

**February 14, 2012  
Medway Planning and Economic Development Board  
Medway Senior Center  
Oakland Avenue  
Medway, MA 02053**

**BOARD MEMBERS PRESENT:** Andy Rodenhiser, Karyl Spiller-Walsh, Bob Tucker, Tom Gay, and Chan Rogers.

**ABSENT WITH NOTICE:**

**ABSENT WITHOUT NOTICE:**

**ALSO PRESENT:** Susy Affleck Childs, Planning and Economic Development Coordinator  
Amy Sutherland, Meeting Recording Secretary  
Gino Carlucci, PGC Associates

Vice Chairman Tucker opened the meeting at 7:00 pm.

Chairman Rodenhiser arrived shortly after the meeting was opened.

**Zoning Bylaw Amendments for 2012 Annual Town Meeting:**

**Medway Affordable Housing Inclusionary Zoning Bylaw:**

Chairman Rodenhiser recused himself from this part in the discussion.

Mr. Bob Ferrari, co-chair of the Affordable Housing Committee was present for the discussion.

The Board reviewed the document with the most recent revisions dated February 9, 2012.  
**(See Attached)**

The members discussed staying consistent with writing out of the numbers. Page one needs to be changed from 4 to four.

Under Section 3 Applicability a). There was language added in regards to General Laws Chapter 41 Section 81U and Chapter 41 Section 81 P (ANR).

The replacement chart was reviewed and edited with Consultant Carlucci.

For the town meeting warrant, the Board would like the document submitted showing that the bold text indicates the new suggestions and the strikethrough text indicates deletions.

Mr. Ferrari indicated that the Affordable Housing Committee supports the changes.

**Medway Design Review Committee:**

Design Review Committee Chairman Matt Buckley was present at the meeting.

It was discussed that the Medway Design Review Committee is proposing new text for the illumination from LEDs. **(See Attached)**

The changes also included changes to the prohibited signs.

These are simple definitions and are clarified within the tables.

There is a concern that the internal illumination sign is very bright if at an ungoverned level.

Member Tucker notes that you see a lot of LED lights and in a dark rural areas. With the LED, you do not get the glare. The town could look at a level of lightness.

Susy Affleck-Childs is concerned about the appearance of a large collection of LED lights used on a sign. There are better alternatives than big lights which would fill up a sign.

The Board suggested looking at the grandfathering of signs and how to make it flexible.

Andy Rodenhiser mentioned that Framingham has a bylaw that sunsets old signs and then requires them to come into compliance.

It was suggested that the Design Review Committee use Dave Pellegri from Tetra Tech Rizzo.

It was also suggested to speak with a sign maker to gather information specifically about the use of LED lights.

Member Tucker suggested that the Design Review Committee talk with a manufacturer to see how these are made and packaged.

Susy noted that we should try to get away from the whole surface area filled with LED lights.

The issues are the brightness and where that light is going.

Matt Buckley responded said he wants the source of light to not be a single isolated bare bulb light.

It was suggested that this be worked on and resubmit in a year for background checking and to really address the issue. The main issue is control and spillage.

Susy recommended that the Design Review Committee look at the performance standards.

The board discussed what is meant by translucent lighting. There is no definition.

The Board was in agreement that there is not enough time to put this together for the 2012 annual town meeting.

Consultant Carlucci will also work with the Design Review Committee if needed.

Susy will also put it out to her network system for information regarding LED lights and also a sunseting provisions for non-compliant signs.

The Board recommends that this not be placed on the warrant until further discussion takes place.

**Accessory Family Dwelling Units:**

The Board is in receipt of the revised Accessory Family Dwelling Units document dated February 10, 2012. **(See Attached)**

There was language added regarding the purpose which was to facilitate assistance within families in providing for the tasks of daily living, etc.

The Board agrees with adding this language relative to the purpose.

**On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to recommend submitting the Accessory Family Dwelling Units article as written.**

**New Flood Plain Maps:**

The Board is in receipt of the revised new flood plain maps and further recommendations from Mass DCR. **(See Attached)**

**On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted to recommend submitting the article for the new flood plain maps from Mass DCR.**

**Medway Zoning Map:**

The Board is in receipt of the article relative to amending the Medway Zoning Map. **(See Attached)**

**On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to recommend the amending the Medway Zoning Map to rezone the entire triangular shaped portion of parcel 3-43B that is located west of interstate 495 as shown on a map (SEE ATTACHED) from Agricultural Residential I to Industrial III.**

**Zoning Bylaw Definitions**

The Board is in receipt of the revised Zoning Bylaw Definitions for the May 2012 town meeting. This document has a revision date of February 10, 2012. (See Attached)

There was a suggestion to change the language for vehicular fuel station to vehicle fueling station.

The Board was in agreement with the recommended change.

**On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to accept the Zoning Bylaw Definitions revised February 10, 2012 and the language revisions regarding vehicle fueling station.**

**Proposed new Formula for OSRD and Affordable Housing:**

The Board is in receipt of a memo from Consultant Carlucci dated February 11, 2012. (See Attached)

The memo reviews the three recent OSRD projects. Consultant Carlucci recalculated both the maximum numbers of units based on the proposed new formula and the number of affordable, bonus, and units associated with each project.

The Board reviewed the memo and agrees that the new noted formula does accomplish getting the mass density down.

Member Rogers challenges the rounding up in the case of fractions.

Consultant Carlucci communicated that the intent is to always go up. He noted the required affordable percentage still went down from 15% to 10%.

Member Rogers makes a motion that rounding up is only for .5 and higher relative to 5(a) page 4 and this was seconded by Karyl Spiller Walsh.

Chan Rogers	aye
Karly Spiller-Walsh	aye
Bob Tucker	abstained
Tom Gay	abstained

This vote did not pass.

Member Rogers communicates that this is more burdensome to the developer. Spiller Walsh agrees with Rogers.

Consultant Carlucci indicated that with the new formula, the total area available for development would be reduced by the land with easements.

The Board was comfortable with the explanation.

**On a motion made by Karyl Spiller-Walsh and seconded by Bob Tucker, the Board voted unanimously to recommend the article for proposed amendments to OSRD and Affordable Housing Formula as indicated in the memo dated February 9, 2012.**

**Chairman Rodenhiser abstained from vote.**

**Minutes from January 31, 2012:**

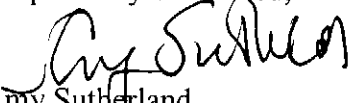
**On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to accept the minutes from January 31, 2012 as amended. Andy Rodenhiser abstained from vote.**

**On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the executive session minutes from January 31, 2012 as amended. Andy Rodenhiser abstained from vote.**

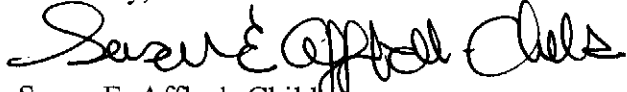
**Adjourn:**

**On a motion made by Karyl Spiller-Walsh and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 9:45 pm.**

Respectfully Submitted,

  
Amy Sutherland  
Meeting Recording Secretary

Edited by,

  
Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

# IDEAS for possible amendments to the Medway Affordable Housing Inclusionary Zoning Bylaw

**REVISED – February 9, 2012**

## X. AFFORDABLE HOUSING

1. **Purpose and Intent** – The purpose of Sub-Section X., hereafter referred to as this sub-section, is to further the Master Plan goal of encouraging the provision of various housing types in Medway for persons of various age and income levels and to:

- a) increase the supply of housing in the Town of Medway that is available to and affordable by low and moderate income households;
- b) encourage the construction or renovation of a diversity of housing types in Medway to meet the needs of low and moderate income households;
- c) promote a reasonable mix and geographic distribution of affordable housing units throughout the community;
- d) produce housing units eligible for listing as Local Initiative Units on the *Subsidized Housing Inventory* under M.G.L. c. 40B, Sections 20-23;
- e) provide more opportunities to enable Town of Medway employees to live in the community;
- f) ~~help maintain a stable economy.~~ **provide a mechanism to offset the decreases in the Town's percentage of affordable housing that are directly caused by increases in the Town's overall housing stock.**

## 2. Definitions

*Affordable Housing Restriction* – A covenant agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Medway, that effectively restricts occupancy of an Affordable Housing Unit to a *Qualified Purchaser* or *Qualified Renter*, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An

*Affordable Housing Restriction* shall run with the land or dwelling unit in perpetuity from the time of a unit's initial occupancy, so as to be binding on and enforceable against any person claiming an interest in the property. An *Affordable Housing Restriction* shall be enforceable under the provisions of M.G.L. c.184, Section 32, and be approved by the Massachusetts Department of Housing and Community Development (DHCD).

*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.

*Equivalent Affordable Housing Unit Value* – An amount equal to the difference between the median sale price for market rate single family homes sold in Medway during the thirty six (36) months preceding the date of application, as determined by the Medway Board of Assessors based on deeds recorded at the Norfolk Registry of Deeds for arms-length transactions, and the purchase price of a home that is affordable to a qualified purchaser as determined by DHCD, assuming a household size of **four** 4, or one person per bedroom plus one additional person with the number of bedrooms being the average number in

the development, whichever is less. For developments other than single-family detached structures (e.g. duplexes or multifamily condominiums) the Planning Board may substitute the median sale price of the applicable type of market rate dwelling unit for the median sale price of single family homes in the preceding formula.

*DHCD* – The Massachusetts Department of Housing and Community Development or a successor agency.

*Local Initiative Program (LIP)* – A program administered by *DHCD* to develop and implement local housing initiatives to produce low and moderate income housing, pursuant to state regulations which may be amended from time to time.

*Maximum Affordable Purchase Price or Rent* - A selling price or monthly rent that does not exceed the maximum purchase price or rent guidelines of the program used to qualify dwelling units for inclusion on the *Subsidized Housing Inventory*.

*Qualified Purchaser*: A Low- or Moderate-Income Household that purchases and occupies an Affordable Housing Unit as its principal residence.

*Qualified Renter*: A Low or Moderate-Income Household that rents and occupies an Affordable Housing Unit as its principal residence.

*Subsidized Housing Inventory*: The Massachusetts Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory pursuant to state regulations as may be amended from time to time.

(NOTE - Certain other terms used in this sub-section are defined in SECTION II. Definitions of the Medway Zoning Bylaw.)

3. *Applicability* – In all zoning districts, the provisions of this sub-section shall apply to the following:

a) ~~Division of Land – The division of land into 3 or more lots under M.G.L. Chapter 41 (the Subdivision Control Act), Sections 81L and 81U for conventional or grid subdivisions and including those divisions of land that do not require subdivision approval.~~

**a) b) Multiple Units – Any residential or mixed-use development project, for which a Town permit is applied for after the effective date of this sub-section, except for developments approved pursuant to an ARCPUD Special Permit under Section V. Use Regulations, Sub-Section U, that results in a net increase of 3 ~~3~~ **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. Such may be developed pursuant but not limited to the following:**

- 1) **The development of lots shown on a subdivision plan approved under the General Laws chapter 41 section 81U.**
- 2) **The development of lots on a plan endorsed as not requiring approval under the subdivision control law under the General Laws chapter 41 Section 81P (ANR)**
- 3) Sub-Section T. (OSRD) of SECTION V. USE REGULATIONS of the Medway Zoning Bylaw.
- 4) Sub-Section W. (AUOD) of SECTION V. USE REGULATIONS of the Medway Zoning Bylaw.

5) Any other Residential or Mixed-Use Development which may be allowed by right or authorized by special permit in the future under the Medway Zoning Bylaw pursuant to M.G.L., c. 40A, sec 9.

b) ~~e)~~—The construction of a residential development may not be segmented to avoid compliance with these provisions. Segmentation shall mean one or more divisions of land that cumulatively result in ~~an a net~~ increase of ~~3 six~~ or more lots or dwelling units above the number existing thirty-six (36) months earlier on any parcel or a set of contiguous parcels that were in common ownership on or after the effective date of the adoption of this section by Town Meeting.

c) **These provisions shall not apply to:**

- 1) **The construction of six or more single-family dwellings on individual lots, if said six or more lots were in existence prior to the effective date of the adoption of this sub-section.**
- 2) **Adult Retirement Community approved pursuant to an ARCPUD Special Permit under Section V. USE REGULATIONS, Sub-Section U.**
- 3) **Assisted Living Residence Facility approved pursuant to a Special Permit under Section V. USE REGULATIONS, Sub-Section G, Commercial District I**

4. ~~**Special Permit Required**—An affordable housing special permit granted by the Planning Board shall be required for any development specified in paragraph 3 herein. A special permit may be granted if the proposed development meets the requirements of this sub-section. Where the proposed subdivision of land is for 3 or more lots pursuant to M.G.L. Chapter 41, Sections 81K–81GG (the Subdivision Control Act), the Planning Board’s special permit authority shall be limited only to enforcing the affordable housing provisions of this sub-section.~~

5. ~~**Types of Affordable Housing Units**—Affordable housing units may be of the following types:~~

- a) ~~single family dwellings~~
- b) ~~duplexes~~
- c) ~~three family dwelling units~~
- d) ~~multi family dwelling units~~
- e) ~~mixed-use development dwelling units~~
- f) ~~such other types of dwelling units as may be allowed and approved pursuant to the Zoning Bylaw~~

6. ~~4.~~ **Mandatory Provision of Affordable Housing Units**

- a) ~~The Planning Board shall, as a condition of approval of any development referred to in paragraph 3 herein, require that the applicant comply with the obligation to provide affordable housing pursuant to this sub-section of the Zoning Bylaw.~~
- b) ~~The Planning Board shall deny any application for a special permit for any development subject to the provisions of paragraph 3 herein, if the applicant does not provide, at a minimum, at least fifteen percent (15%) of the lots in a division of land or fifteen percent (15%) of the dwelling units in a multiple unit residential or mixed use development as affordable housing units using one or more of the options specified in paragraph 9 herein.~~



- a) In each development project subject to the provisions of paragraph 3 herein, at least ten percent (10%) of the lots or dwelling units shall be established as affordable housing units.
- b) In the instance when the provision of affordable units produces a requirement for a percentage of an affordable lot or unit, the percentage shall be rounded up to the next whole number. For example, a development proposing a total of eight lots or units requires .8 affordable housing units; accordingly, the number of required affordable housing units is rounded up from .8 to 1. A development proposing a total of fourteen lots or units requires 1.4 affordable housing units; therefore the number of required affordable housing units is rounded up from 1.4 to 2. See Figure 1.
- c) In those housing developments using an Affordable Housing Special Permit to meet this requirement, the affordable housing units will be provided using one or more of the methods specified in paragraph 7 herein.
- d) In those developments where there is no Affordable Housing Special Permit sought to meet this requirement, the affordable housing units shall be constructed or rehabilitated on the locus of the development as provided in paragraph 7 a) herein.

7. 5. **Density Bonus – Affordable Housing Special Permit**

- a) To facilitate meeting the objectives of this sub-section, the Planning Board shall have the authority to **issue an Affordable Housing Special Permit to adjust** ~~reduce the~~ **minimum any zoning** requirements in any zoning district for any development subject to these provisions as follows, but only to the extent needed to increase the total number of **market rate** lots or dwelling units on-site by a number equal to **one-half of** the number of affordable **housing** units required, pursuant to paragraph 8 7 a) or 8 7 c) below. For example, if ~~two (2)~~ **two (2)** affordable **housing** units are required, an additional ~~two (2)~~ **one (1)** market rate units may be constructed. **In the instance when the density bonus allows for a percentage of a market rate unit, the percentage shall be rounded up to the next whole number. For example, if the density bonus provides for +1.5 market rate units, the actual number of bonus market rate units is rounded up from 1.5 to 2. See Figure 1.**
- b) *Dimensional Requirements* - The minimum lot area and frontage per dwelling unit and the standard front, rear and side setbacks normally required in the applicable zoning district may be adjusted by the amount necessary to allow for the increase in the total number of dwelling units. **Provided, however, that the layout of lots shall meet one of the following requirements:**
  - 1) **No individual lot shall be reduced in area or frontage to less than 80% of the required minimum in the applicable zoning district, and the lot(s) on which an affordable dwelling unit are located shall represent the median lot(s) in area and frontage; or**
  - 2) **The area and frontage of all lots within the subdivision shall not vary from each by more than 10%.**

- c) *Type of dwelling unit* – The type of dwelling unit normally required in the applicable zoning district may be varied to allow for the increase in the total number of dwelling units. **This may include:**
- 1) **single family dwellings**
  - 2) **duplexes**
  - 3) **three-family dwelling units**
  - 4) **multi-family dwelling units**
  - 5) **mixed-use development dwelling units**
  - 6) **such other types of dwelling units as may be allowed and approved pursuant to the Zoning Bylaw**

d) Where the Planning Board allows for a density increase, the Planning Board shall make affirmative findings that the density increase was appropriate in light of the public benefits offered by the applicant and as consistent with M.G.L., c. 40A, s. 9 and this sub-section.

e) When the requirements of this **sub-section** are being met by providing the affordable **housing** units off-site pursuant to paragraph 7 b) or 7 c) below, the Planning Board shall have the authority to reduce the minimum requirements of the zoning district as outlined in 5. a), **b) and c) to accommodate the bonus market rate units** above, but only to the extent needed to increase the total number of lots or dwelling units by a number equal to one-half the number of affordable units required, rounded to the nearest whole number. For example, if two affordable **housing** units are required, **and will be provided off-site**, an additional one market rate unit may be constructed **on site**.

f) No density bonus is provided when the requirements of this section are met with a *Payment in Lieu of Direct Provision of Affordable Housing Units* pursuant to 7 d) below.

8. **6. Voluntary Affordable Housing Bonus** – A new housing development that is not subject to the provisions of paragraph 3 herein but provides the minimum affordable housing requirements specified in paragraph 4. b) herein may **apply for an Affordable Housing Special Permit** receive the same density bonus as specified in paragraph 5 herein, but only when the development is approved by special permit by the Planning Board.

9. **7. Methods of Providing Affordable Housing Units** - The Planning Board, in its discretion, may approve one or more of the following methods, or any combination thereof, for the provision of affordable housing units for a development that is subject to this sub-section, provided that in no event shall the total number or value of affordable housing units, land area or cash payments provided be less than the equivalent number or value of affordable **housing** units required by this sub-section.

a) *On-Site* - The affordable housing units may be constructed or rehabilitated on the locus of the development. ~~subject to the special permit;~~

b) *Off-Site* - Affordable housing units may be provided on a locus different than that of the development. ~~subject to the special permit.~~ The Planning Board, in its discretion, may allow a developer of non-rental dwelling units to develop, construct or otherwise provide affordable **housing** units equivalent to those required by this sub-section in an off-site location(s) in the Town of Medway, provided the applicant demonstrates to the satisfaction of the Planning Board that the alternative location(s) better meets the needs of the Town with respect to the provision of affordable housing. The location(s) of the off-site affordable housing units shall be approved by the Planning Board and specified in the special permit decision.

The Planning Board shall evaluate proposed off-site locations according to the following criteria:

- 1) Whether the off-site **affordable housing** unit(s) help preserve existing housing stock;
- 2) Whether the off-site location promotes geographic diversity of affordable housing units within the community.
- 3) Whether the off-site **affordable housing** unit(s) are compatible with the neighborhood where such would be located.
- 4) The proximity, concentration and zoning of other affordable housing units within the immediate vicinity of the proposed location.

Preservation of existing dwelling units in Medway to be used as affordable housing units may be accomplished through the purchase of deed restrictions and provision of funding for the rehabilitation of such units equal to or greater than the value of on-site development and construction of affordable **housing** units.

All requirements of this sub-section that apply to on-site provision of affordable housing units shall apply to the provision of off-site affordable housing units.

- c) *Donation of Land* - In the event the Planning Board determines that **the required** affordable housing cannot be produced pursuant to a) and b) above, an applicant may make a donation **in fee simple** of **off-site** land to the *Medway Affordable Housing Trust Fund*, if and when said Fund is established pursuant to M.G.L. chapter 44, section 55c, or another legally created account or organization for the development and preservation of affordable housing in Medway as may be approved by the Planning Board. Such donations of land ~~in fee simple, on or off site,~~ are acceptable only when **the recipient organization agrees to such donation and** the Planning Board, in its sole discretion, determines that:

- 1) the land is suitable for the construction of at least the number of affordable housing units necessary to meet the requirements of this sub-section, either by itself or in combination with the other methods herein; and
- 2) its value is equal to or greater than the number of affordable housing units required times the *Equivalent Affordable Housing Unit Value*,

The Planning Board may require, prior to accepting land as satisfaction of the requirements of this sub-section, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. The appraiser shall be mutually agreed upon by the Planning Board and the applicant. The expense of the appraisal shall be borne by the developer/applicant.

**Any such land donation shall be made prior to the issuance of any building permit for the development or prior to the sale of any lots, if applicable.**

- d) *Payment in Lieu of Direct Provision of Affordable Housing Units* – In the event the Planning Board determines that affordable housing cannot be produced pursuant to paragraph 7 a), b) or c), an applicant for a development subject to the provisions of this sub-section may, in lieu of producing affordable **housing** units, ~~pursuant to paragraph 5 herein,~~ contribute an equivalent cash payment to the *Medway Affordable Housing Trust Fund*, if and when said Fund is established pursuant to M.G.L. c. 44, s. 55C, or to another legally created account or organization to be used to develop or preserve affordable housing in Medway as may be approved by the Planning Board.

- 1) For each affordable **housing** unit not provided through one or a combination of the methods specified in paragraph 7 a) through c), the payment shall be an amount equal to the number of affordable **housing** units required by this subsection multiplied by the calculated *Equivalent Affordable Housing Unit Value* for that development.
  - 2) The methodology used to determine an affordable purchase price shall comply with the *Local Initiative Program* guidelines in effect at the time an application for **the Affordable Housing** special permit is filed.
  - 3) The assumptions used to determine an affordable purchase price, including but not limited to minimum down payment, mortgage interest rate, term, closing and other costs shall be consistent with first-time homebuyer mortgage products available from commercial lending institutions located in or serving Medway at the time of application for a **the Affordable Housing** special permit, all in accordance with the *Rules and Regulations* adopted by the Planning Board and filed with the Town Clerk, and the requirements of *DHOD*.
  - 4) Schedule for payment in lieu of ~~Payments in lieu of~~ shall be made according to the schedule set forth in paragraph ~~11~~ **9** herein.
- e) **Combination of alternatives - The applicant may offer, and the Board may approve the acceptance of any combination of the alternatives of providing affordable housing units provided that in no event shall the net result of the combination provided be less than the equivalent number or value of affordable housing units required by this sub-section.**
- e) f) Donations of land and/or buildings or cash contributions made to pursuant to paragraph 7 c. and d. herein shall be used only for purposes of providing affordable housing in Medway for low or moderate income households. Using these contributions and donations, affordable housing may be provided through a variety of means, including but not limited to the provision of favorable financing terms, subsidized prices for purchase of sites, or affordable units within larger developments.

~~10.~~ **8. Provisions Applicable to Affordable Housing Units (On and Off Site)**

- a) ~~Partial Units~~ In the instance when the provision of affordable units required by paragraph 6.4 b) (1) produces a requirement for a percentage of an affordable lot or unit, **the percentage shall be rounded up to the nearest whole number. For example, a development proposing a total of eight lots or units requires 8 affordable housing units; accordingly, the number of required affordable housing units is rounded up to one. A development proposing a total of fourteen lots or units requires 1.4 affordable housing units; therefore the number of required affordable housing units is rounded up to two.** the partial affordable lot or unit shall be provided as follows: **See Figure 1.**
- 1) ~~For any development of seven (7) six (6) or more lots or units, any percentage of a lot or dwelling unit shall be rounded up to the nearest whole number. For example, a development proposing a total of nine (9) lots or units requires 1.35 affordables; accordingly, the number of required affordables is rounded up to two (2). A development proposing a total of eighteen (18) lots or units requires 2.7 affordables; therefore the number of affordables is rounded up to three (3).~~

- 2) For any development of 3-6 lots or units, the affordable lots or units shall be provided by:
- a. ~~rounding up to one (1); or~~
  - b. ~~by making a cash payment equal to the corresponding proportion of the per unit amount established in paragraph 9. d) (1) or (2). For example, for a 5 unit development, the applicant would be required to provide .75 affordable units. In this instance, the applicant could provide a cash payment to the Medway Affordable Housing Trust Fund, if and when said Fund is established pursuant to M.G.L. c. 44, s. 55c, or to another legally created account or organization to be used to develop or preserve affordable housing in Medway, in an amount equal to equal to 75% of the amount established in paragraph 9 d) 1) or 2).~~

- b) a) *Siting of affordable housing units* – All affordable housing units constructed or rehabilitated under the provisions of this sub-section shall be:
- 1) situated throughout the development or the building(s) in a development so as to not be in less desirable locations than market-rate units; and
  - 2) shall on average, be no less accessible to public amenities, such as open space, as the market-rate units.

**When an Affordable Housing special permit is applied for**, the location of the affordable housing units **to be provided on site** shall be identified on a plan during the public hearing process and specifically referenced in the special permit decision. **When an Affordable Housing special permit is not needed, the location of the affordable housing units shall be identified in the plans submitted to the Town for any other required permit.**

- e) b) *Minimum design and construction standards for affordable housing units* – Affordable housing units within market rate developments shall:
- 1) be integrated with the rest of the development and the exterior shall be of compatible design, appearance, character, construction and quality of materials with the market rate units; **this shall include the provision of a garage for each affordable housing unit if the market rate units have a garage.**
  - 2) be designed so as to not be obviously identifiable by a visitor as being affordable by their exterior appearance;
  - 3) comply in all respects to the minimum design and constructions standards set forth in the Local Initiative Guidelines by DHCD, July 1996, or as amended pertaining to the interior features of affordable dwelling units; and
  - 4) have a minimum size of 1500 square feet **of living area** and **at least three (3)** bedrooms for single family detached houses and **a minimum size of 1200 square feet of living area** and **at least two (2)** bedrooms for attached or multifamily units, excluding basement space. Notwithstanding the preceding, in no case shall the affordable **housing** units be required to be larger or have more bedrooms than the market rate units of the development. Existing units that are purchased and resold or rented as affordable **housing** units with an appropriate deed restriction to satisfy the affordable housing requirement may be smaller.

- d) c) *Rights and Privileges* – The owners and tenants of market-rate dwelling units and the owners and tenants of the affordable housing units shall have the same rights and privileges to access any amenities available in the development.
- e) d) *Marketing Plan for Affordable Housing Units* - The selection of qualified purchasers or qualified renters shall be carried out under a marketing plan submitted by the applicant and approved by the Planning Board after consultation with the Medway Affordable Housing Committee **and/or the Medway Affordable Housing Trust**. The duration and design of the marketing plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units. The marketing plan shall include a description of the lottery or other process to be used for selecting buyers or tenants. The marketing plan must describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen, in a manner that complies with the non-discrimination in tenant or buyer selection guidelines of the program qualifying dwelling units for inclusion on the *Subsidized Housing Inventory*.
- f) e) Developers may sell affordable units to the Town of Medway, the Medway Housing Authority, **the Medway Affordable Housing Trust** or to any non-profit housing development organization identified by the Medway Affordable Housing Committee as serving the Town of Medway, in order that such entity may carry out the steps needed to market the affordable housing units and manage the choice of buyers.
- g) f) In no event shall the sales price or monthly rent of an affordable housing unit exceed the sales price or monthly rent of a unit that would be eligible for listing on the Subsidized Housing Inventory and each **affordable housing** unit shall be subject to an *Affordable Housing Restriction*.

9. *Timing of Construction*

- a) Affordable housing units on or off site shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable **housing** units be **delayed** beyond the schedule below. Fractions of units shall not be counted.

<i>MARKET-RATE UNIT %</i>	<i>AFFORDABLE HOUSING UNIT %</i>
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%

- b) Certificates of occupancy for any market-rate housing units shall be issued at a ratio of certificates of occupancy for required affordable housing units or fees paid in lieu of units in accordance with the schedule above.
- e) ~~Pertaining to the donation of a parcel(s) of land in lieu of providing affordable units in accordance with the schedule above, the Planning Board shall determine the timing of the donation in relation to the issuance of certificates of occupancy for the market-rate housing units.~~

- a) **c)** In the case of cash payments being made in lieu of providing affordable units, the following methods of payment may be used at the option of the applicant:
  - 1) 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,
  - 2) 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,
  - 3) a combination of the above methods as may be approved by the Planning Board.
- e) **d)** In no case shall a building permit for the last market rate dwelling unit in the development be issued prior to the issuance of the building permit for the last affordable dwelling **housing** unit.

~~12.~~ **10. Affordable Housing Special Permit Approval Requirements** - The Planning Board shall consider the following factors in determining whether to approve or deny a special permit under the provisions of this sub-section.

- a) whether the applicant has conformed to the provisions of paragraph ~~10. 8~~ herein and will deliver the affordable housing units;
- b) whether the proposed development site plans designed in its site allocation, proportions, orientation, materials, landscaping and other features as to provide a stable and desirable character complementary to and integral with the site's natural features; and
- c) whether the development, density increase or relaxation of zoning standards has a material, detrimental effect on the character of the neighborhood or the Town.

~~13.~~ **11. Preservation of Affordability, Restrictions on Resale**

- a) Each Affordable Housing Unit created in accordance with this sub-section shall be subject to an *Affordable Housing Restriction* or regulatory agreement that contains limitations on use, resale and rents. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for income qualified households in the future. The affordable housing restriction or regulatory agreement shall:
  - 1) meet the requirements of the Town of Medway and the program (s) qualifying the affordable dwelling units for inclusion on the *Subsidized Housing Inventory*;
  - 2) be enforceable under the provisions of M.G.L. c.184 and shall be in force in perpetuity, or for the maximum period allowed by law. The affordable housing restriction shall meet the requirements of the *Local Initiative Program*; and
  - 3) be recorded at the Norfolk County Registry of Deeds.
- b) The applicant shall comply with the mandatory provision of Affordable Housing Units and accompanying restrictions on affordability, including the execution of the *Affordable Housing Restriction* or regulatory agreement. The Building Inspector shall not issue an occupancy permit until the deed restriction is recorded.
- c) All documents necessary to ensure compliance with this sub-section shall be subject to the review and approval of the Planning Board and Town Council. ~~Such documents shall be~~

~~executed and recorded simultaneous to the recording of the definitive subdivision plan or special permit.~~

- d) *Resale price* – Sales beyond the initial sale to a qualified income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the affordable housing restriction or regulatory agreement. For example, if a unit appraised for \$300,000 is sold for \$225,000 because of these provisions, it has sold for seventy-five percent (75%) of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is \$325,000, the unit may be sold for no more than \$243,750, or seventy-five percent (75%) of the current appraised value. Notwithstanding the foregoing, the resale price of an affordable unit shall in no event exceed that amount which will require a household earning eighty percent (80%) of the most recent area median income number, as published by the U.S. Department of Housing and Urban Development and adjusted for the household size that corresponds with the number of bedrooms in the affordable unit, to spend a maximum of thirty percent (30%) of the household's annual income on housing costs. Housing costs shall include principal, interest, property tax, insurance payments, and association or condominium fees.
- e) *Right of first refusal to purchase* - The purchaser of an Affordable Housing Unit produced as a result of this sub-section shall agree to execute a deed rider prepared by the Town, granting, among other things, the municipality's right of first refusal for a period not less than the maximum period allowable under guidelines set by *DHCD* for Local Initiative Units, to purchase the property or assignment thereof, in the event that, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.

~~14.~~ **12. Rules and Regulations** – Upon approval of these provisions by Town Meeting, the Planning Board shall adopt and maintain *Affordable Housing Rules and Regulations*, after holding a public hearing on the same, that contain the necessary policies, procedures and requirements to implement the provisions of this sub-section including but not limited to submission requirements and procedures, minimum requirements for a marketing plan, local preference criteria, criteria for approval of off-site locations, methods of setting the maximum affordable sale price or rent, verification of maximum household income, and any other documentation required to qualify the affordable housing units for listing on the Chapter 40B *Subsidized Housing Inventory*.

~~15.~~ **13. Conflict with other Bylaws** – The provisions of this sub-section of the Zoning Bylaw shall be considered supplemental to other portions of the Zoning Bylaw. To the extent that a conflict exists between this sub-section and other parts of the Zoning Bylaw, the more restrictive provisions shall apply.

~~16.~~ **14. Severability** – If any provision of this sub-section of the Zoning Bylaw is declared to be invalid by a court of competent jurisdiction, the remainder of the Zoning Bylaw shall not be affected thereby and shall continue to be in full force and effect.

*(Sub-Section X. Affordable Housing was added June 2, 2008)*



**The Chart Below is for Informational Purposes Only and pertains to affordable housing units constructed pursuant to SECTION V. Sub-Section X. Affordable Housing, Paragraph 9 a) only.**

<b>Proposed # of Dwelling Units</b>	<b>Required # of Affordable Dwelling Units to be Provided Based on 15% (rounded up)</b>	<b># of Additional Market-Rate Units Allowed as a Density Bonus</b>	<b>Total # of Market-Rate and Affordable Dwelling Units</b>	<b>Overall Affordable % Achieved</b>
3	.45 > 1	+1	4	25%
4	.6 > 1	+1	5	20%
5	.75 > 1	+1	6	16.7%
6	.9 > 1	+1	7	14.3%
7	1.05 > 2	+2	9	22.2%
8	1.2 > 2	+2	10	20%
9	1.35 > 2	+2	11	18.2%
10	1.5 > 2	+2	12	16.7%
11	1.65 > 2	+2	13	15.4%
12	1.8 > 2	+2	14	14.3%
13	1.95 > 2	+2	15	13.3%
14	2.1 > 3	+3	17	17.7%
15	2.25 > 3	+3	18	16.7%
16	2.4 > 3	+3	19	15.8%
17	2.55 > 3	+3	20	15%
18	2.7 > 3	+3	21	14.3%
19	2.85 > 3	+3	22	13.6%
20	3 > 3	+3	23	13%
25	3.75 > 4	+4	29	13.8%
30	4.5 > 5	+5	35	14.3%
35	5.25 > 6	+6	41	14.6%
40	6 > 6	+6	46	13%
45	6.75 > 7	+7	52	13.46%
50	7.5 > 8	+8	58	13.8%

**FIGURE 1 - The Chart Below is for Informational Purposes Only and pertains to affordable housing units constructed pursuant to SECTION V. Sub-Section X. Affordable Housing, Paragraph 6 a) only.**

A <i>Net increase in Number of Lots or Dwelling Units</i>	B <i>Required # of Affordable Dwelling Units to be Provided Based on 10% of A (rounded up)</i>	C <i># of Additional Market Rate Units Allowed as a Density Bonus based on +.5 market rate unit for every 1 required affordable unit (rounded up)</i>	D <i>Total # of Market Rate and Affordable Dwelling Units (A + C)</i>	E <i>Overall Affordable % achieved based on the number of affordable units as a % of the total # of units (B/D)</i>
6	.6 rounds up to 1	+.5 rounds up to 1	7	14.3%
7	.7 rounds up to 1	+.5 rounds up to 1	8	12.5%
8	.8 rounds up to 1	+.5 rounds up to 1	9	11.1%
9	.9 rounds up to 1	+.5 rounds up to 1	10	10%
10	1	+1	11	9.1%
11	1.1 rounds up to 2	+1	12	16.7%
12	1.2 rounds up to 2	+1	13	15.4%
13	1.3 rounds up to 2	+1	14	14.3%
14	1.4 rounds up to 2	+1	15	13.3%
15	1.5 rounds up to 2	+1	16	12.5%
16	1.6 rounds up to 2	+1	17	11.8%
17	1.7 rounds up to 2	+1	18	11.1%
18	1.8 rounds up to 2	+1	19	10.5%
19	1.9 rounds up to 2	+1	20	10%
20	2	+1	21	9.5%
21	2.1 rounds up to 3	+1.5 rounds up to 2	23	13%
22	2.2 rounds up to 3	+1.5 rounds up to 2	24	12.5%
23	2.3 rounds up to 3	+1.5 rounds up to 2	25	12%
24	2.4 rounds up to 3	+1.5 rounds up to 2	26	11.5%
25	2.5 rounds up to 3	+1.5 rounds up to 2	27	11.1%
26	2.6 rounds up to 3	+1.5 rounds up to 2	28	10.7%
27	2.7 rounds up to 3	+1.5 rounds up to 2	29	10/3%
28	2.8 rounds up to 3	+1.5 rounds up to 2	30	10%
29	2.9 rounds up to 3	+1.5 rounds up to 2	31	9.7%
30	3	+1.5 rounds up to 2	32	9.4%
35	3.5 rounds up to 4	+2	37	10.8%
40	4	+2	42	9.5%
45	4.5 rounds up to 5	+2.5 rounds up to 3	48	10.4%
50	5	+2.5 rounds up to 3	53	9.4%

## Accessory Family Dwelling Units

2-10-2012

ARTICLE : To see if the Town will vote to amend the Medway Zoning Bylaw by adding Sub-Section L. Accessory Family Dwelling Units to SECTION V. USE REGULATIONS as follows:

1. **Purpose - To facilitate assistance within families in providing for the tasks of daily living such as, but not limited to, activities necessary to maintain good health, meal preparation, child care, household and yard maintenance tasks, transportation or other activities of daily living.**
2. An accessory family dwelling unit ~~in a single family dwelling is~~ **may be** authorized by special permit ~~only, from the Zoning Board of Appeals.~~ The special permit must be recorded prior to the issuing of an occupancy permit. Upon transfer **or conveyance of the property**, the special permit shall become null and void. ~~An accessory use in a single family dwelling is subject to the following conditions:~~
3. An accessory family dwelling unit **in a single-family dwelling** is subject to the following conditions:
  - a) The single-family dwelling or accessory family dwelling shall be occupied by the owner of the premises. For the purpose of this section, the "owner" shall be one or more individuals who hold legal or beneficial title to the premises and for whom the premises is the primary residence ~~for voting and tax purposes.~~
  - b) The accessory family dwelling unit only may be occupied by the following family members: mother/father, mother-in-law/father-in-law, son/daughter, son-in-law/daughter-in-law, sister/brother, sister-in-law/brother-in-law, grandmother/grandfather, step-mother/step-father, step-son/step-daughter, step-sister/step-brother, step-grandmother/ step-grandfather. A notarized statement of the relevant relationship shall be provided to the Inspector of Buildings prior to the issue of a certificate of occupancy for the accessory family dwelling unit.
  - c) There shall not be more than one bedroom in the accessory family dwelling unit.
  - d) The accessory family dwelling unit shall have an exterior design such that the ~~structure is not changed from~~ **premises has** the character of a single-family dwelling.
  - e) There shall be no additional driveway or curb cut providing access to the ~~accessory family dwelling unit premises.~~ **All parking to be off-street. At least one off-street parking space shall be provided for the accessory family dwelling unit.**
  - f) A certificate of occupancy for the accessory family dwelling unit is required, and shall be issued to the owner only, and is not transferable. A certificate of

occupancy for an accessory family dwelling unit shall expire not more than three years after the date of issue. Upon transfer of ownership of the premises, the certificate of occupancy for the accessory family dwelling unit shall be null and void.

- g) **Only one accessory family dwelling unit may be allowed per premises.**

**DRAFT**

**Revised draft – 2-8-2012**

**With proposed revisions to reflect new flood plain maps and further recommendations from Mass DCR**

***Q. FLOOD PLAIN/WETLAND PROTECTION DISTRICTS***

1. ***Purpose:*** In addition to the purpose in Section 1 of this Bylaw, the purposes of this district are:
  - a) To provide that lands in the Town of Medway subject to seasonal or periodic flooding as described hereinafter shall not be used for residences or other purposes in such a manner as to endanger the health or safety of the occupants thereof, or the public generally, or to burden the public with costs ***associated with the response and cleanup of flooding conditions*** resulting from the unwise individual choices of land use.
  - b) To protect, preserve and maintain the water table and water recharge areas within the town so as to preserve present and potential water supplies for the public health and safety of the Town and the Metropolitan area.
  - c) To assure the continuation of the natural flow pattern of the watercourses within Medway and to preserve natural floodwater storage areas so as to protect persons and property against the hazards of flood inundation ***and reduce damage to public and private property resulting from flooding waters.***
  - d) ***To avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact areas of the community beyond the site of flooding.***
  
2. ***Flood Plain/Wetland Protection District:*** The Flood/Plain/Wetland Protection District is hereby established as an overlay district. The Flood Plain/Wetland Protection District includes:
  - a) ~~The Flood Plain/***Wetland Protection*** District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain/***Wetland Protection*** District includes~~
  
  - a) All special flood hazard areas designated as Zone A ***or AE A1-30*** on the Medway Norfolk County Flood Insurance Rate Map (FIRM) ***issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. 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 to take effect 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) dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and*** and the Flood Boundary and Floodway Maps dated June 18, 1980 on file with the Town Clerk, Planning ***and Economic Development Board, Conservation Commission, Building Department and Board of Assessors. Town Engineering Department. These maps as well as the accompanying Medway Flood Insurance Study are incorporated herein by reference.***

- b) All that land bordering any natural waterbody that lies within a horizontal distance of twenty-five (25) feet from the mean high water line except as otherwise defined on the Flood Plain/Wetland Protection District Map.
- c) All water bodies encircled by boundary lines of the District.
- d) 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 (25) feet of the thread of said brooks and streams except as otherwise defined on the Flood Plain/Wetland Protection District Map.
- e) 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.

### 3. **Base Flood Elevation and Floodway Data**

- a) ***Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.***
- b) ***Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.***

### 3.4. **Use Regulations:**

- a) The Flood Plain/Wetland Protection District ~~is an overlay district to all shall be considered as overlying~~ other districts established by this Bylaw. ***The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains. Any uses permitted in the portion of the districts so overlaid shall be permitted except that:***
  - 1) No new building or structure shall be erected or constructed;
  - 2) No existing building or structure shall be moved, altered or enlarged so as to increase its ground coverage by more than a total of twenty (20) percent; and
  - 3) No dumping or filling or relocation of earth materials shall be permitted except as may be required for the uses permitted in paragraphs b. (7) and (8) below.
  - 4) No storage of road salt, fertilizer, manure or other organic or chemical leachable material shall be permitted.
- b) In addition, the following uses shall be permitted in the Flood Plain/Wetland Protection District subject specifically to paragraphs 4 3, a)'1 1, 2, 3 and 4 above, above as applicable provided that prior approval of the Conservation Commission under the provisions of the General Laws, Ch. 131, S. 40 has been given.
  - 1) Uses directly related to the conservation of water, plants and wildlife.
  - 2) Outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted.

- 3) Wildlife management areas, landings, foot, bicycle and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any water course.
- 4) Grazing and farming, including truck gardening and harvesting of crops.
- 5) Forestry and nurseries.
- 6) Small non-residential structures of less than 100 square feet of floor area used in connection with recreation or the growing, harvesting, storage or sale of crops raised on the premises.
- 7) Creation of ponds with a total water surface area at normal elevation not in excess of 40,000 square feet.
- 8) Removal of salt and other accumulated debris from a water course which tends to interfere with natural flow patterns of the water course.
- 9) Access driveways to land outside the Flood Plain/Wetland Protection District not otherwise accessible.
- 10) ***Buildings lawfully existing prior to the adoption of these provisions.***

c) ***All development in the district including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:***

- 1) ***Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;***
- 2) ***Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);***
- 3) ***Inland Wetlands Restriction, DEP (currently 310 CMR 13.00).***
- 4) ***Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).***

***Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.***

d) ***Other Use Regulations***

- 1) ***In Zone AE, along watercourses that have a regulatory floodway designated on the Norfolk County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.***
- 2) ***All subdivision proposals must be designed to assure that:***
  - a. ***such proposals minimize flood damage;***
  - b. ***all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and***
  - c. ***adequate drainage is provided to reduce exposure to flood hazards.***
- 3) ***Existing contour intervals of site and elevations of existing structures must be included on plan proposal.***

4.5. ***Lot Area Allowance:*** If any area of a lot in a single family residence district is overlaid by the Flood Plain/Wetland Protection District, said portion may be used to meet the area regulations of that district provided that no building or structure may be erected on the portion remaining outside the Flood Plain/Wetland Protection District unless appropriate space on that portion is available for siting a building or structure, for installation of adequate sewage disposal facilities in accordance with Article XI of the State Sanitary Code and for meeting the setback, frontage and other dimensional requirements in this Bylaw , but in no case less than 10,000 square feet.

A lot with a dwelling existing thereon at the time of the adoption of this Bylaw shall not be deemed a non-conforming lot because any portion of it lies within the Flood Plain/Wetland Protection District.

If any portion of a lot in a commercial or industrial district is overlaid by the Flood Plain/Wetland Protection District, any use of the lot shall require a special permit from the Board of Appeals.

5.6. **Boundary Line Plot Plan:** Whenever an application is made for a building permit which the Building Inspector believes may be affected by a Flood Plain/Wetland Protection District boundary, the Inspector shall require the applicant for such permit to provide as part of such application a plan, certified by a registered land surveyor, of the lot on which such building is intended to be built showing the exact location of the District boundary as described on the Zoning Map, "Flood Plain/Wetland Protection District, Medway, Mass. 1975" and in paragraph 2 herein. In the case of a building permit for an interior improvement to a building or structure where the outside dimensions and the total ground coverage are not to be increased, the boundary line location shall not be required.

6-7. **Determination of Flooding and Suitability:** If any land in the Flood Plain/Wetland Protection District is proven to the satisfaction of the Board of Appeals as being in fact not subject to flooding or not unsuitable because of drainage conditions for a use or structure which would otherwise be prohibited by this section, and the Board of Appeals determines that the use of such land for such use or structure will not interfere with the general purposes for which the District has been established, and will not be detrimental to the public health, safety and/or welfare, the Board of Appeals may grant a special permit for such use or structure which will comply with all respects with all other provisions of the underlying District or Districts within which the land is located, provided that any and all necessary permits, orders or approvals required by local, State or Federal law are obtained. The Board of Appeals shall refer each question to the Planning Board, Conservation Commission and Board of Health and shall not act until these agencies have reported their recommendations or 45 days have elapsed after such referral and no report have been received.

7-8. **Special Permit Requirements:** Any other Bylaw or regulation to the contrary notwithstanding, no construction requiring any utility, including electric, water, gas and telephone lines or waste disposal or drainage facilities shall be permitted within the District unless the Board of Appeals shall determine that all utilities are located, elevated and constructed so as to minimize or eliminate flood damage and that methods of disposal of sewage, refuse and other wastes and methods of providing drainage are adequate to reduce flood hazards.

8. 9. If the Conservation Commission shall determine it necessary to require engineering, hydrological, or general site review in order to make an informed decision on the applicability of wetlands regulations to a given site, it may require the applicant to undertake the needed investigation. No such study shall be initiated until the applicant has provided written guarantee to the Commission that he/she will assume responsibility for its costs and terms of payment. The selection of a consultant for the study shall be subject to the approval of the Commission.

Any permit or Order of Condition issued under this requirement shall be released to the applicant only after receipt from the consultant of acknowledgment of payment or other satisfactory arrangement.

This requirement shall apply only to those projects or sites which the Conservation Commission shall determine to have a potentially significant impact upon the environment.

10. **Notification of Watercourse Alteration – In a riverine situation, the applicant shall notify the following of any alteration or relocation of a watercourse:**



- a) *Adjacent Communities*
- b) *NFIP State Coordinator*  
*Massachusetts Department of Conservation and Recreation*  
*251 Causeway Street, Suite 600 - 700*  
*Boston, MA 02114-2104*
- c) *NFIP Program Specialist*  
*Federal Emergency Management Agency, Region 1*  
*99 High Street, 6<sup>th</sup> Floor*  
*Boston, MA 02110*

11. *In this sub-section, the words used shall be defined as follows:*

**AREA OF SPECIAL FLOOD HAZARD** *is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.*

**BASE FLOOD** *means the flood having a one percent chance of being equaled or exceeded in any given year.*

**DEVELOPMENT** *means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.*

**DISTRICT** *means floodplain district.*

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** *administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.*

**FLOOD INSURANCE RATE MAP (FIRM)** *means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.*

**FLOOD INSURANCE STUDY** *means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.*

**FLOODWAY** *means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.*

**LOWEST FLOOR** *means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.*

**NEW CONSTRUCTION** *means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction"*

*commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.*

*ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.*

*REGULATORY FLOODWAY - see FLOODWAY*

*SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.*

*STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.*

*SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.*

*SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.*

*ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.*

*ZONE A1-30 and ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.*

*ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.*

# Suggestions/Recommendations for Zoning Bylaw Amendments (Sign Regulations) from the Medway Design Review Committee

2-14-2012

## Existing Text

2) *Internal* – Artificial illumination from a light source located behind the sign face and which transmits or allows light to pass through the front of the sign face or portions of the sign face to the viewer, e. g. exposed neon tubing and individually illuminated channel letters.

## Proposed

*Internal* – A sign with a translucent surface that is illuminated by an internal light source behind the face of the sign, such as translucent panels, canvas or other fabric, letters, devices or other similar components to create an image by allowing light to pass through the sign face or portions of the sign face, e.g. individually illuminated channel letters

\*\*\*\*\*

## Existing Text

***Prohibited Signs:*** Any sign not expressly permitted under this Bylaw, or exempt from regulation as specified in Paragraph 5 is prohibited. Prohibited signs include, but are not limited to . . . . .

## Proposed

***Prohibited Signs:*** Any sign not sign not specifically identified in the table section r-4/N under this Bylaw, or exempt from regulation as specified in Paragraph 5 is prohibited. Prohibited signs include, but are not limited to . . . . .

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**PGC ASSOCIATES, INC.**

1 Toni Lane  
Franklin, MA 02038-2648  
508.533.8106  
508.533.0617 (Fax)  
gino@pgcassociates.com

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**MEMO TO:** Susy Affleck-Childs

**FROM:** Gino D. Carlucci, Jr.

**DATE:** February 11, 2012

**RE:** Comments on proposed new formulas for OSRD and affordable housing

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I reviewed the three recent OSRD projects and recalculated both the maximum number of units based on the proposed new formula and the number of affordable, and hence bonus, units associated with each project.

For Pine Ridge, the plans did not clearly indicate the areas of wetland resource areas so I was unable to recalculate those numbers. However, as indicated on the chart, at the time the project was approved, the formula indicated that 23 units could be developed and 20 were proposed. The affordable housing requirements were not yet in effect so that was not a factor. When I tried to calculate the number of units using a variety of assumptions, the number I got exceeded 23 so my assumptions were obviously incorrect.

Regarding Williamsburg, the proposed formula has no effect on the base number of units because there is no easement area to deduct from TA so TA and PDA are identical in this case. However, the proposed affordable housing formula does have an impact on the number of required units. Since the required minimum is reduced to 10%, only 2 affordable units would have been required and since only a single bonus market rate unit would have been granted, the total number of allowed units would have been 18 instead of 20. However, since the applicant proposed 18 units, the result would have been the same number of units but one less affordable unit.

On Charles River Village, again the base number of units would have been unaffected. This is due, in part, to the fact that the easement area that would have been deducted lies almost entirely within the resource area so deducting it from the total area had little effect. However, again the proposed affordable housing formulas would have an impact. The number of affordables (at 10%) would remain at 2 because the 10% of 11 is 1.1 which would round up to 2. There would then be only a single bonus market rate unit instead of 2, which brings the total number of units to 12 instead of 13.

## OSRD DEVELOPMENTS

### UNIT CALCULATIONS UNDER ALTERNATIVE FORMULAS

	<b>PINE RIDGE*</b>	<b>WILLIAMSBURG</b>	<b>CHARLES RIVER VILLAGE</b>
A. Existing OSRD Formula <sup>1</sup>	23	17	11
B. Existing AH Bonus Formula <sup>2</sup>	Not Applicable	3	2
<b>Total (A+B)</b>	<b>23</b>	<b>20</b>	<b>13</b>
<b>Actual Approved</b>	<b>20</b>	<b>18</b>	<b>13</b>
C. Proposed OSRD Formula <sup>3</sup>		17	11
D. Existing AH Bonus Formula <sup>2</sup>		3	2
<b>Total (C+D)</b>		<b>20</b>	<b>13</b>
E. Proposed AH Bonus Formula <sup>4</sup>		1	1
<b>Total (C+E)</b>		<b>18</b>	<b>12</b>

\*Insufficient area data was available to recalculate this project. Figures shown for existing are based on what was shown in decision and on plans.

<sup>1</sup> Existing OSRD Formula: Max. Units = 
$$\frac{TA - (.5 \times WA) - (.1 \times TA)}{\text{Min. Lot Area}}$$

<sup>2</sup> One bonus market for each affordable unit

<sup>3</sup> Proposed OSRD Formula: Max. Units = 
$$\frac{PDA - (.5 \times WA) - (.1 \times PDA)}{\text{Min. Lot Area}}$$

<sup>4</sup> One bonus market rate for each two affordable units, with both calculated number of affordables and calculated bonus units rounded up in the case of fractions.

TA = Total Area    WA = Resource Area    PDA = TA – easement area

# Ideas for Additional Zoning Bylaw DEFINITIONS for May 2012 town meeting

Revised 2-10-2012/sac

## SECTION II.

- Lot Area* The total area within the lots lines of a lot, excluding any street rights-of-way.
- Lot Coverage* That portion of the lot that is covered by buildings/structures including accessory buildings. Lot coverage shall be determined by dividing the area of the footprint of all building on a lot by the total lot area.
- Lot Frontage* The length of a lot line(s) measured at the street right-of-way line
- Lot Line* A line of record bounding a lot that divides one lot from another lot, or from a way or any public space.
- The existing definition in the Medway Zoning Bylaw is: The established division line between lots or between a lot and the street.*
- 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 frontage street.
- Lot Line, Side* Any lot line other than a front or rear lot line.
- Lot Line, Street* A lot line separating a lot from a street right-of-way
- Retail Sales* Establishments engaged in the buying, receiving, selling and renting of goods or merchandise to the general public and which may include the rendering of associated services incidental to the sale of such goods or merchandise. Said merchandise being offered shall be stocked and displayed primarily within the building.
- Retail Sales, Outdoors* Retail sales establishments where the display of products occurs primarily outside of a building or structure, including but not limited to automotive and recreational

vehicles, boats, garden supplies, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yard.

*Services* Establishments engaged primarily in providing assistance, as opposed to providing products, to individuals or businesses and other enterprises, including but not limited to business, social, personal and educational services.

*Setback* The distance between a structure and any lot line.

*Common Driveway* A privately owned road, paved or not, providing vehicular access between two or more buildings and a street. A common driveway does not serve as legal frontage for a lot.

*Contractor's Yard* An area on a premises used for any of the following outside activities associated with the operation of a building, construction, plumbing, wiring, landscaping, excavating or other similar contracting or sub-contracting business:

1. the storage of equipment, supplies and materials;
2. the fabrication of sub-assemblies;
3. the parking of wheeled equipment;
4. the parking of 2 or more motorized vehicles with six (6) wheels or more;
5. the parking of 1 or more "commercial motor vehicles" as defined by the Massachusetts Registry of Motor Vehicles in 540 CMR 4.02.

**Delete** existing definition for *Automotive Service Station*

**Add** new definitions instead:

*Vehicular Fuel Station* – Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale of fuel for motor vehicles.

*Vehicle Repair* – Any building, land area, or other premises, or portion thereof, used for the maintenance, painting, servicing, repair, or leasing of motor vehicles.

*Frontage* That portion of a lot which fronts on a street or streets from which physical access to the principal building on the lots can be provided. Frontage is measured as the horizontal 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 way or street, the measurement on both streets may be used to determine if the lot

meets the minimum frontage requirement 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 or ways.

For purposes of this Zoning Bylaw, only sufficient frontage on one of the following types of ways shall be recognized.

- A public way or a way certified by the Town Clerk that is maintained and used as a public way
- A way shown and constructed or secured through a suitable performance guarantee as specified on a Definitive Subdivision Plan approved and endorsed under the Subdivision Control Law and recorded at the Norfolk County Registry of Deeds
- A way already physically in existence on the ground when the Subdivision Control Law became effective in Medway and having, in the opinion of the Planning and Economic Development Board, adequate width, construction, and grades for the needs of the existing and future buildings and uses abutting thereon or to be served thereby.