Application package shall include:

1. a completed Application Form with original signatures of all owners;
2. a list of abutters, certified by the Assessor's Office;
3. three (3) copies of the Erosion and Sediment Control Plan as specified in Section 26.7 of this bylaw;
4. three (3) copies of the Post-Construction Stormwater Management Plan as specified in Section 26.8 of this bylaw;
5. three (3) copies of the Stormwater Operations and Maintenance Plan for both

during construction and post-construction as specified in Section 26.9 of this bylaw

6. payment of the application and review fees; and,
7. one (1) copy ~~each~~ of the Application Form ~~and the list of abutters~~ filed with the Town Clerk.
8. an electronic copy of all materials submitted.

26.6.2. Entry. Filing an application for a permit grants the ~~applicable entity administrative team~~ or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

26.6.3. Other Boards. The ~~applicable entity administrative team~~ shall notify the Town Clerk of receipt of the application, and shall give one copy of the application package to ~~and may seek input from each of the other relevant entities: the~~ Planning and Economic Development Board, the Conservation Commission, ~~and/or~~ Department of Public Services ~~and/or other Town departments or boards as needed or appropriate.~~

26.6.4. ~~Public Hearing Administrative Team Meeting.~~ ~~When reviewed as a component of another permitting process by Conservation Commission or PEDB, the public hearing shall be held simultaneously with that of the other permitting process. When the Land Disturbance Permit application stands alone, the PEDB [if this is permit granting authority] shall hold a public hearing within twenty one (21) days of the receipt of a complete application and shall take final action within twenty one (21) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and PEDB. Notice of the public hearing shall be given by publication and posting and by first class mailings to abutters at least seven (7) days prior to the hearing. The PEDB shall make {The Land Disturbance Permit application shall be made available for inspection by the public on the Town web site and at Town Hall during its normal business hours. The applicant shall be invited to a review meeting which shall be held within 14 days of the receipt of a complete application and final action shall be taken within 14 days of the review meeting unless such time is extended by agreement between the applicant and the administrative team.~~

26.6.5. Information requests. The applicant shall submit all additional information requested by the administrative team in order to issue a decision on the application.

26.6.6 Waivers

26.6.6.1. The administrative team may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:

- 1) such action is allowed by federal, state and local statutes and/or regulations,
- 2) is in the public interest, and

3) is not inconsistent with the purpose and intent of this by-law.

26.6.6.2. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-law does not further the purposes or objectives of this bylaw.

26.6.6.3. All waiver requests shall be discussed and voted on at the review meeting for the project.

26.6.6.4. If in the opinion of the administrative team, additional time or information is required for review of a waiver request, it may continue the review to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

26.6.7. Action

The administrative team may:

1. Approve the Land Disturbance Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;
2. Approve the Land Disturbance Permit Application and issue a permit with conditions, modifications or restrictions that it determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this by-law;
3. Disapprove the Land Disturbance Permit Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.

26.6.8. Failure to take final action. Failure of the administrative team to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without action, the Land Disturbance Permit shall be issued by the administrative team.

26.6.9 Appeals. Decisions of the administrative team may be appealed to the Conservation Commission within 20 days of filing the decision with the Town Clerk.

26.6.9. Fee Structure. Each application must be accompanied by the appropriate application fee as established by the Board of Selectmen, Department of Public Services. Applicants shall pay review fees as determined by the administrative team sufficient to cover any expenses connected with the review of the Land Disturbance Permit Application before the review process commences. The administrative team is authorized

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to retain a Registered Professional Engineer or other professional consultant to advise it on any or all aspects of the Application.

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26.6.10. Project Changes. The permittee, or their agent, must notify the [administrative team](#) in writing of any change or alteration of a land-disturbing activity authorized in a Land Disturbance Permit before any change or alteration occurs. If the administrative team determines that the change or alteration is significant, based on the design requirements listed in Section 26.7.2 and accepted construction practices, The administrative team may require that an amended Land Disturbance Permit application be filed and a new review meeting be held. If any change or alteration from the Land Disturbance Permit occurs during any land disturbing activities, the administrative team may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

Section 26.7. Erosion and Sediment Control Plan

26.7.1. An Erosion and Sediment Control Plan (ESCP) is required of all construction site operators performing land disturbance activities under the jurisdiction of this by-law. The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 26.7.2. below.

26.7.2. The design requirements of the Erosion and Sediment Control Plan are:

1. Minimize total area of disturbance and protect natural resources;
2. Sequence activities to minimize simultaneous areas of disturbance;
3. Minimize soil erosion and control sedimentation during construction and document that proposed measures can handle a 100-year storm, recognizing that prevention of erosion is preferred over sedimentation control;
4. Protect slopes on the construction site;
5. Protect all storm drain inlets and armor all newly constructed outlets;
6. Divert uncontaminated water around disturbed areas;
- ~~7. Maximize groundwater recharge;~~
- ~~9.7.~~ Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturers specifications and good engineering practices;
- ~~10.8.~~ Use perimeter controls to prevent off-site transport of sediment;
- ~~11.9.~~ Stabilize construction site entrances and exits to prevent off-site vehicle tracking of sediment;

~~42.10.~~ Inspect and report stormwater controls at consistent intervals.

~~43.11.~~ Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);

~~44.12.~~ Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;

~~45.13.~~ Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;

~~46.14.~~ Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;

~~47.15.~~ Properly manage on-site construction and waste materials; including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes. These wastes may not be discharged to the MS4.

~~26.7.3. Erosion and Sedimentation Control Plan Content. The Plan shall contain the following information:~~

1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
2. Title, date, north arrow, names of abutters, scale, legend, and locus map;
3. Location and description of natural features including:
 - (a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
 - (b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and
 - (c) Habitats mapped by the Massachusetts Natural Heritage & Endangered

Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.

4. Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
5. Existing soils, volume and nature of imported soil materials;
6. Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;
7. Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
8. Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
9. Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
10. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
11. Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit;
12. Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Policy;
13. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
14. A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
15. A description of provisions for phasing the project where one acre ~~for 20,000 square feet~~ of land ~~for 10,000 square feet of land with a greater than 15%~~

~~slope~~ of area or greater is to be altered or disturbed;

~~16. Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,~~

~~17. A maintenance schedule for the period of construction,~~
~~18.~~

~~19.~~ Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control; and

~~20.~~ Such other relevant information as is required by ~~PEDB~~ the applicable permitting authority.

Section 26.8. Post-Construction Stormwater Management Plan

26.8.1. The application for a Land Disturbance Permit shall include a Post-Construction Stormwater Management Plan, sometimes referred to as a Long Term Operations and Management Plan. This Post-Construction Stormwater Management Plan shall contain sufficient information for the applicable reviewing authority to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the most current Massachusetts Stormwater Management Standards as set forth in Section 26.8.2 and DEP Stormwater Management Handbook Volumes I and II. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:

1. A locus map,
2. The existing zoning, and land use at the site,
3. The proposed land use,
4. The location(s) of existing and proposed easements,
5. The location of existing and proposed utilities,
6. The site's existing & proposed topography with contours at 2 foot intervals,
7. The existing site hydrology,
8. A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows,
9. A delineation of 100-year flood plains, if applicable,
10. Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration,
11. The existing and proposed vegetation and ground surfaces with runoff coefficients for each,
12. A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths,
13. A description and drawings of all components of the proposed drainage system

including:

- a. locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
- b) all measures for the detention, retention or infiltration of water,
- c) all measures for the protection of water quality,
- d) the structural details for all components of the proposed drainage systems and stormwater management facilities,
- e) notes on drawings specifying materials to be used, construction specifications, and typicals, and
- f) expected hydrology with supporting calculations.

14. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,
15. Timing, schedules, and ~~sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization, procedures to ensure proper functioning and operation of the system'~~
16. A maintenance schedule ~~for the period of construction,~~
17. Documentation of consideration of the use of low impact design and green infrastructure,
- ~~17-18.~~ A final (and for longer term projects an annual) report documenting compliance with the plan, including receipts as applicable, and
- ~~18-19.~~ Any other relevant information requested by the applicable permitting authority.

26.8.2. Stormwater Design Requirements

Projects shall use Low Impact Development (LID) site planning and design strategies to the maximum extent feasible and shall [comply with the following requirements](#)

- 1) No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.
- 2) For new development, stormwater management systems must be designed to
 - a) Not allow new stormwater conveyances to discharge untreated stormwater in accordance with Massachusetts Stormwater Handbook Standard 1;
 - b) Control peak runoff rates in accordance with Massachusetts Stormwater Handbook Standard;
 - c) Recharge groundwater in accordance with Massachusetts Stormwater Handbook Standard;
 - d) Eliminate or reduce the discharge of pollutants from land uses with higher pollutant loads as defined in the Massachusetts Stormwater Handbook in accordance with Massachusetts Stormwater Handbook Standard 5;
 - e) Protect Zone II or Interim Wellhead Protection Areas of public water supplies in accordance with Massachusetts Stormwater Handbook Standard 6;

f) Implement long term maintenance practices in accordance with Massachusetts Stormwater Handbook Standard 9; and

g) Require that all stormwater management systems be designed to:

1) Retain the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the site AND/OR

2) Remove 90% of the average annual load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.

Note:—The required removal percentage is not required for each storm, it is the average removal over a year that is required.

3) For redevelopment sites:

a) Stormwater management systems on Redevelopment sites shall meet the following sections of part 2.3.6.a.ii.3 of the MS4 General Permit as most recently amended, to the maximum extent feasible:

1) Part 2.3.6.a.ii.3(a) (Massachusetts Stormwater Standard 1);

2) Part 2.3.6.a.ii.3(b) (Massachusetts Stormwater Standard 2)

3) Part 2.3.6.a.ii.3(c) (Massachusetts Stormwater Standard 3); and

4) The pretreatment and structural best management practices requirements of 2.3.6.a.ii.3(d) and 2.3.6.a.ii.3(e) (Massachusetts Stormwater Standards 5 and 6).

b) Stormwater management systems on Redevelopment sites shall also improve existing conditions by requiring that stormwater management systems be designed to:

1) Retain the volume of runoff equivalent to, or greater than, 0.80 inch multiplied by the total post-construction impervious surface area on the site AND/OR

2) Remove 80% of the average annual post-construction load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site AND 50% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1 where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.

c) Stormwater management systems on redevelopment sites may utilize offsite mitigation within the same USGS HUC10 as the redevelopment site to meet the equivalent retention or pollutant removal requirements in part 2.3.6.a.ii.4(b) of the [MS4 General Permit](#), as most recently amended.

d) Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions where feasible and are exempt from [the MS4 General Permit](#) part 2.3.6.a.ii.4(a), part 2.3.6.a.ii.4(b) and part 2.3.6.a.ii.4(c). Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of part 2.3.6.a.ii.4(a) – (c) of MS4 General Permit as most recently amended fully.

4) All stormwater management systems must have an operation and maintenance plan [prepared in accordance with 26.9](#) to ensure that systems function as designed.

When one or more of the Standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

[26.8.3 The Post-Construction Stormwater Management Plan shall be recorded at the Registry of Deeds along with the decision of the applicable permitting authority.](#)

Section 26.9. Operation and Maintenance Plans

An Operation and Maintenance plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this Bylaw and that the Massachusetts Surface Water Quality Standards, 314 CMR 4.00 are met in all seasons and throughout the life of the system. ~~PEDB-The applicable permitting authority~~ shall make the final decision of what maintenance option is appropriate in a given situation. ~~PEDB-The applicable permitting authority~~ will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The Operation and Maintenance Plan shall remain on file with ~~PEDB-the applicable permitting authority~~ and shall be an ongoing requirement. The O&M Plan shall include:

26.9.1. The name(s) of the owner(s) for all components of the system

26.9.2. Maintenance agreements that specify:

1. The names and addresses of the person(s) responsible for operation and maintenance
2. The person(s) responsible for financing maintenance and emergency repairs.

3. A Maintenance Schedule for all drainage structures, including swales and ponds.
4. A list of easements with the purpose and location of each.
5. The signature(s) of the owner(s).

26.9.3. Stormwater Management Easement(s).

1. Stormwater management easements shall be provided to the Town by the property owner(s) as necessary for:
 - a. access for facility inspections and maintenance,
 - b. preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.
 - c. direct maintenance access by heavy equipment to structures requiring regular cleanout.
2. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
3. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the PEDB applicable permitting authority.
4. Easements along with a plan illustrating their location shall be recorded with the Norfolk County Registry of Deeds prior to issuance of a Certificate of Completion by the PEDB applicable permitting authority.

26.9.4. Changes to Operation and Maintenance Plans

1. The owner(s) of the stormwater management system must notify PEDB the Department of Public Services of changes in ownership or assignment of financial responsibility.
2. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of PEDB the administrative team and the Responsible Parties. The administrative team may refer to the original permitting authority for input if it is not comfortable with the proposed amendments. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility. Proposed amendments must be described in detail along with reasons why the Town

should consider them.

2-3. An annual report shall be provided to the Department of Public Services on the anniversary date of the permit. The Report shall include documentation of compliance with the Plan, including photographs, and receipts as applicable.

Section 26.10. Inspection and Site Supervision

26.10.1. Pre-construction Meeting. Prior to starting clearing, excavation, construction, or land disturbing activity the applicant, the applicant's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with PEDB, to review the permitted plans and their implementation.

26.10.2. Board Inspection. ~~PEDB~~aThe applicable permitting authority or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the land disturbance permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of ~~PEDB~~applicable permitting authority, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify ~~PEDB~~applicable permitting authority at least two (2) working days before each of the following events:

1. Erosion and sediment control measures are in place and stabilized;
2. Site Clearing has been substantially completed;
3. Rough Grading has been substantially completed;
4. Installation of physical control measures;
- ~~5.~~ Final Grading has been substantially completed;
- ~~6.~~ Close of the Construction Season; and
- ~~7.~~ Final Landscaping (permanent stabilization) and project final completion.

A written report of these inspections shall be provided to both the permittee and the applicable permitting authority. Such inspections may be combined with other inspections required under any other permits issued to authorized the project.

26.10.3. Permittee Inspections. The permittee or his/her agent shall conduct and document inspections of all control measures no less than weekly during construction or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the PEDB-applicable permitting authority or designated agent in a format approved by ~~PEDB~~it.

26.10.4. Access Permission. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, ~~PEDB~~the applicable permitting authority its agents, officers, and employees may enter upon privately owned property for

the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as ~~PEDB~~the applicable permitting authority deems reasonably necessary to determine compliance with the permit.

Section 26.11. Surety

~~PEDB~~The applicable permitting authority may shall require the permittee to post a performance guarantee in a form acceptable to Town Counsel and the Town Treasurer before the start of land disturbance activity, ~~a surety bond, irrevocable letter of credit, cash, or other acceptable security.~~ The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by ~~PEDB~~the applicable permitting authority to ensure that the work will be completed in accordance with the permit. If the project is phased, ~~PEDB~~the applicable permitting authority may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until ~~PEDB~~the applicable permitting authority has received the final report as required by Section 26.10 and has issued a certificate of completion. The amount of the bond shall be sufficient to ensure that the site may be stabilized, including a minimum of 6" of loam seeded over any disturbed area along with erosion controls plus 25% contingency.

Section 26.12. Final Reports

Upon completion of the work, the permittee shall submit to the Department of Public Services a report (including certified as-built construction plans in accordance with Section 2.3.6.a.iii of the of the MS4 General Permit, as most recently amended) from a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any ~~discrepancies~~deviations should be noted in the cover letter.

Commented [GC4]: This is a real thing.

Section 26.13. Certificate of Completion

The issuing authority will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw. Such certification may be a component of Conservation Commission Certificate of Compliance or a PEBB Certificate of Completion.

Section 26.14. Enforcement

26.14.1. ~~PEDB~~The the applicable permitting authority or an authorized agent ~~of PEBB~~ shall enforce Sections 26.5 -26.13 of this by-law, including associated regulations, and may issue orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

26.14.2. Orders

1. ~~PEDB~~The applicable permitting authority or an authorized agent ~~of the PEDB~~ may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include:

(a) a requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the land-disturbance permit;

(b) maintenance, installation or performance of additional erosion and sediment control measures;

(c) monitoring, analyses, and reporting

(d) remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.

2. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and the property owner shall reimburse the Town expenses.

3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with PEDB within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of PEDB affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

26.14.3 Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and Article XX of the Town of Medway General Bylaws, in which case [the insert title or other authorized agent] of the [city/town] shall be the enforcing person. The penalty for the 1st violation shall be \$[]. The penalty for the 2nd violation shall be \$[]. The penalty for the 3rd and subsequent violations shall be \$[]. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

26.14.34. Criminal Penalty. Any person who violates any provision of this by-law, regulation, order or permit issued there under, and does not comply with any non-criminal disposition order, shall be punished by a fine of not more than \$[____]. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

~~**26.14.4 Non-Criminal Disposition.** As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and Article XX of the Town of Medway General Bylaws, in which case [the insert title or other authorized agent] of the [city/town] shall be the enforcing person. The penalty for the 1st violation shall be \$[____]. The penalty for the 2nd violation shall be \$[____]. The penalty for the 3rd and subsequent violations shall be \$[____]. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.~~

26.14.5 Appeals. The decisions or orders of ~~PEDB~~the PEDB or Conservation Commission shall be final. Further relief shall be to a court of competent jurisdiction. Decisions of the administrative team may be appealed to the Conservation Commission.

26.14.6 Remedies Not Exclusive. The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 26.15. Severability

If any provision, paragraph, sentence, or clause of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

DRAFT

AGENDA

ITEM #6

Vote – Accept Mass. General Law Chapter 32B, Sections 21-23 (Employee/Retiree Health Insurance) and to Initiate Process for Fiscal Year 2018 Health Insurance Renewal

Associated backup materials attached:

- Proposed FY18 HMO Plan changes

Proposed Motion: I move that the Board accept Mass. General Law Chapter 32B, Sections 21-23 and initiate the process for fiscal year 2018 health insurance renewal.

THP YOUR CHOICE PRODUCT

The Town of Medway - Current HMO Plan vs. Proposed for FY18

<u>Current Plan Benefits</u>	<u>THP HMO - Current Plan</u>		<u>THP HMO - Your Choice HMO</u>	
Physician Office Visit / Well Care	Covered In Full		Covered In Full	
PCP office visit	\$25 Copay per visit		\$30 Copay per visit	
Specialist office visit	\$25 Copay per visit		\$90 Copay per visit	
Plan Year Deductible	None		\$300 ind/\$900 fam	
Out-of-Pocket Maximum	\$2k/\$4k Medical & RX		\$3k/\$6k Medical & RX	
Coinsurance	NA		NA	
Emergency Room	\$75 Copay (Waived if admitted)		\$100 Copay after ded	
IN-PT Hospital Admission	\$500 Copay		\$300 or \$1,500 Copay after ded	
OUT-PT Surgical Day Care Ambulatory Surgical Facility	\$250 Copay		\$250 Copay after ded	
Lab & X-rays	Covered In Full		Covered In Full after ded	
CAT Scans, MRI, PET Scans	Covered In Full		\$100 Copay after ded	
RX - 30 Day Retail (90 Day Mail Order Delivery Available)	\$10 / \$20 / \$35		\$10 / \$30 / \$65 retail and \$25/\$75/\$165 MOD	
Current Enrollment	Single 141	Family 210	Single 141	Family 210
Current Rates	\$683.18		\$683.18	
Current Monthly Premium	\$463,896		\$463,896	
Renewal Rates	\$879.87		\$729.83	
Renewal Percentage Increase	28.79%		6.83%	
Renewal Monthly Premium	\$597,452		\$495,570	
Town and Members Renewal Annual Premium Increase	\$1,602,678		\$380,097	
Annual Impact on Employee Costs: 75%/25%	<u>IND</u>	<u>FAM</u>	<u>IND</u>	<u>FAM</u>
	\$590.07	\$1,511.76	\$139.95	\$358.53
Annual Impact on Employee Costs: 70%/30%	<u>IND</u>	<u>FAM</u>	<u>IND</u>	<u>FAM</u>
	\$708.08	\$1,814.11	\$167.94	\$430.24
Annual Impact on Employee Costs: 50%/50%	<u>IND</u>	<u>FAM</u>	<u>IND</u>	<u>FAM</u>
	\$1,180.14	\$3,023.52	\$279.90	\$717.06

AGENDA

ITEM #7

Special Event Permit – American Legion Scholarship Road Race – June 17, 2017

Associated backup materials attached:

- Correspondence from American Legion Race Coordinator
- Proposed Race Route
- Police Chief's Recommendations

Proposed Motion: I move that the Board approve a special event permit for the American Legion Scholarship Road Race to be held on June 17, 2017 subject to Police Chief's recommendations.

Lindsey Rockwood

Subject: RE: American Legion Road Race 2017

From: Allison Potter
Sent: Monday, December 12, 2016 7:40 AM
To: Lindsey Rockwood
Subject: FW: American Legion Road Race 2017

Hi,
Would you please process this request? I already let Doug know we'll schedule it for one of the next couple of BOS meetings.
Thanks,
Allison

Allison Potter
Asst. Town Administrator
Town of Medway

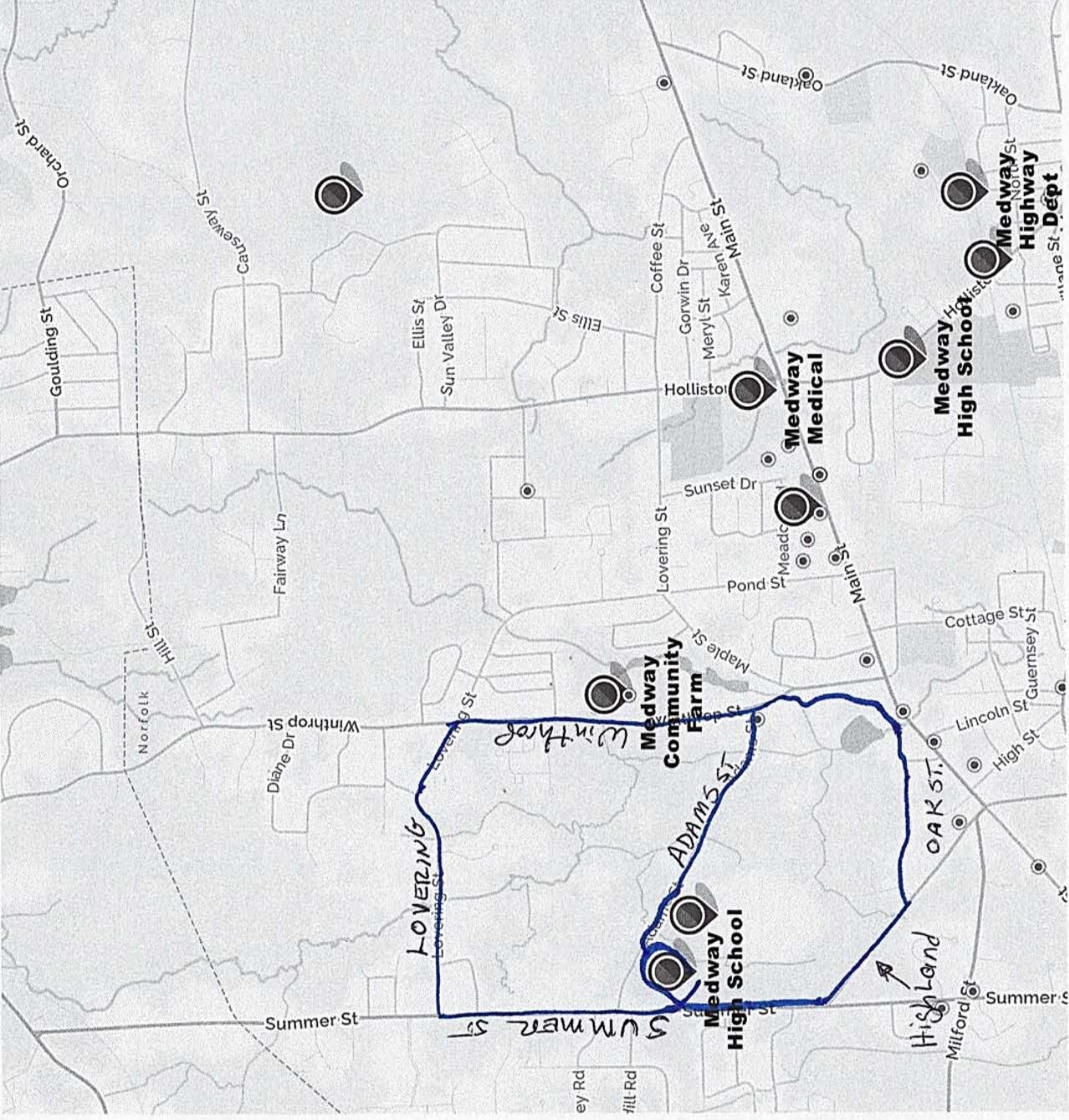
[REDACTED]
Sent: Sunday, December 11, 2016 6:41 PM
To: Jeff Watson; Board of Selectmen
Subject: American Legion Road Race 2017

Hello Sergeant Watson and Allison,

The American Legion Posts of Medway and Franklin would like to have another race on Saturday, June 17, of 2017. I have attached a map of the 5 mile and 5K routes which are unchanged from 2016. The location will again be at the high school. Set up will begin at 5:30 AM, start time will be at 8 AM. The race will finish by 10 AM and clean up will be completed by 11 AM. With continued assistance of officers and volunteers marking the route and directing runners, I expect the race to run smoothly, again.

Thank you for your consideration!
Sincerely,

Doug Wahl
[REDACTED]



Medway Post No 367

The American Legion

P.O. Box 37

Medway, Massachusetts 02053

American Legion Scholarship 5 Miler Race Route Safety Plan

June 17th, 8AM

Start/Finish Medway High School, 88 Summer St. Medway, MA

The race registration will open at 7 AM and the race will begin at 8 AM. The course will be marked with arrows and have monitors at all turns. There will be a pair of bicyclists to lead the runners through the course. The police will temporarily close Summer St. to automobile traffic, to allow the runners entry onto the course. The police will have marked the course with traffic cones to direct runners and separate them from any traffic that may be on the road.

The runners will leave the high school parking lot and turn left onto Summer St. with assistance from the police. They will continue following the cones and turn left onto Highland St. as directed by the arrow signs and monitor. The runners will bear left onto Oak St. and continue on into Choate Park and around the southerly facing ball fields where there will be monitors and a water station at mile 2. The runners will be directed onto Winthrop St where there will be a sign for runners and motorists to alert everyone of race course. This portion will be heavily marked with traffic cones to separate the runners from road traffic. Runners will continue on Winthrop St. where a monitor will be to alert runners of time at mile 3. They will then turn left onto Lovering St. where a police officer will be directing runners and traffic. Runners will continue to the end and turn left onto Summer St where at mile 4 there will be a water station and monitor to direct people. This portion of Summer St has a sidewalk and it is not necessary for the runners to be in the road. They will then proceed turning left back into the high school parking lot and finish line. There, they will be directed to the refreshments and final water station.

Alternate 5K will begin along with the 5 mile run. All runners will proceed from Summer St. to Highland through Choate Park onto Winthrop St. At Adams St. the 5K runners will take a left where there will be a sign and monitor(s). They will proceed and turn left returning to the high school (near the North Field entrance) and follow to the finish line in the parking lot.

The local fire department is located within a mile of the race start/finish and will be notified of the race prior to its commencement. There will be a nurse at the medical tent with a first aid kit and cot.



Medway Police Department

315 Village Street
Medway, MA 02053

Phone: 508-533-3212
FAX: 508-533-3216
Emergency: 911

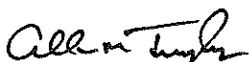
Allen M. Tingley
Chief of Police

February 15, 2017

To: Michael Boynton
From: Allen M. Tingley
Re: American Legion Road Race

I have reviewed the running route for the American Legion road race scheduled for June 17, 2017. I would approve the issuing of the permit with the stipulation that four detail officers be hired by the organization to assure the safety of the runners and the movement of traffic during the race. I would also request that traffic cones be placed on the bad corner on Winthrop Street (southbound lane) in the area of Maple Street, directing runners to run single file between the cones and the edge of the roadway. The detail officers will be used to direct or stop traffic as the runners exit the high school, to close off traffic for a short period of time on Highland Street between Summer and Oak Street, to assist runners back onto Winthrop Street from the rear exit of the park, on Winthrop street after the bad curve (southbound Lane) to allow all runners to safely negotiate around the bad curve, at the intersection of Winthrop and Adams and Lovering Street and Summer Street to get the runners back onto Summer Street and at the entrance of the High School, to get the runners back into the high school. We will also use the on-duty officers to patrol the race route during the race.

Respectfully Submitted,


Allen M. Tingley
Chief of Police

AGENDA

ITEM #8

Action Items from Previous Meeting

Associated backup materials attached:

- Action Items List

	DATE	ACTION ITEMS BOS	WHO	COMPLETED
1	7/6/2010	Street acceptance progress	S. Affleck-Childs	Ongoing
2	9/20/2010	Route 109 Project	DPS	Ongoing
3	2/3/2014	Cable license renewals ; Mtg of Cable Advisory Com; Ascertainment Process	TA/CAC	Ongoing
4	7/28/2014	DPS Facility Building Project	DPS/TA/Committee	On hold
5	4/4/2016	Recreational Facility Improvements	BOS	Ongoing
6	10/17/2016	Benches at memorial park across from Police Station	TA/DPS	
7	12/5/2016	Urban Renewal Plan submission to State	Redevel. Authority	

AGENDA

ITEM #9

Approval of Warrants

AGENDA

ITEM #10

Approval of Minutes

Associated backup materials attached:

- 12/5/16 Draft Minutes
- 1/3/17 Draft Minutes

Board of Selectmen's Meeting
December 5, 2016 – 7:00 PM
Sanford Hall, Town Hall
155 Village Street

Present: Glenn Trindade, Chair (7:03 PM); Maryjane White, Vice Chair; Richard D'Innocenzo, Clerk (7:05 PM); Dennis Crowley, Member; John Foresto, Member.

Staff Present: Michael Boynton, Town Administrator; Allison Potter, Assistant Town Administrator; Carol Pratt, Finance Director; Bob Weiss, Energy Manager; Jim Smith, Route 109 Project Supervisor.

Others Present: Larry Ellsworth, Energy Committee; Matt Sorbo, Energy Committee.

At 7:00 PM Vice Chair White called the meeting to order and led the Pledge of Allegiance.

Gift Acceptance Request – Choate Park Clock, Jim Smith:

The Board reviewed the following information: (1) Letter from Jim Smith; and (2) Price Quote from Electric Time.

Present: Jim Smith, Route 109 Project Supervisor.

Selectman Foresto read aloud the letter from Mr. Smith regarding a donation from the family of Cynthia Keirit Reding which will be used to purchase a clock to be installed in Choate Park. Vice Chair White stated that she knew Cindy [Ms. Reding] and that this will be a beautiful addition to the park.

Selectman Crowley asked the clock will get electric power. Mr. Smith responded it will be connected to the nearby crosswalk signal. He added that he already has the check from the family, and the Town will be purchasing the clock. It will take several months to make the clock and it will be stored at the vendor until it is ready for installation.

Mr. Boynton stated that the finance director will set up the account where the check will be deposited. Selectman Crowley remarked that, by the time this clock is installed, the cost will be close to \$20,000, including the foundation and other pieces. Brief discussion followed on the price quote and the installation.

Selectman Foresto moved that the Board accept the memorial clock donated in memory of Cynthia Keirit Reding; Vice Chair White seconded. No discussion. VOTE: 5-0-0.

At this time, Chairman Trindade entered the meeting room and Vice Chair White turned the gavel over.

Public Comments:

Mr. Fred Souza identified himself as a member of the Medway VFW, and committee chair for the Vietnam Moving Wall. He stated that a picture book of the Wall and its visit to Medway has been printed up and the VFW would like to present it to the Town. He announced that approximately 10,000 people visited the wall when it was on display for a single day in Medway. Responding to a question from the Board, he stated that there is an additional copy of the book that will go to the Medway Public Library, but no additional copies were made.

1 **Approval – Municipal Aggregation Consultant Contract, Colonial Power Group:**

2 *The Board reviewed the following information: (1) Individual Aggregation Plans from Towns of*
3 *Medway, Franklin, Ashland, and Holliston with Colonial Power Group [examples]; and (2) Proposed*
4 *Contract.*

5 Present: Bob Weiss, Energy Manager; Larry Ellsworth, and Matt Sorbo, Energy Committee

6 Mr. Weiss reported that he and the Energy Committee have negotiated a contract with Colonial Power, and
7 it has been reviewed by Town Counsel. The consultant fee will be paid by the supplier, not the Town.
8 Colonial will create the aggregation plan, working with Department of Public Utilities and coordinating the
9 public hearings. With input from the Energy Committee, Colonial will also put together the RFP.

10
11 Responding to a question from the Board, Mr. Weiss stated that tonight's action is whether the Board votes
12 to either sign the contract or not sign it. The contract is for the consultant services provided by Colonial
13 Power, including management of the customer contact and customer service responsibilities along with the
14 supplier. Discussion followed on potential savings, the RFP, the Town's role and related matters.

15
16 Selectman Crowley expressed concern that, while he respects the concept and all the time people have put
17 into this project, he was struggling with some language on page 10 relative to entering and terminating
18 agreements. Specifically, he was referring to the procedure for a ratepayer to opt out, noting that this is a
19 much more restrictive process than was presented to the Board by Colonial Power. Mr. Weiss responded
20 that this particular language is in the aggregation plan, but not the contract. We can be very specific in the
21 contract. Mr. Ellsworth added that the Medway Aggregation Plan has not been fully developed yet. It will
22 be written, and then reviewed extensively before it comes to the Board of Selectmen before being forwarded
23 to the state for approval. We will have several months to review the provisions in the aggregation plan.

24
25 Mr. Boynton reminded everyone that Town Meeting approved the concept. These are sample plans for
26 review so that the Board could see what has been done in other communities. Discussion followed on the
27 public hearing, customer contact and plan development. Energy Committee members concurred with
28 Selectman Crowley's concerns about the contract to the ratepayers to keep them informed.

29
30 **Selectman White moved that the Board execute a contract with Colonial Power Group for**
31 **management of the Town's municipal aggregation program and energy related services; Selectman**
32 **Foresto seconded. No discussion. VOTE: 5-0-0.**

33
34 **Consideration of Appointment – Medway Cultural Council, Carla Cataldo:**

35 *The Board reviewed an Email dated December 1, 2016 from Peter Monego, Chair, Cultural Council. It is*
36 *noted that Ms. Cataldo will be out of town and unable to attend the meeting.*

37
38 Chairman Trindade reported that Ms. Cataldo was away, noting that the Board had received a note from
39 the Cultural Council that it had unanimously approved her appointment.

40
41 **Selectman Foresto moved that the Board appoint Carla Cataldo to the Cultural Council for a**
42 **three-year term; Selectman D'Innocenzo seconded. No discussion. VOTE: 5-0-0.**

43
44 **Discussion – Fiscal Year 2018 Budget Policy:**

45 *The Board reviewed the FY18 Budget Policy.*

46
47 Present: Carol Pratt, Finance Director.

1 Mr. Boynton stated a budget policy has been prepared which directs Town Departments to present a
2 needs-based budget and specifying a deadline by which it needs to be submitted. Those departmental
3 budgets are then combined into the Town budget by the end of December. The Town Administrator and
4 Finance Director will work on the budget in January and February, after which time it will come to the
5 Board of Selectmen for review. Selectman Crowley suggested that the fiscal calendar be included with
6 the memo so everyone knows the timeline.

7
8 **Selectman Foresto moved that the Board approve the FY18 Budget Policy as presented; Selectman
9 D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

10
11 **Vote – Increase Conservation Commission Membership from Five to Seven:**

12 *The Board reviewed the following information: (1) Email correspondence dated August 4, 2009 from
13 Town Counsel; (2) Meeting Minutes Excerpt --Board of Selectmen meeting held on December 21, 2009;
14 and (3) 1961 Annual Town Meeting Warrant Article 6.*

15
16 Mr. Boynton reported that, by statute, the composition of the Conservation Commission could be seven
17 members, and the Board had previously reduced it to five to alleviate quorum problems. Now the
18 Conservation Agent would like to have more members for increased experience and insights.

19
20 Chairman Trindade stated that Ms. Dayna Gill has attended several meetings, and noted that she has
21 Conservation Commission experience from the Town of Franklin. He indicated there is no associate
22 position on the Commission where people can come to learn and take part. He expressed concern that
23 people will lose interest if they cannot be active participants. The Board will need to officially appoint
24 Ms. Gill, then advertise the other vacancy.

25
26 **Selectman Foresto moved that the Board increase the Conservation Commission membership from
27 five to seven members; Selectman White seconded. No discussion. VOTE: 5-0-0.**

28
29 **Discussion – Potential Donation of Land on Summer Street:**

30 *There were no background materials.*

31
32 Mr. Boynton reported that this property that abuts the high school. A good portion of the property is
33 “wet”, but it does have value to the Town because of its proximity to the school. There have been beaver
34 issues out there and if the Town has control of the property, it can monitor that activity more closely.
35 There is currently no tax revenue from this property.

36
37 **Selectman Foresto moved that the Board direct the Town Administrator to send a letter to the
38 property owner stating that the Board is interested in acquiring the property; Selectman
39 D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

40
41 **Annual License Renewals:**

42 *The Board reviewed the list of annual license renewals including those who have submitted all required
43 documentation.*

44
45 There was brief discussion on the list of renewals which consisted of a list of existing licensees with
46 approval status noted. Ms. Potter noted that all licenses are held until all required documentation is
47 received and all licensees pass the necessary inspections.

48
49 **Selectman Foresto moved that the Board approve license renewals for the businesses provided in
50 the Board’s packet conditioned upon the receipt of all necessary documentation, payment and**

1 **departmental approvals to renew the specific licenses; Selectman D’Innocenzo seconded. No**
2 **discussion. VOTE: 5-0-0.**

3
4 **Approval – Banner Display Request:**

5 *The Board reviewed a Banner Request Form dated November 15, 2016 – Medway High School Drama Club.*

6
7 The Board briefly discussed how long the banner would be mounted, and Ms. Potter reminded members
8 that the Banner Policy specifies a time period of no longer than two weeks. The Board asked that the
9 forms be updated to reflect this as the form states a maximum of one week. Selectman Crowley asked if
10 the vendor would consider a discount on banners if all banners were purchased from them. Ms. Potter
11 will look into it.

12
13 **Selectman Foresto moved that the Board approve the banner display request from the Medway**
14 **High School Drama Club; Selectmen D’Innocenzo seconded. No discussion. VOTE: 5-0-0.**

15
16 **Approval – One-Day Liquor License Requests:**

17 *The Board reviewed Applications and Police Chief recommendations for the following events to be held*
18 *at the Thayer Homestead: (1) Anne Mahaney and Jim Kenney, December 27, 2016; and Elaine Sullivan,*
19 *February 19, 2017.*

20
21 **Selectman D’Innocenzo moved that the Board approve one-day liquor licenses for Anne Mahaney**
22 **and Jim Kenney, and Elaine Sullivan for their events to be held at the Thayer Homestead on**
23 **December 27, 2016 and February 19, 2017 subject to Police Chief’s recommendations and proof of**
24 **appropriate insurance coverage; Selectman White seconded. No discussion. VOTE: 5-0-0.**

25
26 **Action Items from Previous Meeting:**

27 *The Board reviewed the Action Items List.*

28
29 It was noted that the public forum relative to the Recreational Facility Improvements is coming up. An
30 additional forum will be held on December 20 with a third one to follow later. Selectman Crowley asked
31 if the project will be ready for Annual Town Meeting. Selectman D’Innocenzo, a member of EPFRAC,
32 assured him it would be, noting the committee is on track with the timeline.

33
34 Regarding the DPS Facility Building Project, Mr. Boynton reported he had spoken with a couple of
35 property owners. He reminded the Board the building has to be funded within the current levy capacity.
36 Discussion followed.

37
38 **Approval of Warrants:**

39 *The Board reviewed Warrants 17-24, 17-24S and 17-23SA.*

40
41 Selectman D’Innocenzo, Clerk, read aloud Warrants 17-24, 17-24S and 17-23SA, dated 12/8/2016,
42 presented for approval:

43

44	17-24S	School Expense	\$517,401.67
45	17-24	Town Expense	\$333,192.99
46	17-2SA	School Payroll	\$ <u>2,210.22</u>
47		TOTAL	\$853,804.88

48

49 **Selectman Foresto moved that the Board approve the Warrants as read; Selectman White**
50 **seconded. No discussion. VOTE: 5-0-0.**

1 **Approval of Minutes:**

2 *The Board reviewed draft public session minutes -- April 19, 2016; June 20, 2016; July 11, 2016; and*
3 *August 15, 2016.*

4
5 **Selectman Foresto moved that the Board approve the public session minutes of April 19, 2016 as**
6 **amended; Selectman White seconded. No discussion. VOTE: 5-0-0.**

7
8 After brief discussion, the Board asked that the video of the June 20, 2016 be reviewed to provide
9 clarification on a contractor on page 5. These minutes will be considered at a future meeting.

10
11 **Selectmen Foresto moved that the Board approve the minutes of July 11, 2016 as presented;**
12 **Selectman White seconded. No discussion. VOTE: 5-0-0.**

13
14 Regarding the public session minutes of August 15, 2016, the Board asked for clarification of the section
15 relative to Integrated Resource Management on page 3. These minutes will be considered at a future
16 meeting.

17
18 **Town Administrator's Report:**

19 Mr. Boynton reported that he has appointed 3 police officers, individuals currently serving as dispatchers.
20 They will start attending the police academy in February. These officers will replace others who are
21 retiring or leaving the force for other reasons.

22
23 It was announced that Sue Ellis, Human Resources Director, will be leaving Medway. Mr. Boynton
24 theorized that the Town may be able to streamline and consolidate its HR services along with those from
25 the School Department. Chairman Trindade noted Ms. Ellis was the first Human Resources Director
26 after the new Town Charter was adopted. This role could also have been with the Town Administrator,
27 but the Town opted to create a specific position for these responsibilities.

28
29 Mr. Boynton reported that prices and rates for solid waste disposal are being researched. He wants to get
30 the best possible deal so wants to see what else is available. Recycling costs are also going up so he will
31 look at the whole industry.

32
33 **Selectmen's Report:**

34 Selectman Crowley asked how the assisted living complex was progressing. Mr. Boynton responded that
35 the developer closed on the property last week, noting that this was reported to the Planning office. It is
36 anticipated that the project will break ground in the spring.

37
38
39 **At 8:27 PM Selectman White moved to adjourn; Selectman D'Innocenzo seconded. No discussion.**
40 **VOTE: 5-0-0.**

41
42
43 Respectfully submitted,
44 Jeanette Galliardt

1 **MEDWAY BOARD OF SELECTMEN**
2 155 VILLAGE STREET • MEDWAY, MASSACHUSETTS 02053
3 (508) 533-3264 • FAX: (508) 533-3281
4

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

5 **Board of Selectmen’s Meeting Minutes**

6 **January 3, 2017 at 7:00 p.m.**

7 **Sanford Hall, 155 Village Street**
8

9 **Present:** Chairman Trindade; Selectmen Maryjane White, Dennis Crowley, John Foresto
10 and Rick D’Innocenzo; Town Administrator Michael Boynton; Director of Community &
11 Economic Development Stephanie Mercandetti; Chairman of the Planning & Economic
12 Development Board Andy Rodenhiser; Members of the PEDB Bob Tucker, Matt Hayes,
13 and Tom Gay; Town Counsel Barbara Saint Andre.

14
15 At 7:01 p.m., Chairman Trindade called the meeting to order and led in the Pledge of
16 Allegiance.

17
18 **Public Comments:** None

19
20 **Donation Acceptance – Estate of William A. Christopherson to Council on Aging -**
21 **\$59,309.81:**

22 *The Board reviewed the following information: (1) Memo from Courtney Riley, Director*
23 *of Council on Aging; and (2) Notice of Donation Form.*
24

25 Town Administrator Michael Boynton said Mr. Christopherson also made a donation in
26 the same amount to the Medway Firefighters’ Association. Mr. Boynton said the donation
27 was made through Mr. Christopherson’s will. The Board acknowledged Mr.
28 Christopherson’s generosity.
29

30 **Selectman Foresto moved that the Board accept the donation from the Estate of**
31 **William A. Christopherson and authorize the expenditure of the funds to benefit**
32 **the Council on Aging; Selectman D’Innocenzo second; No discussion;**
33 **All ayes 5-0-0.**
34

35 **Vote – Open May 8, 2017 Special and Annual Town Meetings:**
36

37 **Selectman White moved that the Board open the Special and Annual Town Meeting**
38 **warrants set for May 8, 2017; Selectman D’Innocenzo second; No discussion; All**
39 **ayes 5-0-0.**
40

41 **Joint Meeting with Planning and Economic Development Board: Discussion with**
42 **Town Counsel – New Recreational Marijuana Law:**

43 *The Board reviewed the following information: (1) Guide to New Law Legalizing*
44 *Recreational Marijuana.*

1 **Planning & Economic Development Board Chairman Andy Rodenhiser called the**
2 **joint meeting of the Board of Selectmen and Planning & Economic Development**
3 **Board to order at 7:11 p.m.**
4

5 Town Counsel Barbara Saint Andre reported that an amendment to the new law was
6 passed last week extending all the deadlines by six months. Also, the amendment
7 clarified that growth and cultivation of marijuana is not to be deemed an agricultural use
8 and therefore not subject to certain zoning exemptions. Town Counsel recommends that
9 the Town update its bylaws to include personal use marijuana.

10
11 Selectman Trindade said Medway’s current bylaws allow medicinal marijuana facilities
12 in certain districts by Special Permit. Town Counsel explained that the Town could adopt
13 zoning bylaws to impose reasonable safeguards on marijuana facilities, including location
14 and hours of operation. Chairman Rodenhiser said 54% of Medway voters voted in favor
15 of Question #4. He said the PEDB is looking for direction from the Board of Selectmen
16 and voters. He said it is important for everyone to be on the same page so that the new
17 bylaws are meaningful. Selectman Crowley wondered if Medway voters, who voted in
18 favor of Question 4, would support the opening of a retail store in Medway. The group
19 discussed whether certain types of facilities could be prohibited from opening in
20 Medway. Town Counsel said there is a provision that addresses this issue. In addition,
21 Town Counsel said some towns are looking at adopting a moratorium. Administrator
22 Boynton said the legislation is flawed and there are many questions, including what the
23 tax implications will be and who will regulate the new laws. He said the state is
24 proposing a Cannabis Control Commission that will operate similar to the Alcoholic
25 Beverages Control Commission (ABCC). He said there should be a local licensing
26 process in addition to the state regulations. Administrator Boynton suggested asking the
27 Attorney General for a position on a moratorium through November 2018. The BOS
28 agreed to discuss adding a non-binding question on the ballot in May. The group
29 discussed whether the Town would wait to apply for a moratorium until after the May
30 Annual Town meeting. Chairman Rodenhiser stressed the importance of communicating
31 the Town’s plan to residents. The BOS asked Administrator Boynton, Assistant Town
32 Administrator Potter, and Town Counsel to discuss this issue further and bring options to
33 the BOS at the next meeting. Selectman Crowley said he read the MMA white paper and
34 has concerns. He said other towns have written letters to the Governor highlighting their
35 concerns. The BOS asked Administrator Boynton to draft a letter highlighting the
36 Board’s concerns for their review.
37

38 **Tom Gay moved that the Planning & Economic Development Board adjourn the**
39 **joint meeting with the Board of Selectman; Matt Hayes second; No discussion; All**
40 **eyes 4-0-0.**

41
42 **Approval – Change of DBA Request – Derek’s Steak and Seafood:**

43 *The Board reviewed the following information: (1) Request for DBA change.*
44

45 Administrator Boynton said the Town has no objections. It will be under the same
46 management but have a different menu.

1 **Selectman Foresto moved that the Board approve the change of DBA name from**
2 **Derek’s Steak and Seafood to Zio Paulo’s Trattoria as requested; Selectman**
3 **D’Innocenzo second; Selectman Crowley said he is voting against the change. He**
4 **said there have been at least 3 name changes in a short period of time and he feels**
5 **the applicant should come in front of the Board and explain why there have been so**
6 **many changes; Vote: 4-1-0 (Crowley nay).**

7
8 **Designation – Selectman Representative on DPS Director Screening Committee:**

9 DPS Director Tom Holder took a job in Wayland. Administrator Boynton has created an
10 advisory committee to help find a replacement and asked a selectman to join.
11 Applications are due by the end of the week. He said they may need to revisit how the job
12 was posted after looking at the initial submissions. Selectman Foresto volunteered to join
13 the advisory committee.

14
15 **Approval – One-Day Liquor License Requests:**

16 **a. Ken McDonald – Thayer Homestead – January 7, 2017**

17 **b. Samantha Wills – Thayer Homestead - February 12, 2017**

18 *The Board reviewed the following information: (1) Applications; and (2) Police Chief’s*
19 *recommendations.*

20
21 **Selectman Foresto moved that the Board approve one day liquor licenses for Ken**
22 **McDonald and Samantha Wills for their events to be held at the Thayer Homestead**
23 **on January 7 and February 12, 2017 subject to Police Chief’s recommendations and**
24 **proof of appropriate insurance coverage.; Selectman White second; No discussion;**
25 **All ayes 5-0-0.**

26
27 **Town Administrator’s Report**

- 28 • Departments have submitted their budgets to MUNIS. Not sure about health
29 insurance rate increases yet. Will have initial plan by beginning of February.
30 Proposing \$100,000 of free cash to stabilization fund, which will impact the
31 capital plan. Thinks Verizon ATB case will be settled and proposing to apply
32 those funds to the stabilization account. It is a tight budget year. Will take a
33 careful look at capital budget. Creating list of capital needs that may be addressed
34 if building permit is pulled on Exelon project.
- 35 • Clear gov’s system kick off meeting on Tuesday, January 10, 2017
- 36 • EPFRAC public session Thursday night at Thayer House at 7:00 p.m.

37
38 **Approval of Warrant:**

39 # ?

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41 Town Expense \$

42
43 Town Payroll \$

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TOTAL \$

Selectman Foresto moved that the Board approve the warrant as read; Selectman White second; No discussion; All ayes 5-0-0.

Approval of Minutes:

Selectman Foresto moved to approve the meeting minutes from September 6, 2016 as written; Selectman White second; No discussion; All ayes 5-0-0.

Selectman Foresto moved to approve the meeting minutes from September 19, 2016 as written; Selectman White second; No discussion; All ayes 4-0-1 (D’Innocenzo abstained).

Continued Public Hearing – TC Scoops – Retail Liquor License Request:

The Board reviewed the following information: (1) Coverage Page of Application; (2) Proposed Conditions; and (3) Libations Menu.

Selectman Foresto moved to continue the public hearing for the application for an all liquor license for T.C. Scoops; Selectman White second; No discussion; All ayes 5-0-0.

Tina Chemini, owner of T.C. Scoops and Attorney Andrea McCarthy joined the meeting. Administrator Boynton provided a brief summary based on the last public hearing and subsequent discussions with the applicant. Attorney McCarthy said the applicant is concerned about a possible restriction of all alcohol and no one under the age of 21 being able to pour or serve. The applicant also wants to make sure beer and wine are included as part of the license.

Attorney McCarthy explained that the applicant is applying for an all alcohol liquor license. She said her client is not trying to make her business into a bar room but would like to offer additional items. She reiterated that 250 signatures were submitted in support of the application. Attorney McCarthy confirmed with the ABCC that children having access to a facility is not grounds for denial. She added that the landlord is ok with the addition of libations. There are currently 9 liquor licenses available in Medway.

Selectman White asked when food is served. Ms. Chemini said it is served Tuesdays and Thursdays from 11:00 a.m. to 2:00 p.m., Wednesdays and Fridays from 11:00 a.m. to 7:00 p.m., and Saturdays from 11:00 a.m. to 5:00 p.m. Selectman Crowley stated he has concerns. He asked Attorney McCarthy to confirm that she specifically mentioned the establishment is an ice cream parlor when she spoke with the ABCC. Attorney McCarthy said she did. Selectman Crowley said he also spoke with the ABCC and was told they would not comment on serving alcohol at an ice cream parlor. Selectman Crowley said he does not consider T.C. Scoops a restaurant. The group discussed the definition of a common victualler. Ms. Chemini confirmed that T.C Scoops has a

1 common victualler license. Selectman Crowley said he thinks there are too many
2 businesses with this type of license in a small area. He said he is wrestling as to whether
3 this is in the best interest of the community. Selectman White said she respects the
4 residents who came forward to support the applicant. She said she is having a hard time
5 with the idea of introducing alcohol to an ice cream shop. Attorney McCarthy said it is no
6 different than children walking to the hibachi restaurant for lunch on a half day while
7 there are people at the bar. Attorney McCarthy said if the applicant got the all liquor
8 license she may expand her hours. Selectman Trindade asked if it is an acceptable
9 condition to only serve alcohol when food is available. Ms. Chemini said that is not a
10 financially viable option. Selectman D’Innocenzo asked why the alcohol could not be
11 limited to a certain area inside the location. Ms. Chemini said she does not want to limit
12 alcohol to a specific area because it is possible that children could then be left unattended.
13 Selectman Crowley said there are residents who are opposed to T.C. Scoops serving
14 alcohol but they are unwilling to go on the record. Selectman Crowley said he did take an
15 informal poll. He said many residents said they would be ok if the beer and wine were
16 limited to a specific area. Selectman Crowley said he is trying to come to a compromise.
17 Attorney McCarthy confirmed that all parties agreed that it would be beer, wine and
18 cordials.

19

20 Matt Hayes speaking as resident said he supports the all liquor license. He said any
21 patrons who do not approve of it have the option to go somewhere else.

22

23 Andy Rodenhiser speaking as a resident said it is not the type of atmosphere where
24 people will go to get a beer and watch a football game.

25

26 Liam McDermott asked the Board to approve the license and said it is a good decision.

27

28 Roberta Sherriff said she supports the all alcohol liquor license. She said she thinks it is a
29 great idea.

30

31 Ms. Chemini said this is not going to change her attitude towards her business.

32

33 **Selectman Foresto moved to close the public hearing for the application for an all**
34 **liquor license for T.C. Scoops; Selectman D’Innocenzo second; No discussion; All**
35 **eyes 5-0-0.**

36

37 Administrator Boynton said the Board can approve, approve with conditions, or deny the
38 application. If the Board denies or approves with conditions that are unacceptable to the
39 applicant, the applicant can appeal to ABCC. Administrator Boynton said the applicant is
40 willing to accept conditions. Administrator Boynton reviewed the proposed conditions.

41

42 Selectman White said based on everything she has heard she would vote in support.

43

44 Selectman Crowley said he is still struggling with the decision. He said he could consider
45 approving it if food was served when alcohol was being served. Selectman Crowley said

1 he would approve the motion as read by Administrator Boynton if an additional condition
2 was added that food is served when alcohol is served.

3
4 **Crowley moved to approve the license with an additional condition, Selectman
5 White second**

6
7 **Crowley withdrew his motion**

8
9 **Selectman Foresto moved that the Board of Selectmen APPROVE the all-alcohol
10 license application for TC Scoops as presented and to be further subject to the
11 following conditions:**

12
13 **1) Notwithstanding the serving of beer and wine which may be served subject to
14 licensing conditions outlined below in sections 2 through 7, only those alcoholic
15 beverages commonly known as and referred to as “cordials” as defined in MGL
16 Chapter 138 Section 1 may be sold and consumed on the premises, and may only be
17 in and as part of so-called Ice Cream drinks, as offered by the Applicant during the
18 public hearing, and as shown in the “Ice Cream Libations” menu presented by the
19 Applicant at the time of and as part of the license application and attached here. 2)
20 All alcoholic beverages must be secured in a locked cabinet and/or storage area at
21 any time that an approved license manager is not on the premises. 3) No employee
22 under the age of eighteen (18) may pour, serve and/or sell alcoholic beverages on the
23 premises. 4) Any and all persons selling, pouring and/or serving alcoholic beverages
24 of any kind must be TIPS (or equivalent) certified with all certifications current at
25 all times. 5) The applicant (licensee) hereby agrees that each of these conditions shall
26 remain in full force and effect at all times, and further agrees that they shall renew
27 annually if the license is renewed as well as shall be part of any possible or proposed
28 license sale and/or transfer. 6) No alcoholic beverage may poured and/or served
29 later than thirty (30) minutes prior to the stated closing times in the license. 7) No
30 employee or business owner in any type of management capacity shall consume
31 alcohol on the premises prior to going on duty or during their respective on duty
32 hours. No alcohol can be served or consumed by anyone on the premise before
33 official opening hours or after official closing hours. Patrons are not permitted to
34 bring alcoholic beverages on the premises for their own consumption.**

35
36 **D’Innocenzo second; No discussion; Vote: 4-1-0 (Crowley nay).**

37
38 **At 8:53 p.m., Selectman Crowley moved to adjourn; Selectman White second; No
39 discussion; All ayes 5-0-0.**

40
41 Respectfully submitted,

42
43
44 Michelle Reed

AGENDA

ITEM #11

Town Administrator's Report

No associated backup materials.

AGENDA

ITEM #12

Selectmen's Reports

No associated backup materials.