

## **Board of Selectmen**

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



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3264  
Fax (508) 321-4988

# **TOWN OF MEDWAY**

## **COMMONWEALTH OF MASSACHUSETTS**

### **Board of Selectmen's Meeting**

**March 6, 2017 7:00 PM**

**Sanford Hall, Town Hall**

**155 Village Street**

### **Agenda**

7:00 PM

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

#### Other Business

1. Appointment Consideration – Conservation Commission (1 Vacancy)
  - a. Kathy Clark
  - b. Kimberly Karolides
  - c. Margery Queenan
2. Presentation – Draft Stormwater By-law
3. Review – Draft May 8 Special Town Meeting Warrant
4. Vote Articles and Recommendations - May 8 Annual Town Meeting Warrant (Except Those Submitted by the Planning & Economic Development Board)
5. Discuss/Vote – Accept Mass. General Law Chapter 32B, Sections 21-23 (Employee/Retiree Health Insurance)
6. Discuss- Recreational Marijuana Law Non-binding Referendum Questions
7. Vote – Designation of Board of Selectmen Member to Review and Approve Bills or Payment Warrants
8. One-day Liquor License Requests for Events to be Held at Thayer Homestead
  - a. Michael Curran – March 11, 2017
  - b. Barbara Hutt – March 19, 2017
  - c. Pragathi Sanshi – April 7, 2017
  - d. Pam Pavlick – April 8, 2017
9. Banner Display Requests – Clean Sweep & Medway Pride Day
10. Action Items from Previous Meeting
11. Approval of Warrants
12. Approval of Minutes
13. Town Administrator's Report
14. Selectmen's Reports

15. 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) The Board will not return to public session.

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For more information on agenda items, please visit the Board of Selectmen's page at  
[www.townofmedway.org](http://www.townofmedway.org)

Upcoming Meetings, Agenda and Reminders

March 20, 2017 ---- Regular Meeting

April 3, 2017--- Regular Meeting

# AGENDA

## ITEM #1

### Appointment Consideration – Conservation Commission (1 Vacancy)

- a. Kathy Clark
- b. Kimberly Karolides
- c. Margery Queenan

#### **Associated backup materials attached:**

- Correspondence - Bridget Graziano, Conservation Agent
- Resume - Kathy Clark
- Letter of Interest & Resume – Kimberly Karolides
- Resume - Margery Queenan

**Note:** The term length for the appointee will be three years, expiring on  
6/30/2020



**TOWN OF MEDWAY**  
**Conservation Commission**  
155 Village Street  
Medway, Massachusetts 02053

*David Travalini, Chair*  
*Ken McKay*  
*David Blackwell*  
*Dayna Gill*  
*Brian Snow*  
*Scott Salvucci*  
*Bridget Graziano, Agent*

February 23, 2017

Sherborn Board of Selectmen  
155 Village Street  
Medway, MA 02053

Honorable Selectmen,

At the January 12 and January 26, 2017 meeting the Conservation Commission interviewed candidates Kathy Clark, Kimberly Karolides and Margery Queenan for the open seat on the Conservation Commission, it was voted 6-0 to recommend all candidates to the Board of Selectmen that they all have similar interests in the Medway Conservation Commission and would serve the Town of Medway well.

We hope that you will appoint one of these candidates to the Conservation Commission at your next public meeting.

Kind regards,

*Bridget R. Graziano*

Bridget R. Graziano, Conservation Agent  
Conservation Commission

# Kathy Clark

## Utilization Review Clinician - Bournemouth Hospital

Medway , MA 02053.



## Work Experience

Utilization Review Clinician

Bournemouth Hospital

-

Brookline, MA

-March 2007 to Present

Monitor and assess current level of care for assigned cases and recommends changes to the clinical team.

- Conduct clinical reviews with the designated insurers. Coordinate collection of all pertinent clinical data to support hospital level of care. Initiate appeals as requested and complete data collection as requested for Quality Index.

Emergency Services Clinician

Riverside Emergency Services

-

Norwood, MA

-October 2003 to December 2009

Provided telephone screening and triage to consumers calling ES 24 hour hotline

- Provided face-to-face evaluations of consumers in crisis
- Collaborated with family, providers and insurers during and in support of the evaluation/disposition process
- Provided ongoing support of Crisis Stabilization Unit consumers and provides clinical support to staff

Volunteer providing pet care support for people living

MSPCA

-

Boston, MA

-

July 1999 to October 2009

with HIV/AIDS

Evaluation and Referral Specialist

Metrowest Medical Center  
-December 2005 to May 2007

Evaluated patients presenting in need of mental health or substance abuse assessments. Facilitate admissions, discharges and referrals from the Emergency Department, coordinate treatment planning with outside providers, arrange for outpatient follow-up and provide emergency family interventions as needed.

- Obtained insurance authorization for all patients evaluated who need admission to mental health or substance abuse programs.
- Assisted in the office with admission screening from outside providers.

Visit Supervisor

Children's Supervised Visitations, Inc  
-  
Framingham, MA  
-

June 2001 to March 2004

Ensured safe, conflict-free visits between children and their non custodial parents

- Conducted interventions as necessary,
- Recorded and monitored visits
- Conducted intake interviews
- Supervised exchanges of children between designated family members
- Provide case management and support.
- Assisted with grant writing and program development

Worked as a parent coordinator, off-site supervisor, mediator and case manager

Facilitator

Children's Supervised Visitations, Inc  
-  
Boston, MA  
-

December 2002 to October 2003

Evaluated potential group members

- Worked with co-facilitator
- Documented progress notes for each client

Volunteer Work

ANIMALS AS INTERMEDIARIES

-

Concord, MA

-April 2001 to January 2002

Assisted with nature based therapy programs at child and elder sites

Horticultural Assistant

MASS HORTICULTURAL SOCIETY : ELM BANK

-

Wellesley, MA

-

June 2000 to April 2001

Personal Assistant

GUNTHER SCHULLER

-

Newton, MA

-June 1998 to June 2000

Personnel Assistant and secretary to composer/conductor/author/musician Gunther Schuller.

- Maintained Mr. Schuller's personal and professional schedule, travel arrangements, transportation and correspondence,
- Catalogued his music library
- Coordinated projects with Mr. Schuller's recording and publishing companies

Senior Zoo Keeper

Zoo New England

-

Boston, MA

-1985 to 1989

1989-1997

- Care and feeding of exotic animal collection specializing in primates
- Oversaw daily operation of African Tropical Forest Building; supervised keepers, volunteers and interns

- Member Risk Management Committee and Chair of the Environmental Enrichment Committee
- Designed and taught class taught through Boston and Brookline Adult Education: Understanding Gorilla Behavior

Veterinary Technician

Framingham Animal Hospital

-

Framingham, MA

-

1976 to 1985

Performed medical treatments, diagnostic procedures and assisted with surgical procedures as directed by the veterinary staff

- Maintained pharmaceutical inventory

## **Education**

MA in Counseling Psychology

Framingham State College -

Framingham, MA

2003

Anthropology

Harvard University Extension School -

Cambridge, MA

1996

BA in Anthropology/English

University of Massachusetts -

Boston, MA

1980



Kimberly Karolides, MEd, CVT

January 15<sup>th</sup>, 2017

Town of Medway  
Board of Selectmen and Conservation Commission  
155 Village St.  
Medway 02053

Dear Medway Conservation Commission;

This letter is in response to an opening on the Conservation Commission for the Town of Medway. I am very interested in serving as a volunteer.

I am a professor in the Veterinary Technology Department at Mount Ida College in Newton, and a 15 year resident of Medway.

My husband and I have appreciated the natural and open spaces in Medway and the surrounding areas for as long as we have lived here. I am deeply invested in the preservation of history and land.

Enclosed please find my resume, as requested. I look forward to hearing from you.

Sincerely,



Kimberly Karolides, MEd, CVT



PHONE ( [REDACTED]

[REDACTED].EDU

# KIMBERLY KAROLIDES

## EDUCATION

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2010 Curry College Milton, MA  
*Master of Education Educational Foundations*

1995 - 1999 Mount Ida College Newton, MA  
*Bachelor of Science Degree Veterinary Technology*  
Cum Laude

RECEIVED  
JAN 19 2017

## PROFESSIONAL EXPERIENCE

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2010 – present Mount Ida College Newton, MA  
***Assistant Professor***

Accompanied 14 students on a service learning trip to Thailand January 1017

Taught all sections of freshmen level Introduction to Veterinary Technology

Taught all sections of junior level Veterinary Management classes

Accompanied 14 students on a service learning trip to Belize March 2014

Grievance Committee Chair 2011-2013

Tenure and Promotion Task Force member 2013-present

Internship Working Group Committee member 2013-present

Sept. 2013 – present

***Internship Director***

Oversee all senior students in Veterinary Technology program participating in  
outside clinical rotations.

Assist each of the 70+ students in completing three rotations per semester

Manage and update E-Value software

Maintain all paperwork relating to internships  
Restructured syllabi and streamlined requirements  
Handle all internship site issues  
Sustain site relationships and locate new internship opportunities for students  
Hold twice yearly workshops on Internship requirements/responsibilities  
Annual “juniors meet the seniors” seminar to introduce types of rotations to upcoming seniors.  
Visit the internship sites to evaluate quality of education

#### PROFESSIONAL CERTIFICATIONS

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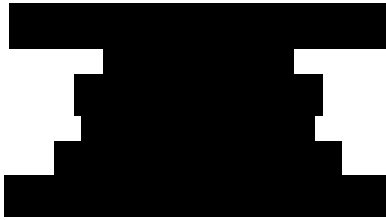
Certified Massachusetts Veterinary Technician – since 1999

FEMA certification

#### MEMBERSHIPS/ACTIVITIES

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- Certified Veterinary Technician, 1999 - present
- Veterinary Emergency & Critical Care Society, 1998 - present
- Massachusetts Veterinary Technician Association
- Co-chair M.V.T.A. Legislative Committee for Veterinary Technician Licensure
- Member of the USDA Institutional Animal Care and Use Committee for Biomodels, LLC, Watertown, MA
- Member of the USDA Institutional Animal Care and Use Committee for Mount Ida College
- Association of Veterinary Technician Educators member
- National Association of Veterinary Technicians in America member



## SUMMARY

Business professional with several years experience in the health insurance industry with a focus on sales administration, compliance with federal and state regulatory requirements, product types and plan design specifications and vendor management. Excellent organizational skills, attention to detail and ability to manage multiple priorities. Work effectively in a team-oriented environment as well as independently.

## WORK EXPERIENCE

Tufts Health Plan, Watertown, MA

2013 – present

### **Sales Program Manager**

- Serves as Sales Department's primary contact and Subject Matter Expert (SME) for SBCs (Summaries of Benefits and Coverage) and commercial large and small group products and plan designs.
- Responsible for project requirements, development, implementation, communication, training and oversight of all SBC system modifications.
- Maintains vendor relationships and administers operational policies/procedures that impact employer groups, brokers, consultants and members.
- Participates in cross functional teams identifying systems impact, workflows and timelines of regulatory and corporate projects.

CIO Executive Council (an IDG company), Framingham, MA

2011 – 2012

### **Program Engagement Administrator**

- Administered the welcoming and on-boarding of all new and renewing participants in a leadership development program for IT executives.
- Analyzed and reported on participants' engagement in their first 90 days in the program and facilitated outreach to program participants at 3, 6 and 9 month intervals.
- Created participant exit process to elicit feedback and keep participants connected for future engagement opportunities.
- Responsible for workflow documentation, process improvement and operational enhancements.

Cigna Healthcare, Hooksett, NH

2008 – 2011

### **Sr. Contracts Analyst, 2010 - 2011**

- Analyzed policy plan provisions, funding type and group health insurance benefits to ensure compliance with federal and state legislation.
- Generated legislation reports; outperformed a standard 2 day turnaround time with .3 days and .7 days during peak workloads.
- Served as a SME and consultant for internal matrix partners in regard to healthcare reform legislation and client plans.

### **Employer Services Liaison, 2008 - 2010**

- Responded to inquiries from employer groups, sales and individual members regarding enrollment, billing and account status.

- Investigated and resolved issues associated with policy requirements and compliance regulations. Consistently surpass established quality assurance and performance standards. Scored 99.4% in client service and overall issue resolution.
- Qualified members for COBRA, conversion and state continuation policies and provided applicants with price quotes.
- Recipient of 3 Cigna “Champion” Awards

Fletcher Ltd., Georges Mills, NH

2005 – 2007

**Dealer Accounts Manager**

- Managed customer service for a distributor with over 850 dealer accounts nationwide.
- Supervised the order-taking, invoicing and returns processes.
- Tracked inventory levels and made purchasing decisions; purchasing an average of \$780,000 in product annually.
- Organized marketing campaigns and provided support to sales representatives.

Raytheon Company, Waltham, MA

2002 – 2004

**Communications Coordinator**

- Compiled daily eNews Briefs for over 2800 subscribers and daily news clips, posted on the company-wide intranet site for 76,000 employees.
- Wrote weekly NewsBytes, distributed by mass e-mail to 1730 corporate employees.
- Prepared and updated executive biographies, company background summary and press office for company’s web site.
- Created Media Relations training manual, streamlined CEO’s speech book index process and developed a new format for the Media Relations web page.

Epsilon, Burlington, MA

1998 – 2001

**Client Services Account Manager**

- Served as the primary client contact and internal liaison for technology, healthcare and consumer packaged goods accounts. Collaborated with clients to identify their marketing objectives, assessed their database management requirements and established business rules for project specifications. Clients included one of the company’s most profitable accounts generating \$3.4 million in annual revenue.
- Responsible for meeting client expectations, maintaining client satisfaction and identifying up-sell opportunities to enhance account profitability. Increased annual revenue on one account from \$400,000 to \$1.85 million in less than 2 years. Consistently maintained a 70% profit margin on all accounts.
- Managed project teams and insured timely shipment of all deliverables. Produced demographic profiles for market research, product testing and direct mail projects and created monthly reports on competitive brands and promotion results. Performed client billing, cost tracking, budget and revenue forecasting and financial reporting.

**EDUCATION**

**Master of Business Administration**, Babson College, Wellesley, MA

**Bachelor of Arts**, Framingham State College, Framingham, MA

# **AGENDA**

## **ITEM #2**

**Presentation – Draft Stormwater By-law**

**Associated backup materials attached:**

- Draft Stormwater By-law

## 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.~~ 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

| Draft 3 – 1-9-17

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,  
~~15.18.~~

~~16.19.~~ Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control; and

~~17.20.~~ 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 a~~The 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 PEDBapplicable 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.

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# AGENDA

## ITEM #3

### Review – Draft May 8 Special Town Meeting Warrant

#### **Associated backup materials attached:**

- Draft May 8 Special Town Meeting Warrant

Note: Board to vote recommendations at March 20<sup>th</sup> meeting.

**Proposed Motion:** I move that the Board approve the articles in the May 8 Special Town Meeting Warrant as presented.

**TOWN OF MEDWAY  
WARRANT FOR MAY 8, 2017  
SPECIAL TOWN MEETING**

**NORFOLK ss:**

To either of the Constables of the Town of Medway

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet at the **Medway High School, 88 Summer Street, on Monday, May 8, 2017** at 7:00 PM, then and there to act on the following articles:

**ARTICLE 1:**

(Transfer: Snow and Ice Deficit)

To see if the Town will vote to transfer a sum of money from available funds and/or Certified Free Cash for the purpose of funding the Snow & Ice Fiscal Year 2017 appropriation deficit; or act in any manner relating thereto.

**DEPARTMENT OF PUBLIC SERVICES**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 2:**

(Reserve for Overlay Release – Transfer to Stabilization)

To see if the Town will vote to transfer the sum of \$400,000 from Receipts Reserved for Appropriation to the General Stabilization Account, or to act in any manner relating thereto.

**BOARD OF ASSESSORS**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 3:**

(Reserve for Overlay Release – Transfer to Revaluation Acct.)

To see if the Town will vote to transfer the sum of \$30,000 from Receipts Reserved for Appropriation to the Assessors' Revaluation Account, or to act in any manner relating thereto.

**BOARD OF ASSESSORS**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 4:**

(Transfer to Revaluation Account)

To see if the Town will vote to transfer the sum of \$5,000 from the Fiscal Year 2017 Assessors' Department Budget Professional/Technical Account to the Assessors' Revaluation Account, or act in any manner relating thereto.

**ASSESSING DEPARTMENT**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 5:**

(Transfers to Health Care Reimbursement Account)

To see if the Town will vote to transfer the sum of \$50,000 from the Fiscal Year 2017 Health Insurance Account to the Health Care Reimbursement Account, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 6:**

(Prior Year Bills)

To see if the Town will vote to transfer the sum of \$427.04 from the Department of Public Services' Fiscal Year 2017 Roads and Sidewalks account, the sum of \$286.65 from the Department of Public Services' Fiscal Year 2017 Snow and Ice Contract Services account, and the sum of \$144.00 from the Fiscal Year 2017 Water Enterprise Dues and Subscriptions account, for the purpose of paying prior year, unpaid bills of the Town, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 7:**

(Repurpose Monetary Article – Fire Department)

To see if the Town will vote to repurpose the amount of \$15,000 from the Engine 2 Refurbishment article voted under Article 8 of the 2016 Annual Town Meeting for the purpose of making repairs and improvements to Fire Engine 1 and to extend the sunset provision for this purpose until June 30, 2018, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 8:**

(Veterans Benefits)

To see if the Town will vote to transfer from the Fiscal Year 2017 Health Insurance account the sum of \$15,000 to the Fiscal Year 2017 Veterans Services budget for the purpose of supplementing the Veterans Benefits line item, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

# **AGENDA**

## **ITEM #4**

### **Vote Articles and Recommendations - May 8 Annual Town Meeting Warrant**

**(Except those submitted by the Planning & Economic Development Board)**

#### **Associated backup materials attached:**

- May 8 Annual Town Meeting Warrant
- Draft Stormwater By-Law

**Note:** Vote to include articles in the warrant, and vote recommendations.

**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
<b>Direct Costs Total</b>	<b>\$2,254,757</b>

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.

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

Fees for Service [User Fees]	\$2,545,734
<b>Total</b>	<b>\$2,545,734</b>

**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
<b>Direct Costs Total</b>	<b>\$1,543,509</b>

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.

<b>Indirect Costs Total</b>	\$123,301
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<b>Total</b>	<b>\$1,666,810</b>
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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
<b>Total</b>	<b>\$1,666,810</b>

**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
<b>Direct Costs Total</b>	<b>\$1,474,393</b>

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.

<b>Indirect Costs Total</b>	\$169,764
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<b>Total</b>	<b>\$1,644,157</b>
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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
<b>Total</b>	<b>\$1,644,157</b>

**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
<b>Direct Costs Total</b>	<b>\$725,114</b>

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.

<b>Indirect Costs Total</b>	\$147,880
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<b>Total</b>	<b>\$872,994</b>
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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
<b>Total</b>	<b>\$872,994</b>

**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 \$1,810,287 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:

<b>Project</b>	<b>Department</b>	<b>Cost</b>
Various Road and Sidewalk Repair	DPS	\$500,000
Classroom Furniture – Middle School	School	\$302,667
Food Service Equipment Replacement	School	\$110,000
Boiler Replacements Design – McGovern and Memorial	School	\$40,000
Fire Alarm System – McGovern	School	\$95,000
Service Truck Replacement	School	\$36,000
Technology Replacements	Info. Services	\$161,500
System-wide Town Security Cameras	Info. Services	\$69,000
ALS Equipment and Turnout Gear	Fire	\$158,020
Generator Replacement	Police	\$90,000
Facility and Systems Security Improvements	Police	\$80,800
Digitize Police Logs and Arrest Reports	Police	\$6,300
Roof and Gutter Repairs	Library	\$60,000
Lower Level A/C Unit Replacement	Library	\$10,000
Replace Inspector's Vehicle AWD/4WD	Inspectional Svcs.	\$25,000
Sidewalk Repair and Access Improvement	Council on Aging	\$25,000
Gas Stove Replacement	Council on Aging	\$6,000
Replace Turnout Gear	Fire	\$35,000
<b>Free Cash Total</b>		<b><u>\$1,810,287</u></b>

**CAPITAL IMPROVEMENT  
PLANNING COMMITTEE**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 8:** (Free Cash Appropriation: Capital and Other Items)

To see if the Town will vote to appropriate the sum of \$74,400 from Certified Free Cash for the purpose of funding initial land acquisition costs, including but not limited to any legal and technical costs associated thereto, for the purpose of implementing a redevelopment and/or urban renewal plan for the so-called Oak Grove project, with said funds to be expended under the direction of the Community Development Department in consultation with the Redevelopment Authority, or act in any manner relating thereto:

**CAPITAL IMPROVEMENT  
PLANNING COMMITTEE**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 9:** (Repurpose Community Development Funds – Master Plan)  
To see if the Town will vote to repurpose the sum of \$45,000 previously voted under Article 4 of the May 2014 Annual Town Meeting, originally for a Community Development Program, for the purpose of providing for technical and consulting services for the 2019 Update of the Medway Master Plan or act in any manner relating thereto:

**CAPITAL IMPROVEMENT  
PLANNING COMMITTEE and  
BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 10:** (Transfer – Retained Earnings – Sewer Enterprise)  
To see if the Town will vote to transfer from Sewer retained earnings 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:

<b>Project</b>	<b>Department</b>	<b>Cost</b>
Various Sewer Collection Projects	SEWER	\$50,000
<b>Total</b>		<b>\$50,000</b>

Or act in any manner relating thereto.

**PUBLIC SERVICES DEPT.**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 11:** (Transfer – Retained Earnings – Water Enterprise)  
To see if the Town will vote to transfer from Water retained earnings the sum of \$73,000 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:

<b>Project</b>	<b>Department</b>	<b>Cost</b>
Replace Truck (2004 Chevy Silverado)	WATER	\$58,000
Various Water System Improvements	WATER	\$15,000
<b>Total</b>		<b>\$73,000</b>

Or act in any manner relating thereto.

**PUBLIC SERVICES DEPT.**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 12:** (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 13:** (Lease-Purchase Air Packs)  
To see if the Town will vote to appropriate the sum of \$263,200 for the procurement of self-contained breathing apparatus for the Medway Fire department, and to meet this appropriation the Board of Selectmen is authorized to enter into a lease-purchase agreement with a qualified vendor and financing program exceeding three years, with funding for said program to be provided under Section 1a of the Host Community Agreement between the Town and COMCAN, Inc. dated May 16, 2016, or to act in any manner relating thereto.

**FIRE/EMS DEPTS.**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 14:** (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 15:** (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 16:** (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 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 17:** (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, as follows:

CPC Administrative Expenses	\$15,000
CPC Salaries	5,000
CPC Debt Expense	463,475
<u>Transfer To Affordable Housing Trust:</u>	
Affordable Housing Trust Coordinator	20,000
Affordable Housing Trust Administrative	2,000
<b>Total Direct Costs</b>	<b>\$505,475</b>

**Reserves:**

**10% of Estimated  
Fund Revenues**

Open Space	91,076
Community Housing	69,076
Historical Preservation	91,076

or act in any manner relating thereto.

**COMMUNITY PRESERVATION COMMITTEE**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 18:** (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 19:** (Fund Adams Street Meadow Parking Area)

To see if the Town will vote to transfer from available Community Preservation Act Fund Open Space Reserves 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 20:** (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 21:** (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 May 8, 2017 Annual Town Meeting Warrant



improvements to the property and to purchase fixtures and equipment at the Medway Public Library, or act in any manner relating thereto.

**LIBRARY DIRECTOR**

**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 50, Parcel 50-003, containing 1.5 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)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase 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 51, 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 \$15,000 from Certified Free Cash 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, 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:

<b>Program or Purpose</b>	<b>Authorized Representative or Board to Spend</b>	<b>Department Receipts</b>
Self-supporting parks and recreation services	Department of Public Services	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 Department	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	Library Department	Fees or charges received in connection with public use of this equipment.
Library meeting room	Library Department	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	Health Department	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:

<b>Program or Purpose</b>	<b>FY 2018 Spending Limit</b>
Self-supporting parks and recreation 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 proposed text **dated \_\_\_\_\_** as found on file in the Office of the Town Clerk and at the Medway Public Library, or to act in any manner related thereto.

**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. 4. 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.5. 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:**

**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 ~~strikethrough~~):

**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.

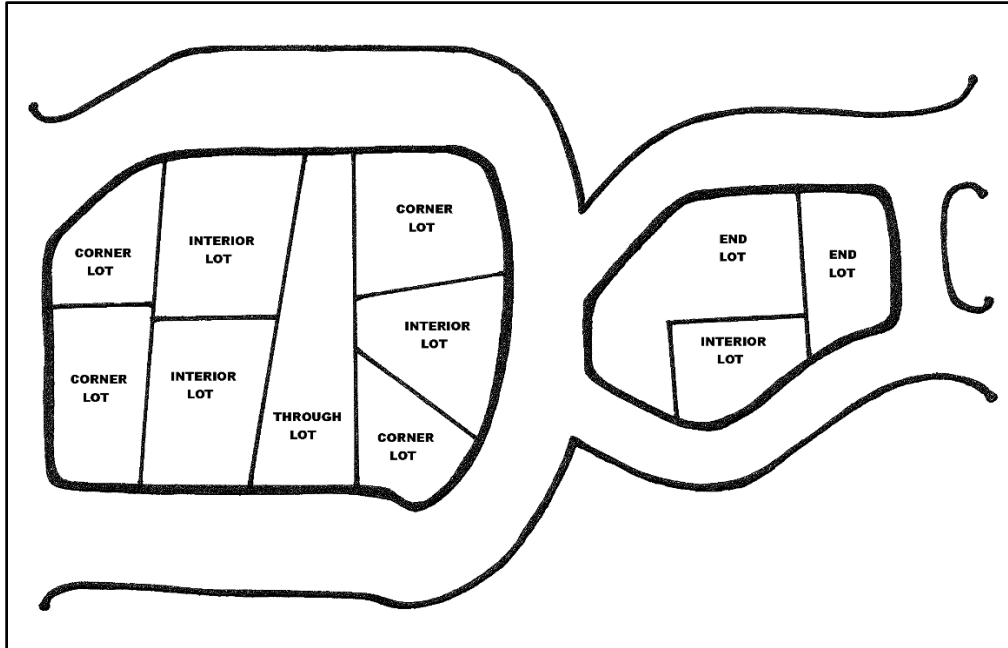
**Frontage:** That portion of a lot which fronts on a street or streets from which physical access to the principal building on the lot can be provided. ~~Frontage is measured as the distance between the points of intersection of the side lot lines with the front lot line. In the case of a corner lot 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

<b>TABLE 1: SCHEDULE OF USES</b>										
	<b>AR-I</b>	<b>AR-II</b>	<b>VR</b>	<b>CB</b>	<b>VC</b>	<b>C-V</b>	<b>BI</b>	<b>I-I</b>	<b>I-II</b>	<b>I-III</b>
<b>C. RESIDENTIAL USES</b>										
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
<b>E. INDUSTRIAL AND RELATED USES</b>										
Manufacturing, processing, fabrication, packaging and	N	N	N	N	N	N	Y	Y	Y	Y

assembly, and storage of goods manufactured on the premises										
<b>Light Manufacturing</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>

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 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 10 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
  - ~~d.~~ 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 through 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.
- 3.4. 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, ~~lightsing,~~ 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	AR-I	AR-II	VR	CB	VC	C-V	BI	I-1	I-2	I-3
Maximum Lot Coverage (pct. of lot) (Primary and accessory buildings) and structures)	25%	30%	30%	80%	80%	40%	40%	NA	NA	NA

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 are.~~
- 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



## 8.6 Affordable Housing

A. **Purpose and Intent.** The purpose of this Affordable Housing Bylaw is to create housing opportunities in Medway for people of varying ages and income levels; to increase the supply of affordable housing for eligible households with low and moderate incomes; to promote a mix and geographic distribution of affordable housing throughout the town; to provide housing options for people who work in Medway; and to create housing units eligible for listing in the Massachusetts Department of Housing and Community Development (DHCD) Chapter 40B Subsidized Housing Inventory. At a minimum, affordable housing produced through this Section should be in compliance with the requirements set forth in G.L. c. 40B §§20-24 and related regulations and other affordable housing programs developed by the Commonwealth of Massachusetts or the Town of Medway.

B. **Applicability.**

1. In applicable zoning districts, this Section shall apply to the following uses:
  - a. Any two-family or multifamily residential or mixed-use development that results in a net increase of six or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space, whether on one or more contiguous parcels.
  - b. Any detached single-family dwelling development that results in a net increase of ten or more dwelling units.
  - c. Multifamily, mixed-use, or single-family development shall not be ~~phased or~~ segmented to avoid compliance with this Section. Segmentation shall mean one or more divisions of land that cumulatively result in a net increase of ten or more lots or dwelling units above the number existing thirty-six months earlier on any parcel or set of contiguous parcels held in common ownership on or after the effective date of this Section.
  - d. Open Space Residential Development (OSRD) approved pursuant to an OSRD special permit under Section 8.4 of this Zoning Bylaw.
  - e. Adult Retirement Community Planned Unit Development (ARCPUD) approved pursuant to an ARCPUD special permit under Section 8.5 of this Zoning Bylaw.
2. This Section shall not apply to the construction of ten or more single-family dwellings on individual lots if said lots were in existence prior to the effective date of this Section.
3. For projects not listed herein, affordable housing units may be provided voluntarily in exchange for density bonus pursuant to a special permit from the Planning and Economic Development Board.

C. **Mandatory Provision of Affordable Housing Units.**

1. In any development subject to this Section, ~~at least ten percent of the dwelling units shall be affordable. The~~ percentage of affordable housing units required will be as specified increase with the size of a given residential project as described in the following table ##, “Affordable Units Required by Project Size”:

<u>TABLE ###</u>	
Affordable Units Required by Project Size	
Project Size (Units)	Percent Affordable Units
6-12*	10%
13-17	12%
18-20	15%
21 and over	20%

\*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 chooses 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.~~ ~~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-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 recorded 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>	
<del>Provision of Units Schedule</del> <u>Schedule for Completion of Affordable Housing Units</u>	
<b>Percent Market-Rate Units</b>	<b>Percent Affordable Units</b>
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

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 a ~~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~~ Agreement 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~~ Agreement 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:

Address	Medway 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

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
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 (also listed in Article C)	38-011	30.1	Town of Medway Conservation Commission

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.

<b>Address</b>	<b>Medway Assessor's Parcel ID #</b>	<b>Parcel Size</b>	<b>Current Owner</b>
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:

<b>Address</b>	<b>Medway Assessor's Parcel ID #</b>	<b>Parcel Size</b>	<b>Current Owner</b>
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:

<b>Address</b>	<b>Medway Assessor's Parcel ID #</b>	<b>Parcel Size</b>	<b>Current Owner</b>
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:

<b>Address</b>	<b>Medway Assessor’s Parcel ID #</b>	<b>Parcel Size</b>	<b>Current Owner</b>
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:**

## **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.~~ 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 ProcedureAdministrative 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,  
~~15.18.~~

~~16.19.~~ Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control; and

~~17.20.~~ 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 a~~The 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 PEDBapplicable 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 #5

**Discuss/Vote – Accept Mass. General Law  
Chapter 32B, Sections 21-23  
(Employee/Retiree Health Insurance)**

**Associated backup materials attached:**

- Current Vs. Proposed Plan

**Proposed Motion:** I move that the Board accept Mass. General Law, chapter 32B, sections 21 through 23, and to engage in the process to change health insurance benefits under this statute.

# Final Presentation of Alternative Plan Design

The Town of Medway - Current Plans vs. Proposed Plans vs. GIC FY18												
Current Plan Benefits	THP HMO - Current Plan		THP HMO - Proposed Your Choice HMO				THP POS/PPO - Current Plan		Tufts PPO - Proposed Your Choice PPO		GIC THP Nav. POS Proposed	
Physician Office Visit / Well Care	Covered In Full		Covered In Full				Covered in Full		Covered in Full		Covered In Full	
PCP office visit	\$25 Copay per visit		<b>\$30 Copay per visit</b>				\$25 Copay per visit		<b>\$30 Copay per visit</b>		<b>\$10/\$20/\$40 PCP &amp; \$30/\$60/\$90 Spec Copay per visit</b>	
Specialist office visit	\$25 Copay per visit		<b>\$45 Copay per visit</b>				\$25 Copay per visit		<b>\$45 Copay per visit</b>			
Plan Year Deductible	None		<b>\$300 ind/\$900 fam</b>				None In Network \$250/\$500 Out of Network		<b>\$300 ind/\$900 fam In Network \$400 ind/\$800 fam Out of Network</b>		<b>\$500/\$1000</b>	
Out-of-Pocket Maximum	\$500/mbr for Outpatient Surgery - \$1k/mbr for		<b>\$3k/\$6k Medical &amp; RX</b>				\$500/mbr for Outpatient Surgery - \$1k/mbr for		<b>\$3k/\$6k Medical &amp; RX</b>		<b>\$5k/\$10k Medical &amp; RX</b>	
Coinsurance	NA		NA				20% Coinsurance Out of Network Only		20% Coinsurance Out of Network Only		NA	
Emergency Room	\$75 Copay (Waived if admitted)		<b>\$100 Copay after ded</b>				\$75 Copay (Waived if admitted)		<b>\$100 Copay after ded</b>		<b>\$100 Copay after ded (Waived if admitted)</b>	
IN-PT Hospital Admission	\$500 Copay		<b>\$300 or \$1,500 Copay after ded</b>				\$500 Copay		<b>\$300 or \$1,500 Copay after ded</b>		<b>\$275, \$500, \$1,500 Copayment after ded</b>	
OUT-PT Surgical Day Care Ambulatory Surgical Facility	\$250 Copay		<b>\$250 Copay after ded</b>				\$250 Copay		<b>\$250 Copay after ded</b>		<b>\$250 Per Surgery after ded</b>	
Lab & X-rays	Covered In Full		<b>Covered In Full</b>				Covered in Full		<b>Covered In Full</b>		subj to ded	
CAT Scans, MRI, PET Scans, Nuclear Imaging	Covered In Full		<b>\$100 Copay after ded</b>				Covered in Full		<b>\$100 Copay after ded</b>		<b>\$100 Copay per service after ded</b>	
RX - 30 Day Retail 90 Day Mail Order	\$10 / \$20 / \$35 \$10 / \$20 / \$35		<b>\$10 / \$30 / \$65 \$25 / \$75 / \$165</b>				\$10 / \$20 / \$35		<b>\$10 / \$30 / \$65 \$25 / \$75 / \$165</b>		<b>\$100/\$200 ded, then \$10 / \$30 / \$65 retail</b>	
<b>Current Enrollment</b>	Single 124	Family 217	Single 124	Family 217	Single 7	Family 0	Single 7	Family 0	Single 7	Family 0		
<b>Current Rates</b>	\$683.18	\$1,750.32	\$683.18	\$1,750.32	\$1,330.85	\$3,330.74	\$1,330.85	\$3,330.74	\$1,330.85	\$3,330.74		
<b>Current Monthly Premium</b>	<b>\$464,534</b>		<b>\$464,534</b>				<b>\$9,316</b>		<b>\$9,316</b>			
<b>Renewal Rates</b>	<b>\$879.87</b>	<b>\$2,254.24</b>	<b>\$737.13</b>	<b>\$1,888.53</b>	<b>\$1,714.00</b>	<b>\$4,289.66</b>	<b>\$1,435.93</b>	<b>\$3,593.73</b>	<b>\$1,435.93</b>	<b>\$3,593.73</b>		
<b>Renewal Percentage Increase</b>	<b>28.79%</b>	<b>28.79%</b>	<b>7.90%</b>	<b>7.90%</b>	<b>28.79%</b>	<b>28.79%</b>	<b>7.90%</b>	<b>7.90%</b>	<b>7.90%</b>	<b>7.90%</b>		
<b>Renewal Monthly Premium</b>	<b>\$598,274</b>		<b>\$501,215</b>				<b>\$11,998</b>		<b>\$10,052</b>			
<b>Town and Members Renewal Annual Premium Increase</b>	<b>\$1,604,882</b>		<b>\$440,176</b>				<b>\$2,682</b>		<b>\$736</b>			
<b>Annual Impact on Employee Costs: 75%/25%</b>	IND \$590.07	FAM \$1,511.76	IND \$161.85	Avoid. (428.22)	FAM \$414.63	Avoid. (1,097.13)	IND \$1,149.45	FAM \$2,876.76	IND \$315.24	Avoid. (834.21)	FAM \$788.97	Avoid. (2,087.79)
<b>Annual Impact on Employee Costs: 70%/30%</b>	IND \$708.08	FAM \$1,814.11	IND \$194.22	Avoid. (513.86)	FAM \$497.56	Avoid. (1,316.56)	IND \$1,379.34	FAM \$3,452.11	IND \$378.29	Avoid. (1,001.05)	FAM \$946.76	Avoid. (2,505.35)
<b>Annual Impact on Employee Costs: 50%/50%</b>	IND \$1,180.14	FAM \$3,023.52	IND \$323.70	Avoid. (856.44)	FAM \$829.26	Avoid. (2,194.26)	IND \$2,298.90	FAM \$5,753.52	IND \$630.48	Avoid. (1,668.42)	FAM \$1,577.94	Avoid. (4,175.58)

Increase adjusted for further plan design changes to +7.9%.

# **AGENDA**

## **ITEM #6**

**Discuss - Recreational Marijuana Law Non-binding Referendum Questions**

**Associated backup materials attached:**

- Non-binding Referendum Questions



## **Non-Binding Referendum Questions – New Recreational Marijuana Law**

### **For consideration:**

1. Should the town prohibit all non-medical marijuana retail sales in the town?
2. Should the town limit the number of non-medical marijuana retailers allowed in the town to no more than one?
3. Should the town approve on-premises consumption of non-medical marijuana sold on the premises, such as a so-called marijuana “café”?

(Non-binding referendum questions related to a proposed ban on marijuana accessories are not provided since many of these accessories can be legally sold at retail stores and may be difficult to define.)

# AGENDA

## ITEM #7

**Vote – Designation of Board of Selectmen  
Member to Review and Approve Bills or Payment  
Warrants**

**Associated backup materials attached:**

- Municipal Modernization Act, Chapter 218

**Note:** Board to appoint one member to review and approve warrant payments.

**Proposed Motion:** I move that the Board designate \_\_\_\_\_ to review and approve payment warrants.

## Municipal Modernization Act

### Chapter 218 of the Acts of 2016

**Approval of Bills/Warrants (Sections 57-58)** Allows any multi-member boards, committees, and commissions heading departments, including select boards, to designate one of its members to review and approve bills or payment warrants, with a report provided at the next meeting. Currently, a board or committee heading a department may delegate authority to approve payrolls to a member, and a regional school committee may designate a subcommittee to approve bills and payrolls with a report to the next meeting of the full committee. Absent a charter or special act, boards and committees currently have to approve bills or payment warrants by majority vote at a meeting subject to the Open Meeting Law. (effective November 7, 2016)

# AGENDA

## ITEM #8

### **Approval – One-Day Liquor License Requests for Events at Thayer Homestead**

- a. Michael Curran – March 11, 2017
- b. Barbara Hutt – March 19, 2017
- c. Pragathi Sanshi – April 7, 2017
- d. Pam Pavlick – April 8, 2017

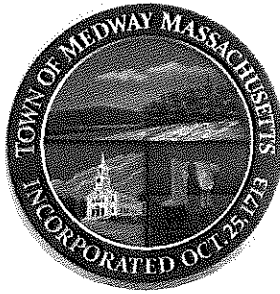
#### **Associated backup materials attached:**

- Applications
- Police Chief's Recommendations

**Proposed Motion:** I move that the Board approve one day liquor licenses for Michael Curran, Barbara Hutt, Pragathi Sanshi and Pam Pavlick for events to be held at the Thayer Homestead on March 11, March 19, April 7, and April 8, 2017 subject to Police Chief's recommendations and proof of appropriate insurance coverage.

**Board of Selectmen**

Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3264  
Fax (508) 321-4988



**TOWN OF MEDWAY  
COMMONWEALTH OF MASSACHUSETTS**

**APPLICATION FOR SPECIAL ONE-DAY LIQUOR LICENSE**

MGL c.138, §14

Application for the purpose of selling or dispensing the following beverages permitted by law. A Section 12 license holder may not also be granted a Section 14 (one-day) license unless event is held at a separate location. A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. Purchase must be made from a licensed wholesaler/importer, manufacturer, farmer-winery/brewery, or special permit holder.

For Profit Businesses are eligible for wine and malt license only.

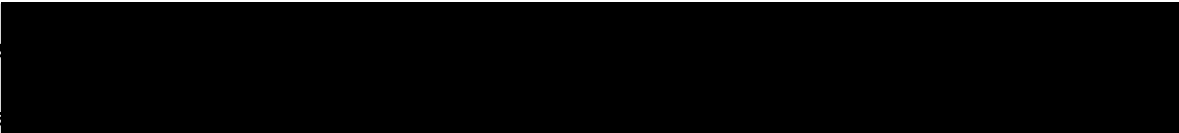
Application must be submitted at least two weeks prior to event.

There is no fee for this license.

All Alcohol  Wine and Malt

Event 70<sup>th</sup> Birthday Party Event Date 3-11-17

Name of Organization/Applicant Michael Curran

Address 

Non-Profit Organization Y  N  (Attach non-profit certificate of exemption)

Event Location Thayer Homestead (25 Oak St Medway, MA)

Event Hours 5pm-11pm (No later than 1:00 AM; Last call 12:30 AM)

Is event open to the general public? Y  N  Estimated attendance 70 ppl

Will there be an age restriction? Y  N  Minimum age allowed: \_\_\_\_\_

How, where and by whom will ID's be checked? I will personally check IDs, I am TIPS trained.

Is there a charge for the beverages? Y  N  Price Structure: \_\_\_\_\_

Alcohol server(s) (Attach Proof of Alcohol Server Training) \_\_\_\_\_  
\_\_\_\_\_


Provisions for Security or Detail Officer \_\_\_\_\_  
\_\_\_\_\_

Does the applicant have knowledge of State liquor laws? Y  N

Experience Worked 20 years in alcohol/wine distribution and retail.

The following may be required:

Police Dept. – Detail; Fire Dept. – Detail; Board of Health – Food Permit; Building Dept. – Tent Permit

Applicant's Signature  Date of Application 2-10-17

Applicant's Name (Please Print) Michael Curran

The Board of Selectmen's Office will forward this application to the Police, Fire, and Building Departments and the Board of Health for approval and recommendations.

Police Department \_\_\_\_\_  
315 Village St \_\_\_\_\_ Date

Fire Department \_\_\_\_\_  
44 Milford St \_\_\_\_\_ Date

Board of Health \_\_\_\_\_  
Town Hall, 2<sup>nd</sup> Fl \_\_\_\_\_ Date

Building Department \_\_\_\_\_  
Town Hall, 1<sup>st</sup> Fl \_\_\_\_\_ Date



Allen M. Tingley  
Chief of Police

# Medway Police Department

315 Village Street  
Medway, MA 02053

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

February 16, 2017

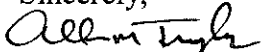
To: Michael Boynton  
Town Administrator

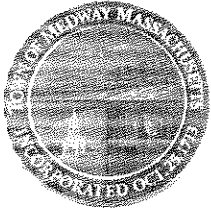
From: Allen M. Tingley  
Chief of Police

Re: One day liquor license- Thayer Property- 70th Birthday Party

I have reviewed the request from Michael Curran for a one day alcohol license for a 70th birthday party, to be held at the Thayer House, 2B Oak Street, on March 11, 2017. I approve of the issuance of this one day alcohol license with the stipulation that the alcoholic beverages are purchased from a licensed alcohol wholesale distributor, as indicated on the license application and the Town of Medway's Alcohol Policy, there will be no on-street parking on Mechanic Street and Oak Street and that a responsible adult will be checking ID's of individuals being served alcohol at the party.

Sincerely,

  
Allen M. Tingley  
Chief of Police



Town of Medway

**BOARD OF SELECTMEN**

155 Village Street, Medway MA 02053  
Ph. (508) 533-3264 Fax: (508) 321-4899

**APPLICATION FOR SPECIAL ONE-DAY LIQUOR LICENSE**

MGL c.138, §14

Application for the purpose of selling or dispensing the following beverages permitted by law. A Section 12 license holder may not also be granted a Section 14 (one-day) license unless event is held at a separate location. A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. Purchase must be made from a licensed wholesaler/importer, manufacturer, farmer-winery/brewery, or special permit holder.

For Profit Businesses are eligible for wine and malt license only.

Application must be submitted at least two weeks prior to event.

Fee: \$50 (May be waived at Board of Selectmen's discretion)

All Alcohol \_\_\_\_\_ Wine and Malt  - Punch or Wine

Event Bridal Shower

Name of Organization/Applicant Barbara Huft

Address [REDACTED]

FID# [REDACTED]

Phone [REDACTED] Fax [REDACTED] Email \_\_\_\_\_

Non-Profit Organization Y \_\_\_\_\_ N \_\_\_\_\_

Attach non-profit certificate of exemption

Event Location Thayne House

Event Date 3-19-17

Event Hours (No later than 1:00 AM; Last call 12:30 AM)

Is event open to the general public? Y \_\_\_\_\_ N

Estimated attendance 50 people

Will there be an age restriction? Y \_\_\_\_\_ N

Minimum age allowed:



How, where and by whom will ID's be checked? \_\_\_\_\_

parents

Is there a charge for the beverages? Y (N)

Price structure: \_\_\_\_\_

Alcohol server(s) \_\_\_\_\_

Attach Proof of Alcohol Server Training \_\_\_\_\_

Provisions for Security, Detail Officer \_\_\_\_\_

Does the applicant have knowledge of State liquor laws? Y (N)

Experience \_\_\_\_\_

The following may be required:

Police Dept. – Detail; Fire Dept. – Detail; Board of Health – Food Permit; Building Dept. – Tent Permit

Date of Application 2-23-17

Applicant's Signature Barbara Hutt

Applicant's Name Barbara Hutt

Address [REDACTED] WAY  
Phone [REDACTED]

The Board of Selectmen's Office will forward this application to the Police, Fire, and Building Departments and the Board of Health for approval and recommendations.

Police Department \_\_\_\_\_  
315 Village St \_\_\_\_\_ Date

Fire Department \_\_\_\_\_  
44 Milford St \_\_\_\_\_ Date

Board of Health \_\_\_\_\_  
Town Hall, 2<sup>nd</sup> Fl \_\_\_\_\_ Date

Building Department \_\_\_\_\_  
Town Hall, 1<sup>st</sup> Fl \_\_\_\_\_ Date



# 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 23, 2017

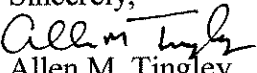
To: Michael Boynton  
Town Administrator

From: Allen M. Tingley  
Chief of Police

Re: One day liquor license- Thayer Property- Bridal Shower

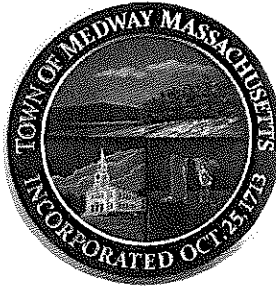
I have reviewed the request from Barbara Hutt for a one day wine and malt license for a bridal shower, to be held at the Thayer House, March 19, 2017. I approve of the issuance of this one day alcohol license with the stipulation that the wine and malt will be purchased from a licensed alcohol wholesale distributor, as indicated on the license application and the Town of Medway's Alcohol Policy. There will be no on-street parking on Mechanic Street and Oak Street. A responsible adult, with some knowledge of Mass liquor laws will be checking ID's of individuals served alcohol at this event.

Sincerely,

  
Allen M. Tingley  
Chief of Police

**Board of Selectmen**

Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3264  
Fax (508) 321-4988



**TOWN OF MEDWAY  
COMMONWEALTH OF MASSACHUSETTS**

**APPLICATION FOR SPECIAL ONE-DAY LIQUOR LICENSE**

MGL c.138, §14

Application for the purpose of selling or dispensing the following beverages permitted by law. A Section 12 license holder may not also be granted a Section 14 (one-day) license unless event is held at a separate location. A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. Purchase must be made from a licensed wholesaler/importer, manufacturer, farmer-winery/brewery, or special permit holder.

For Profit Businesses are eligible for wine and malt license only.

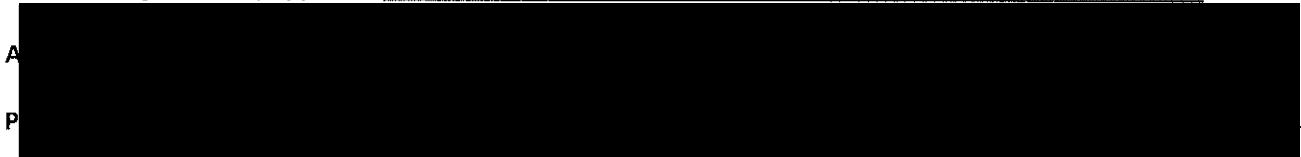
Application must be submitted at least two weeks prior to event.

There is no fee for this license.

All Alcohol  Wine and Malt

Event PARENTS' 25TH ANNIVERSARY Event Date 04/07/2017

Name of Organization/Applicant PRAGATHI SANSHI



Non-Profit Organization Y  N  (Attach non-profit certificate of exemption)

Event Location THAYER HOMESTEAD

Event Hours 5 PM - 11 PM (No later than 1:00 AM; Last call 12:30 AM)

Is event open to the general public? Y  N  Estimated attendance 70

Will there be an age restriction? Y  N  Minimum age allowed: N/A

How, where and by whom will ID's be checked? This is a family event and the parents will ensure underage children do not consume. I, the applicant, will enforce this as well.

Is there a charge for the beverages? Y  N  Price Structure: \_\_\_\_\_

Alcohol server(s) (Attach Proof of Alcohol Server Training) N/A - we will have a self serve table

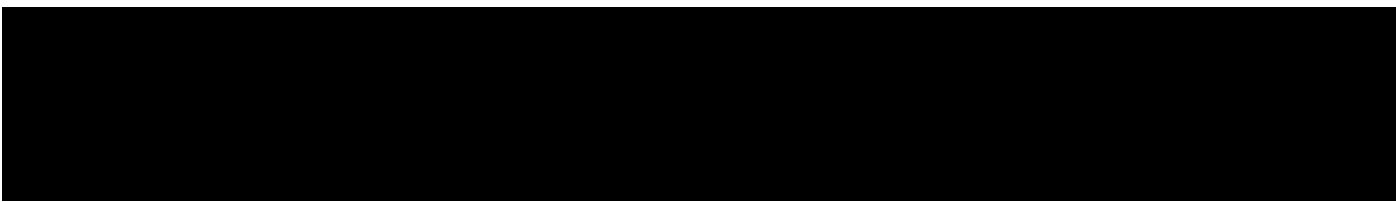
Provisions for Security or Detail Officer N/A - quantity of alcohol limited to champagne for toast, beer, and wine in modest quantities

Does the applicant have knowledge of State liquor laws? Y  N

Experience Familiar with the laws

**The following may be required:**

Police Dept. – Detail; Fire Dept. – Detail; Board of Health – Food Permit; Building Dept. – Tent Permit



The Board of Selectmen's Office will forward this application to the Police, Fire, and Building Departments and the Board of Health for approval and recommendations.

Police Department \_\_\_\_\_  
315 Village St \_\_\_\_\_ Date

Fire Department \_\_\_\_\_  
44 Milford St \_\_\_\_\_ Date

Board of Health \_\_\_\_\_  
Town Hall, 2<sup>nd</sup> Fl \_\_\_\_\_ Date

Building Department \_\_\_\_\_  
Town Hall, 1<sup>st</sup> Fl \_\_\_\_\_ Date



# 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 27, 2017

To: Michael Boynton  
Town Administrator

From: Allen M. Tingley  
Chief of Police

Re: One-Day Liquor request – Thayer House – Sanshi 25th Anniversary Party

I have reviewed the application for a one day liquor license request for a 25th anniversary party scheduled for April 7, 2017 at the Thayer House.

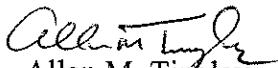
I approve of the issuing of the permit with the following conditions.

There will be no on-street parking on either side of Oak Street or Mechanic Street. Additional parking may be found at the Choate Park complex and in the rear parking lot off of Winthrop Street.

The serving of the beer and wine will comply with the standards set forth in the Town of Medway's liquor policy for a one day alcoholic beverage license, including the stipulation that all alcohol/wine served at the event will be purchased from a licensed alcohol liquor distributor, as indicated on the license application.

A responsible adult will be checking ID's of individuals being served alcohol at this event.

Respectfully Submitted

  
Allen M. Tingley  
Chief of Police



Town of Medway

**BOARD OF SELECTMEN**

155 Village Street, Medway MA 02053  
Ph. (508) 533-3264 Fax: (508) 321-4899

**APPLICATION FOR SPECIAL ONE-DAY LIQUOR LICENSE**

MGL c.138, §14

Application for the purpose of selling or dispensing the following beverages permitted by law. A Section 12 license holder may not also be granted a Section 14 (one-day) license unless event is held at a separate location. A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. Purchase must be made from a licensed wholesaler/importer, manufacturer, farmer-winery/brewery, or special permit holder.

For Profit Businesses are eligible for wine and malt license only.

Application must be submitted at least two weeks prior to event.

Fee: \$50 (May be waived at Board of Selectmen's discretion)

All Alcohol \_\_\_\_\_ Wine and Malt

Event Bridal Shower

Name of Organization/Applicant Pam Pavlik

Address 19 Center St. Medway

FID#

PH

Non-Profit Organization Y \_\_\_\_\_ N \_\_\_\_\_

Attach non-profit certificate of exemption

Event Location Thayer Homestead

Event Date April 8, 2017

Event Hours (No later than 1:00 AM; Last call 12:30 AM)

Is event open to the general public? Y \_\_\_\_\_ N

Estimated attendance 45

Will there be an age restriction? Y \_\_\_\_\_ N

Minimum age allowed:

How, where and by whom will ID's be checked? Visually Check at  
Event by Pam Pavlik

Is there a charge for the beverages? Y \_\_\_\_\_ N   
Price structure: \_\_\_\_\_

Alcohol server(s) \_\_\_\_\_  
Attach Proof of Alcohol Server Training \_\_\_\_\_

Provisions for Security, Detail Officer \_\_\_\_\_

Does the applicant have knowledge of State liquor laws? Y \_\_\_\_\_ N \_\_\_\_\_

Experience \_\_\_\_\_

The following may be required:  
Police Dept. – Detail; Fire Dept. – Detail; Board of Health – Food Permit; Building Dept. – Tent Permit

Date of Application \_\_\_\_\_

Applicant's Signature x Pam Pavlik

Applicant's Name \_\_\_\_\_

Address \_\_\_\_\_

Phone ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_ Email \_\_\_\_\_

The Board of Selectmen's Office will forward this application to the Police, Fire, and Building Departments and the Board of Health for approval and recommendations.

Police Department \_\_\_\_\_  
315 Village St \_\_\_\_\_ Date \_\_\_\_\_

Fire Department \_\_\_\_\_  
44 Milford St \_\_\_\_\_ Date \_\_\_\_\_

Board of Health \_\_\_\_\_  
Town Hall, 2<sup>nd</sup> Fl \_\_\_\_\_ Date \_\_\_\_\_

Building Department \_\_\_\_\_  
Town Hall, 1<sup>st</sup> Fl \_\_\_\_\_ Date \_\_\_\_\_



# 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 16, 2017

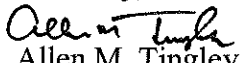
To: Michael Boynton  
Town Administrator

From: Allen M. Tingley  
Chief of Police

Re: One day liquor license- Thayer Property- Bridal Shower

I have reviewed the request from Pam Pavlik for a one day wine and malt license for a bridal shower, to be held at the Thayer House, April 8<sup>th</sup>, 2017. I approve of the issuance of this one day alcohol license with the stipulation that the wine and malt will be purchased from a licensed alcohol wholesale distributor, as indicated on the license application and the Town of Medway's Alcohol Policy. There will be no on-street parking on Mechanic Street and Oak Street. A responsible adult, with some knowledge of Mass alcohol laws will be checking ID's of individuals served alcohol at this event.

Sincerely,

  
Allen M. Tingley  
Chief of Police



# AGENDA

## ITEM #9

### **Banner Display Requests – Clean Sweep & Medway Pride Day**

**Associated backup materials attached:**

- Banner Display Request – Clean Sweep
- Banner Display Request – Medway Pride Day

**Proposed Motion:** I move that the Board approve the banner display requests for Clean Sweep and Medway Pride Day.

## TOWN OF MEDWAY Banner Display Request

Organization Name:	Town of Medway
Event for which banner is displayed:	Clean Sweep 2017
Date(s) of event:	April 8, 2017
Dates Requested (max. 2 weeks):	Mar 20 – Apr 8, 2017
Applicant Name/Responsible Party:	Allison Potter, Asst. Town Admin.
Address/Telephone:	Medway Town Hall/ 508.533.3264

<p>Use this space to illustrate banner message, including logos and sponsor(s), or include attachment:</p> <p style="margin-top: 20px;">See attached</p>
<p>1. Fee of \$60 is due within seven (7) days of booking and prior to the banner display (see policy for exception). Checks should be made <b>payable to the Town of Medway</b>.</p>
<p>2. If cost to hang and remove banner exceeds \$60, applicant will be invoiced for the balance, and must be paid within thirty (30) days of invoice date.</p>
<p>3. Banners must be dropped off at Town Hall between seven (7) and two (2) days prior to the scheduled display.</p>
<p>4. Banner will be displayed as permitted herein, unless circumstances, such as weather, scheduling changes or staff availability cause delays.</p>
<p>5. Banner must be in good condition, and may be rejected if in poor condition or deemed a safety hazard.</p>
<p>6. Banners must be picked up at Town Hall within seven (7) days of being notified it has been taken down. Banners not claimed within fourteen days (14) may be discarded.</p>
<p>7. Dates may be booked no later than one year in advance of booking.</p>
<p>8. Length of banner should be between twenty (20) and twenty-five (25) feet.</p>
<p>9. Minimum standards for banner: 19 oz. banner vinyl, webbed, hemmed, grommets, "D" rings, reinforced corners, and wind holes.</p>
<p>10. Banners will be displayed only at the approved location on Main Street (at Medway Plaza).</p>
<p>11. In the event of a Town Meeting or Election, the Town's banner will take precedence over an approved request.</p>

I acknowledge that I have received a copy of the Banner Display Policy and agree to any and all conditions therein.

Allison Potter  
Name

Allison Potter  
Signature

Feb 27, 2017  
Date

BOS Approval: 1/20/16;  
Amended: 3/21/16

Mail to: Town Administrator's Office, 155 Village St, Medway, MA 02053  
Email to: [ta@townofmedway.org](mailto:ta@townofmedway.org); Fax to: 508-321-4988


## TOWN OF MEDWAY Banner Display Request

Organization Name: Medway Pride Day  
 Event for which banner is displayed: same  
 Date(s) of event: 5/20/17  
 Dates Requested (max. 2 weeks): 4/23-4/29, 5/14-5/20  
 Applicant Name/Responsible Party: Sarah Stone  
 Address/Telephone: 62 Fisher St. [REDACTED]

Use this space to illustrate banner message, including logos and sponsor(s), or include attachment: <div style="text-align: center; padding: 10px;">                     Medway Pride Day                      Saturday May 20<sup>th</sup> · 10AM-4PM · Middle School                 </div>
1. Fee of \$60 is due within seven (7) days of booking and prior to the banner display (see policy for exception). Checks should be made payable to the Town of Medway.
2. If cost to hang and remove banner exceeds \$60, applicant will be invoiced for the balance, and must be paid within thirty (30) days of invoice date.
3. Banners must be dropped off at Town Hall between seven (7) and two (2) days prior to the scheduled display.
4. Banner will be displayed as permitted herein, unless circumstances, such as weather, scheduling changes or staff availability cause delays.
5. Banner must be in good condition, and may be rejected if in poor condition or deemed a safety hazard.
6. Banners must be picked up at Town Hall within seven (7) days of being notified it has been taken down. Banners not claimed within fourteen days (14) may be discarded.
7. Dates may be booked no later than one year in advance of booking.
8. Length of banner should be between twenty (20) and twenty-five (25) feet.
9. Minimum standards for banner: 19 oz. banner vinyl, webbed, hemmed, grommets, "D" rings, reinforced corners, and wind holes.
10. Banners will be displayed only at the approved location on Main Street (at Medway Plaza).
11. In the event of a Town Meeting or Election, the Town's banner will take precedence over an approved request.

I acknowledge that I have received a copy of the Banner Display Policy and agree to any and all conditions therein.

Sarah Stone  
 Name

  
 Signature

2/1/17  
 Date

BOS Approval: 1/20/15;  
 Amended: 3/21/16

Mail to: Town Administrator's Office, 155 Village St, Medway, MA 02053  
 Email to: [ta@townofmedway.org](mailto:ta@townofmedway.org); Fax to: 508-321-4988

# **AGENDA**

# **ITEM #10**

**Action Items from Previous Meetings**

**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 #11**

**Approval of Warrants**

**Warrants to be provided at meeting**

# **AGENDA**

# **ITEM #12**

## **Approval of Minutes**

### **Associated backup materials attached:**

- Draft December 12, 2016 Minutes
- Draft January 3, 2017 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.**

51

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 # ?

40  
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 #13**

**Town Administrator's Report**

# **AGENDA**

# **ITEM #14**

**Selectmen's Reports**