

March 4, 2014
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

Members	Andy Rodenhiser	Bob Tucker	Karyl Spiller-Walsh	Tom Gay	Matt Hayes	Rich Di Iulio
Attendance	X	X	X	X	X	X

ALSO PRESENT:

Susy Affleck-Childs, Planning and Economic Development Coordinator
 Amy Sutherland, Meeting Recording Secretary
 Gino Carlucci, Planning Consultant

The Vice Chairman opened the meeting at 7:00 pm and announced that Andy Rodenhiser is out of town and is participating remotely by speakerphone. He will make special effort to ask him questions and he can chime in whenever. Because of remote participation, and votes will be taken by roll call vote. Andy Rodenhiser’s Remote Participation Request was authorized by Vice-chairman Robert Tucker. **(See Attached)**.

Citizen Comments:

There were no citizen comments.

There were some boy scouts in attendance who are working to learn more about local government organizations.

A new to-do list for Millstone Village was completed. An email regarding open space restrictions needs to be completed and submitted by the Board. There will be a public open space easement and will make connection to other open space parcels. One person from open space will be designated to work with the applicant.

Liaison Rt. 109 Committee:

Member Hayes would like to serve as liaison the Rt. 109 Committee member.

On a motion made by Karyl Spiller-Walsh, and seconded by Andy Rodenhiser, the Board voted by Roll Call vote to appoint Matt Hayes as liaison to the Route 109 Committee.

Roll Call Vote:

Karyl Spiller-Walsh aye
 Tom Gay aye
 Bob Tucker aye
 Andy Rodenhiser aye

Andy Rodenhiser **aye**
Matt Hayes **aye**

Proposed Articles:

The Board is in receipt of the proposed warrant articles. (**See Attached**)

The meeting was opened to the public.

Article 30:

Chairman Buckley from Design Review Committee referenced the top of page (g).

He recommended a wording change to the second to last sentence referencing New England Architectural style for the community be strengthened.

Mr. Yorkis, 70 Independence Lane: (He represents himself)

It was suggested in same sentence referenced by Mr. Buckley, install a period. He recommends striking “the designs traditions of the community”. We do not want to replicate the design traditions in this area.

Member Spiller-Walsh provided in written copy a simpler version for 1.0. Purpose. (**See Attached**). She also suggested that economically viable be deleted.

The Chairman responded that we do not want to create policies or barriers to inhibit economic investment.

Member Tucker is comfortable will all except the language will be met.

Sue Rorke, 34 Ellis St:

This resident wanted to know what “sustainable” means.

The consultant explained that the intent is for environmental, energy and economical sustainability. This could be energy or resources.

Ms. Barrett explained that this would need to be defined within the definitions.

Paul Yorkis:

Mr. Yorkis referenced the following:

- Paragraph #2(d) and does not understand why language is in there which conflicts with existing uses. There is already an auto body which performs welding.
- Item F: Suggested word seasonal be removed;
- Item L1: Language can be reduced to “live entertainment within building” and eliminate restaurant and other establishments providing food and beverage.

Building Inspector, John Emidy:

He wanted the following issues identified:

- Question with L: (1-12) uses would require a special permit but are legally allowed now by right.
- Kennels are allowed by right in C1.

David Cole: ZBA Chairman: (speaking for self)

- Kennel in any under permit by ZBA – the way it is worded makes it seem like you need two permits one from planning Board and zoning Board of appeals. This needs to be clarified within the general language.
- Wouldn't it be simpler instead of L4 and L11 to have vehicle fuel station with or without associated convenient retail?

Susy explained that at the last years meeting we pulled the spot where the kennel is noted in a general use area and we put it in each zoning district.

Section #3:

- No comments.

Section#4:

Paul Yorkis:

- Item 4 (d): Suggest that the criteria related to the second 20 ft. may not be good for design in terms of what we are trying to encourage for street scape and location of buildings, street, parking and making it pedestrian friendly. This section needs some revision. The next 20 ft. shall be used for through traffic to adjoining lots...” may not be good design in terms of what we are trying to encourage.
- Item #4(e): Suggest the word “but” be changed to “and”.
- Item 5a (2). He is confused by 40 or 50%. This is an opportunity to create more building considering the already adopted parking changes.

The board was trying to encourage flexibility and creativity for the builder.

It was communicated that the counsel of the shopping center suggested 30%.

Consultant Carlucci thinks that she misunderstood the wording of this.

The Chairman responded if you have 50% lot coverage and some is open space/parking, it will be self-regulating. This is the commercial district. It should be appropriately dense.

Section #5:

David Cole:

- Change the spelling of principal
- Paragraph 6: last sentence is confusing about the front façade.... Regarding mechanical equipment.
- B1&2: The way those are written does not make sense; this needs to be clarified. It does not read well.
- The reading of minimum building height is confusing.

Consultant Carlucci responded that the minimum height was included to provide varied roof line and architectural interest.

Paul Yorkis:

- B (3). He is questioning why we need this. We need more intergenerational housing.
- He suggests adding a #4 for consideration relating to where there may be opportunity for single family dwelling within mixed use aspect creating a walkable community encouraging less cars. There is vacant land with potential for commercial and residential.
- E (5) suggests between “vehicular linkages between the site and abutting properties”
- The language in (Item 9) “adequately mitigated”: assumes it has a negative impact. This is not a reasonable assumption. There may not be a need for mitigation.

Consultant Carlucci responded that there is potential to allow purely residential multifamily on the edges of the districts but not in the center. Norfolk does have something called business core and outside the business core.

The goal is for mixed use.

Member Spiller Walsh indicates that on page 3 (D) review Criteria page 3. This is awkward to read. It is confusing.

David Cole:

- Under Review Criteria: This section should make it clear that the review criteria are in addition to or are replacing. He further questions why we need #3 and #6 in this section. It is very confusing.

Paul Yorkis:

- Add Item #12 under 5 review criteria whether site development considers working with the existing topography.
- Mr. Yorkis wants this article to go through for economic development purposes and to increase the towns tax base sooner rather than later. He does not want this delayed for another year. It should be moved forward with the revision.

The Board entered into the record comments from an email from Bethany A. Bartlett dated March 4, 2014. (See Attached)

Article 31:

Paul Yorkis:

- He is opposed to Article#31. It is unreasonable and bad policy to consider to this nature.

Building Inspector, John Emidy:

- He indicates that this is a good articles. Other towns have similar bylaws about the limiting the clear cutting of trees. There are blights with clear cutting. An application would need to be filed. Farmers are exempt.

Article #33:

Paul Yorkis:

- It was suggested to change the change the orders of one and two.

Article #34:

- The language of this article needs to be revised. Add language as determined by the building inspector.

School:

- The definition of school needs to be reworked.

Judi commented that she understands why this is here. For example when a definition is added you need to be careful as it goes all the way through the bylaw.

It was suggested to separate it into different classifications.

Paul Yorkis:

- Number #35 was references it was suggested to change “to conserve health” to “to enhance health”
- Number #36 change “conserve value of land “ to “ enhance value of land”
- Suggested Item 28 put in alphabetical order.

Building Inspector, John Emidy:

Concerns:

- Minor Site Plan page #2
- Definition of minor under ©.
- Page #3 Special Permit alteration: - there is no definition to alteration. This needs further clarity.
- Sidewalks section – it should not trigger site plan.
- Page 13 administrative review: The changing and now awning needs administrative review. This is subjective.

On a motion made by Andy Rodenhiser, and seconded by Matt Hayes, the Board voted by Roll Call vote to keep the hearing open to discuss this further with Affordable Housing Trust and Design Review Committee.

Roll Call Vote:

Karyl Spiller-Walsh	aye
Tom Gay	aye
Bob Tucker	aye
Andy Rodenhiser	aye

Discussion re: Zoning Bylaw with Judi Barrett

Judi Barrett from RKG Associates explained that she was hired look through bylaw to review it for structure and organization. Another task was to look at the ease of use, clarity, consistency, and potential duplication with other bylaws and regulations. She was also asked to make recommendations. She had hoped to speak with developer's to gain the applicants perspective, but unfortunately has not been able to arrange such a time. It is her recommendation to put forth the medical marijuana; but to hold off on all proposed amendments since the entire bylaw needs a comprehensive revision. This is a task that cannot be achieved with incremental changes. The foundation needs to be fixed first.

There have been 78 amendments preceded by 114 between the years of 2000-2006. This has created a bylaw that has inconsistencies and problems with definitions which are scattered without. The recommendation is to fix the foundation elements which include reformatting, reorganizing, updating language, eliminating duplication. This involves no policy level changes. The purpose is to make it easier to navigate. After the format is changes, the town can resume working on the amendments.

David Cole explained that the town has been trying to do recodification for 20 years ago and it was a disaster. We could not do it without making substantive changes. This is why it has not been done.

Doug Haven noted that the affordable housing wanted to discuss payment in lieu of but wondering if we can have a discussion of the issues.

Member Havens wanted to know when the substantive changes are made, will each of those be tracked with an appendix.

Judi explained that it was suggested to spend time in work sessions and make the scope very specific. This would happen over many working sessions. The process and any recommendations will be tracked. There would be a running record. There would be three columns, existing bylaw, what is proposed and third column with notes. This is one way of accomplishing the goal.

Susy communicated that the current bylaw does not have a use table; but prior boards have tried to include one.

Judi explained that the problem with the outline form is that it is dangerous since it allows for duplication with the language. The chart makes it clearer. This is a decision the board would have to make.

Member Gay indicated that the goal is the management of content properly. There needs to be a template which needs to be followed each time. He would not recommend tackling the change to site plan with the definitions.

Susy communicated that if we were to put something forth for May town meeting, the applicant (Rt. 109 project) is not interested in waiting for this. He will be submitting the project application in the next month.

Matt Buckley agrees with member Gay and supports going ahead with something for Commercial One for the spring town meeting.

The Chairman wanted to know what is the impact if we go ahead.

Judy responded that she does not want to step on this; but cannot think of any town that she has worked with that waiting 6 months on warrant articles really is a catastrophic. The towns have been here a very long time and trying to bet a better foundation will make it easier in the long run. Fix the foundation first.

The Chairman responded that if these changes were made last year we might be looking at a different project.

The Board is open to setting up work session times.

Affordable Housing:

Members present from Affordable Housing Trust were: Doug Havens, Ann Sherry, Teresa O'Brien, Allison Slack & Bob Ferrari.

Affordable Housing Chairman, Doug Haven wanted to discuss that the formula for in lieu of payment amount is insufficient. The goal should be unit for unit replacement instead of sum of money based on an inaccurate formula. There are a number of problems with existing formula.

Ms. Barrett explained that if the affordable housing trust wants the applicants to create the units, then make it a more preferable option than payment in lieu. The trust fund needs a management plan. The trust needs to decide what they are going to do with the money. There also needs to be a capital plan. The fee is derived from the capital plan. There also needs to be a housing plan created.

The Chairman responded that the town might have good goals but not good incentives. This needs to be relocated.

Doug Haven sometimes the ability to fill these units is an issue. He met with legislatures to see what can be done. We could develop rentals which would need a zoning change. It is mandated how we handle the 40B process. He recommends that we continue to encourage the building of ownership units. We need to enhance the marketing and help with funding with the MLS service to market. Trust is willing to put up some of the money for marketing and it was successful. We need to change the in lieu of payment formula.

Judy noted that there are lots of formulas and just get rid of the fee option in entirety.

The language in the bylaw gives to much discretion to the applicant on how the unit will be created.

Any kind of recodification for affordable housing and it needs to get done quickly. We do not have time to wait.

Design Review Committee:

Ms. Barrett indicated that she did attend a Design Review Committee meeting and was impressed with what she was. Someone came in with a sign and had designs ready. The DRC was interacting with the applicant. She has never seen this done so well. She further explains that design review boards feels frustrated since they are only able to make recommendations. There is no follow-up on how a decision was made. Design Review Committees in affluent communities tend to have greater influence since the developer is willing to put up with more to make the project work. This is still only an advisory. It might be helpful to think about joint hearings. Judi asked if the planning board gets clear recommendations from the Design Review Committee.

Matt Buckley responded that it is the communication and effectiveness that he is hoping to improve. The challenge is how to communicate our perspectives to applicants and the planning board.

The board indicated that the recommendations are clear, but we do not always agree with all of them; but there is no requirement that we have to all agree.

Susy communicated that it is now an established a practice to have the applicant go to the design review committee. She further added that the board just finished a site plan and special permit application where the applicant spent a good amount of time at Design Review. The design was a better outcome than if it had just been a site plan.

Member Hayes thinks it would be beneficial to have joint meetings to make all members aware of the issues up front. It also benefits the applicant since they see the boards and committees both working together.

Susy responded that the board is having a joint meeting with the design review committee on a new project. This is the first venture for a joint pre-application meeting. Susy responded that it is unfortunate that there is no association for design review boards to go to for support.

Susy provided Ms. Barrett with the master zoning wish list which was created by the board.

The board thanked Ms. Barrett for attending their meeting and look forward to working with her in the future.

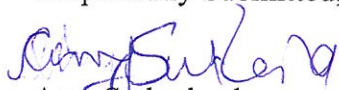
Adjourn:

On a motion made by Matt Hayes, and seconded by Karyl Spiller-Walsh, the Board voted by Roll Call vote to adjourn the meeting at 10:34 pm.

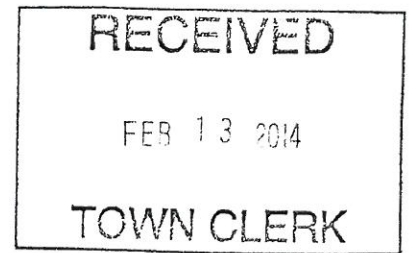
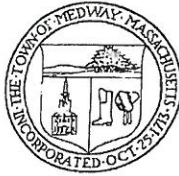
Roll Call Vote:

Karyl Spiller-Walsh	aye
Tom Gay	aye
Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye

Respectfully Submitted,



Amy Sutherland
Recording Secretary



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Cranston (Chan) Rogers, P. E.
Karyl Spiller Walsh

February 12, 2014

NOTICE OF PUBLIC HEARING
Town of Medway – Planning & Economic Development Board
Proposed Amendments to Medway Zoning Bylaw

Pursuant to the Medway Zoning Bylaw and M.G.L. Ch. 40A, Section 5, **the Medway Planning and Economic Development Board will conduct a public hearing on Tuesday, March 4, 2014 at 7:15 p.m.** at Medway Town Hall, 155 Village Street, Medway, MA to receive comments on proposed amendments to the *Medway Zoning Bylaw* (last update published November 1, 2013). The Board has submitted a series of proposed amendments to the Board of Selectmen for inclusion on the warrant for the May 12, 2014 Annual Town Meeting. The subject matter of the proposed amendments is indicated below. It is expected that the noted warrant article numbers will change as the warrant is finalized.

MEDWAY ZONING BYLAW – Proposed Amendments

ARTICLE 30: In SECTION V. USE REGULATIONS, delete Sub-Section G. Commercial District I in its entirety and replace it with a completely new Sub-Section G. Commercial District I.

ARTICLE 31: In SECTION III ADMINISTRATION, add item 3 to not allow land clearing, tree cutting, or excavation on properties prior to securing required land use permits from Town boards, committees or departments.

ARTICLE 32: In SECTION V. USE REGULATIONS, delete Sub-Section BB. Temporary Moratorium on Medical Marijuana Treatment Centers and replace it with BB. Registered Marijuana Dispensary.

ARTICLE 33: In SECTION III. ADMINISTRATION, delete Sub-Section C. Bylaw Enforcement in its entirety and replace it with a completely new Sub-Section C. Bylaw Enforcement

ARTICLE 34: In SECTION II DEFINITIONS, add definitions for *building height*, *gross floor area* and *schools*.

ARTICLE 35: In SECTION I. AUTHORITY AND PURPOSE, add text regarding energy conservation and promoting sustainability.

ARTICLE 36: In SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations, add temporary, ground installed yard/law signs to promote community/special events to the list of signs exempt from needing a permit in Paragraph 5, AND prohibit business signs affixed to utility and other types of poles/posts in Paragraph 6, AND regulate the size and location of temporary business signs in Paragraph 7.

Telephone: 508-533-3291 Fax: 508-533-3287
planningboard@townofmedway.org

ARTICLE 37: In SECTION V. USE REGULATIONS, delete Sub-Section C. Site Plan Review and Approval in its entirety and replace with a completely new Sub-Section C. Site Plan Review and Approval.

The complete text of the proposed amendments to the *Medway Zoning Bylaw* are on file with the Medway Town Clerk and the Planning and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected Monday through Thursday from 7:30 a.m. to 4:30 p.m. and Fridays from 7:30 am to 12:30 p.m. The information may also be viewed online at the Planning and Economic Development Board web page <http://www.townofmedway.org>. For further information, please contact the Planning and Economic Development office at 508-533-3291.

Interested persons or parties are invited to review the proposed amendments, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be sent to the Medway Planning and Economic Development Board, 155 Village Street, Medway, MA 02053 or emailed to: planningboard@townofmedway.org.

Andy Rodenhiser

Planning & Economic Development Board Chairman

To be published in the *Milford Daily News*:

Monday, February 17, 2014

Tuesday, February 25, 2014

ARTICLE 30:

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

G. COMMERCIAL DISTRICT I

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

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

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

- 2) Motel or hotel
- 3) Commercial indoor amusement or recreation place or place of assembly
- 4) Vehicle Fuel Station
- 5) Automotive car wash
- 6) Shopping center
- 7) Drive-thru facility
- 8) Kennel
- 9) Vehicle Repair

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

- ~~110) Assisted living residence facility as defined by M.G.L, chapter 19D.~~
- ~~211) Local Convenience Retail with Associated Vehicle Fuel Station~~
- 12) **Mixed uses including a combination of any of the by right and special permit uses and/or multi-family dwelling units**

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

2-4. **By-right uses** ~~Permitted and allowable uses~~ shall comply with the following dimensional regulations:

- a) Minimum lot size: 20,000 sq. ft.
- b) Maximum lot coverage, including accessory buildings: 30%
- c) Minimum continuous frontage: 100 ft.
- d) Minimum front-yard setback: 50 ft. of which the first 10 ft. nearest the street line shall not be used for the parking or storage of vehicles but shall be suitably landscaped, and the next 20 ft. shall be utilized for through traffic to adjoining lots unless an alternative location is approved by the Planning and Economic Development Board during the site plan review process.
- e) Minimum side-yard and rear-yard setback: 25 ft. of which the first 10 ft. nearest each lot line, if the adjacent use is residential in whole or in part, shall not be used for the parking or storage of vehicles but shall be suitably landscaped.
- f) Maximum building height: 40 ft. A height greater than 40 ft. up to a maximum of 60' may be allowed by special permit from the Planning and Economic Development Board

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

a) **Dimensional Requirements**

- 1) **Minimum lot size: 10,000 sq. ft.**
- 2) **Maximum lot coverage, including accessory buildings: 40% or 50%**

- 3) Minimum continuous frontage: 50 ft.
- 4) Minimum front-yard setback: Principle buildings shall be set back a minimum of 10 feet from the front lot line. Architectural features such as bay windows, porches, balconies, porticos, canopies, etc. shall not be subject to the 10-foot minimum setback.
- 5) Minimum side-yard and rear-yard setback: For lot lines abutting a residential zoning district, 25 ft. of which the first 10 ft. nearest each lot line shall not be used for the parking or storage of vehicles but shall be suitably landscaped. There is no side-yard or rear-yard setback for properties abutting other properties within the C1 district.
- 6) Maximum building height: 60 ft. The front façade of one-story buildings shall be at least 20 feet in height, which may be achieved with a parapet or false façade, in order to screen mechanical equipment located on roofs.

b) Residential Uses

- 1) Except for assisted living residence facilities, dwelling units shall only be allowed on the upper floor(s) of a single building project or shall not constitute more than 67% of the gross floor area of the buildings of a multi-building project
- 2) Dwelling units shall be allowed on the ground floor of buildings only where:
 - a. the building is set behind another building which has commercial uses on the ground floor; or
 - b. the residential portion of the ground floor building is set behind the business uses within the same building
- 3) No more than 10% of the total number of a development's residential dwelling units shall have 3 or more bedrooms.

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

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

- 1) Whether the proposed site design is more sustainable, economically viable and functional and whether the site design represents the qualities of a traditional New England town center than a design that conforms to the by-right dimensional requirements of this Sub-section.
- 2) Whether the design of buildings is consistent or compatible with traditional New England architectural styles as further described in the Planning and Economic Development Board's *Design Review Guidelines*.
- 3) Whether the site design provides mixed uses, a pedestrian-friendly environment and the design traditions of the community.

- 4) Whether the site design reflects and advances the goals and objectives of the Medway Master Plan and provides greater integration of land uses.
- 5) Whether adequate pedestrian and (where applicable) vehicular linkages within the site and connecting to abutting properties are provided.
- 6) Whether the uses and site design promote less sprawl and a more efficient form of development.
- 7) Whether the development facilitates the construction and maintenance of streets, sidewalks, utilities, and public services, in a more economical and efficient manner.
- 8) Whether the site design will have a detrimental impact on abutting properties and/or residential neighborhoods.
- 9) Whether the impact of the development on abutting properties and residential neighborhoods has been adequately mitigated.
- 10) Whether the development protects and enhances community character
- 11) Whether the development incorporates features that minimize energy consumption and reduces environmental impacts.

6. Design Requirements

- a) All facades of a building that are visible from a public way or an internal pedestrian or vehicular way shall be designed in accordance with the current *Medway Design Review Guidelines* and the Design Principles and Standards included in the *Site Plan Rules and Regulations*.
 - b) All sites shall include pedestrian linkage(s) to connect to abutting commercial properties and, where appropriate, to abutting residential neighborhoods. The pedestrian connections shall be well-defined and of a design and quality that will encourage significant use.
 - c) Vehicular connections to abutting sites shall be provided where practical as determined by the Planning and Economic Development Board as part of the review process.
 - d) Buildings and developments shall be made pedestrian friendly by use of amenities such as wide sidewalks/pathways, outdoor seating, and patios or courtyards. All structures, parking, pathways and other pedestrian amenities shall be designed to maximum ease of pedestrian access.
- 7) Sustainability – New buildings constructed in the Commercial I district after the passage of this bylaw are encouraged to promote sustainability by being environmentally responsible and resource-efficient throughout a building’s life-cycle from siting to design, construction, operation, maintenance, renovation and deconstruction. This may be accomplished by incorporating sustainable materials in the construction (e. g, reused, recycled-content, or made from renewable resources); create healthy indoor environments with minimum pollutants (e.g., recued product emissions); and/or feature landscaping that reduces water usage (e.g., by using native plants that survive without extra watering). The criteria in the

current Leadership in Energy and Environmental Design (LEED), and EPA's Green Building program offer examples of measures that will help accomplish this goal.

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

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

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

DRAFT

Commercial 1 purpose 3/4/14

The purpose of the sub section is to allow the development and re development of the district in a manner that is sustainable, functional, and that represents the qualities of a traditional New England town center. By encouraging mixed uses ,a pedestrian friendly environment , and following the Design Guidelines the goals and objectives of the master plan will be met.

*From
Karye
3-4-2014*



ARTICLE 31

Land Clearance – January 30, 2014

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw as follows:

By adding item 3. in Sub-Section B. Permits in SECTION III Administration as follows:

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

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 32

Registered Marijuana Dispensaries – January 13, 2014

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

BB. REGISTERED MARIJUANA DISPENSARY

1. *Purposes*

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

2. *Applicability*

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

3. *Definitions*

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

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

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

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

- a) Industrial I
- b) Industrial II
- c) Industrial III
- d) Business/Industrial
- e) Commercial I

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

- a) All non-exempt RMD's shall be contained within a permanent building or structure. No RMD shall be located inside a building containing residential units or inside a movable or mobile structure such as a van, trailer, cargo container or truck.
- b) Size standards:
 - 1) A standalone dispensary shall not exceed 3,500 sq. ft. for product display, client dispensary, and patient consultation area.
 - 2) A standalone cultivation facility shall not exceed 25,000 sq. ft.
 - 3) A facility to manufacture/process marijuana infused products shall not exceed 5,000 sq. ft.
 - 4) Any combination of the above three facilities shall not exceed 30,000 sq. ft.
 - 5) The RMD shall be of adequate interior space to accommodate all activities inside the building so as not to have outside patient queuing on sidewalks, in parking areas, or in other areas outside the RMD.
- c) A RMD shall not be located in a building that contains any medical doctors' offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.

- d) The hours of operation of RMD's shall be set by the Special Permit Granting Authority, but in no event shall any RMD be open and/or operating between the hours of 8:00 PM and 8:00 AM.
- e) No RMD shall be located on a lot within 500 linear feet of any lot with the following:
 - 1) residence
 - 2) public school
 - 3) private educational entity that provides instruction to children and youth in an ongoing organized basis
 - 4) licensed registered childcare facility
 - 5) library
 - 6) religious facility
 - 7) playground, public park, or ball field
 - 8) recreation center
 - 9) Registered Marijuana Dispensary
 - 10) halfway house or similar facility
 - 11) drug or alcohol rehabilitation facility.

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

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

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

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

6. ***Special Permit Requirements***

- a) A RMD shall only be allowed by special permit from the Medway Planning and Economic Development Board in accordance with G.L. c. 40A, §9, subject to the following statements, regulations, requirements, conditions and limitations.
- b) A RMD is subject to site plan review and approval by the Planning and Economic Development Board pursuant to SECTION V. C. of the Medway Zoning Bylaw which shall be coordinated with the special permit application process.
- c) A special permit for a RMD shall be limited to one or more of the following uses

that shall be prescribed by the Special Permit Granting Authority:

- 1) cultivation of Marijuana for Medical Use (horticulture) except that sites protected under Chapter 40A Section 3 shall not require a special permit;
 - 2) processing and packaging of Marijuana for Medical Use, including marijuana that is in the form of smoking materials, food products, tinctures, oils, aerosols, ointments, and other marijuana infused products;
 - 3) retail sale or distribution of Marijuana for Medical Use to Qualifying Patients;
 - 4) retail sale of products that facilitate the use of marijuana for medical purposes and of patient educational materials.
- d) A special permit application for a RMD shall include the following:
- 1) the name and address of each owner of the facility;
 - 2) copies of all required licenses and permits issued for the RMD to the applicant by the Commonwealth of Massachusetts and any of its agencies;
 - 3) evidence of the Applicant's right to use the site of the RMD for the RMD, such as a deed, or lease;
 - 4) a statement under oath disclosing all of the Applicant's owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
 - 5) a certified list of all parties in interest entitled to receive notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;
 - 6) a detailed site plan that includes the following information:
 - a. a detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the facility including but not limited to sales, storage, cultivation, processing, food preparation, etc.
 - b. proposed security measures for the RMD, including lighting, fencing, gates and alarms, etc., to ensure the safety of qualifying patients, their caregivers, and facility employees and to protect the premises from theft.
 - 7) a copy of the policies/procedures for the transfer, acquisition, or sale of medical marijuana between approved RMD's in compliance with 105 CMR 725.105(B)(2).

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

7. ***Special Permit Procedure***

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

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

- a) the RMD is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, §11;
- b) the RMD demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
- c) the applicant has satisfied all of the conditions and requirements of this Sub-Section and SECTION III. Sub-Section J. Special Permit Criteria.

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

- a) improve site design, traffic flow, and public safety;
- b) protect water quality, air quality and significant environmental resources;
- c) preserve the character of the surrounding area.

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

- d) hours of operation
- e) landscaping and site amenities

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

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

- a) A special permit shall lapse if not exercised within two years from the grant thereof if a substantial use has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.
- b) A special permit granted under this Sub-Section shall remain exclusively with the applicant which shall be the owner or lessee of the premises described in the application. The special permit shall terminate automatically on the date the applicant alienates that title or leasehold interest in the premises.

12. *Abandonment or Discontinuance of Use* - A RMD shall be required to remove all material, plants, equipment and other paraphernalia:
 - a) prior to surrendering its state issued licenses or permits; or
 - b) within six months of ceasing operations; whichever comes first.

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

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 33

ENFORCEMENT

REVISED – January 30, 2014

To see if the Town of Medway will vote to amend the Medway Zoning Bylaw as follows:

By deleting Sub-Section C. Bylaw Enforcement in SECTION III ADMINISTRATION and replacing it as follows:

C. BYLAW ENFORCEMENT

1. Violations of this bylaw are punishable by a fine not to exceed \$300 per day for each offense.
2. Violations of this bylaw may be enforced via the noncriminal disposition provisions set forth in Article XX of the Medway General Bylaws in which case the penalty for any such violation shall be \$50.
3. Each day, or portion of a day, that any violation continues shall constitute a separate offense.
4. This bylaw shall be enforced by the Inspector of Buildings/Zoning Enforcement Officer.

AND by deleting in their entireties Paragraph 12 in Sub-Section C. Site Plan Review and Approval and items k), m), and n) in Paragraph 9. in Sub-Section R. Sign Regulations all in SECTION V. USE REGULATIONS and relabeling the subsequent paragraphs accordingly.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Article 34

DEFINITIONS - 1/30/2014

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

Building Height

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

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

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

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 35

Purposes - 1/30/2014

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

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

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

Or to act any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE 36

Signage

Revised – 1/30/2014

ARTICLE:

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

- 28) Temporary, ground installed yard/lawn signs promoting community oriented/special events sponsored by local government, civic, or non-profit organizations, such as picnics, carnivals, bazaars, game nights, art fairs, craft shows, sporting events, parades, festivals, tournaments, fund-raisers, sport sign-ups, and other similar activities, not to exceed a total of six sq. ft. of sign surface area (both sides) per sign. Signs may be positioned on Town property with permission of the Board of Selectmen or its designee and on private property with the permission of the property owner. Signs may be installed up to two weeks before the event/activity and shall be removed within three days after its conclusion.

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

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

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

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

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD



Town of Medway

Remote Participation Request

I, Andy Rodentziser (print name), hereby request to participate remotely at the meeting of the PEDB (Board/Committee/Commission) to be held on March 4, 2014 (date). I certify to the Chair that my absence is the result of one or more of the following factors which make my physical presence unreasonably difficult:

- (1) Personal Illness or Disability (2) A Family or Other Emergency
 (3) Military Service (4) Geographic Distance (Employment / Board Business)

Explanation: _____

During the meeting, I will be at the following location:

San Antonio
Address

781-760-9908
Phone Number

[Signature]
Signature of Member

2/24/2014
Date

Please sign and return to Chair

Request received by Robert Tucker, Vice Chair 2-25-14
Chair (please print) Date

Method of Participation speaker phone (e.g. speakerphone)

Request Approved Request Denied*

[Signature]
Signature of Chair

2/25/14
Date

Signed form to be appended to the meeting minutes.

*All Denied Requests are Final and Not Appealable.

Susan Affleck-Childs

From: Judi Barrett <jbarrett@rkgassociates.com>
Sent: Friday, February 14, 2014 10:47 AM
To: Susan Affleck-Childs
Subject: Planning Board Meeting 02/18/2014

Hi Susy,

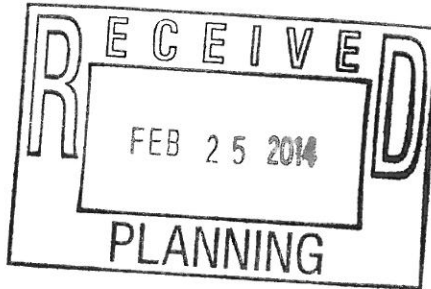
There's a lot to talk about with Medway's zoning and we won't get through all of it next week. It would be most efficient, I think, if we focus on some policy or "big picture" issues at the meeting. I will provide more detailed comments in a mark-up of the Zoning Bylaw. For now, I think we should discuss the following topics on Tuesday:

- Zoning for affordable housing
- Use variances
- Nonconforming uses and structures
- Site plan review and design review
- Number of districts and their purposes
- Issues/problems with structure, format, and language of the Zoning Bylaw

We don't need to take up the topics in the order listed above.

I think this is plenty for one night, but I'd like to leave open some time for Board members and other attendees to ask questions. I also think we should take a few minutes at the beginning of the meeting to ask people to identify the two or three "burning issues" they really want to discuss. If we can accommodate those issues on Tuesday, great; if not, we can make them the agenda for a subsequent meeting.

Judi Barrett
Director of Municipal Services
RKG Associates, Inc.
1359 Hancock Street, Suite 10
Quincy, MA 02169
Office: (617) 847-8912
Fax: (617) 847-8914
Cell: (617) 455-8641
www.rkgassociates.com



634 Central Avenue
Dover NH 03820
Tel: 603-953-0202
Fax: 603-953-0032
E-mail: rkg@rkgassociates.com

MEMORANDUM

TO: Suzanne Kennedy, Town Administrator
Andy Rodenhiser, Chair, Planning & Economic Development Board

FROM: Judi Barrett

DATE: February 25, 2014

SUBJECT: Zoning Bylaw Revision

CC: Susan Affleck-Childs, Planning Coordinator

I am writing to confirm our discussion yesterday about the Medway Zoning Bylaw. Per RKG's current contract, I have been reviewing the structure and organization of the Zoning Bylaw, along with its ease of use, clarity, consistency, application and decision procedures, and potential duplication with other bylaws and regulations. I had hoped to interview some developers and others who can speak from an applicant's perspective, but to date, we have not been able to arrange a meeting with them. Nevertheless, I have continued my own review based on past and present experience with other towns. I have also reviewed several draft zoning amendments that may be proposed at the 2014 Annual Town Meeting.

I strongly recommend that the Town postpone all but one of the proposed amendments, that being the so-called medical marijuana bylaw. I say this because the Zoning Bylaw needs a comprehensive revision – a task that cannot be accomplished with incremental changes. Over the past several years, Medway has made noble efforts to modify and update the Zoning Bylaw. The most recent amendment history (six years) is as follows:

May 2012: 18 amendments
June 2011: 4 amendments
June 2010: 9 amendments
June 2009: 5 amendments
November 2008: 7 amendments
June 2008: 9 amendments
November 2007: 4 amendments
May 2007: 22 amendments

These 78 amendments were preceded by 114 amendments between 2000 and 2006, for an overall 2000-2012 average of about 15 amendments per year. This is very unusual. Unfortunately, the process of making so many text changes has led to some unintended consequences, e.g., inconsistencies, problems with definitions (unclear, missing,



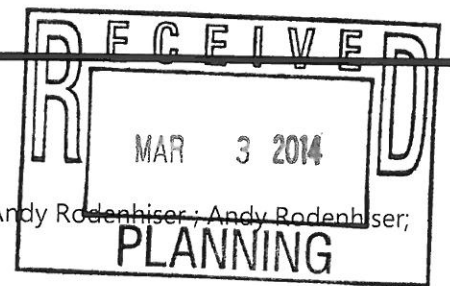
inconsistent, or scattered throughout the Bylaw), duplication, and generally a bylaw that is quite difficult to navigate. In a situation such as this, the preferred remedy is a comprehensive update to fix the "foundation" elements of the Zoning Bylaw: reformatting, reorganizing, updating language, eliminating duplication and inconsistencies, clarifying terminology and procedures, and removing older provisions that conflict with the statute or current case law. This type of update generally involves no policy-level changes. Its purpose is to make the Zoning Bylaw easier to use, understand, and administer.

Once the Zoning Bylaw has been improved for format, structure, language, and so forth, the Town could resume working on the amendments that have been submitted for the 2014 Annual Town Meeting. Some of the amendments may be addressed as part of the update process that I have recommended in this memo. Assuming sufficient funds can be made available to reorganize and recodify the Zoning Bylaw very soon, it should be possible to take the revised Bylaw to town meeting in the fall. As part of my final report under the present contract, I will suggest a new organization and structure for the revised Bylaw and we can discuss it when we meet again. My plan is to provide a draft report by the end of next week (March 7, 2014).

As always, please contact me if you have any questions. I can be reached at (617) 847-8912 or jbarrett@rkassociates.com.

Susan Affleck-Childs

From: Bethany A. Bartlett <BABartlett@sherin.com>
Sent: Monday, March 03, 2014 2:31 PM
To: Susan Affleck-Childs
Cc: David Damico; Dennis Crowley ; Thomas Holder; Andy Rodenhiser ; Andy Rodenhiser; Paul LaPerriere (plaperriere@dfi.cc)
Subject: RE: Medway - Commercial I Zoning District



Hi Susy,

I have read through the proposed Amendments to Article 30, Use Regulations for Section G, Commercial District I which were attached to this email. We appreciate your proposal and the Board's vision in providing greater flexibility and have a few additional suggestions.

Section 2(i) – with the addition of “amusement” as an as of right use, it should be deleted from the special permit list of uses at I(3).

Section 2(l) – A “shopping center” is listed as a special permit use. Since the purpose of this district “represents the primary retail and office center of Medway” should a shopping center be changed to an as of right use as any center will trigger the Major Site Plan Project definition and site plan review? If you prefer to keep “shopping center” as a special permit use, then we suggest a provision that specifically states that once a shopping center is approved any changes in tenants for either the same uses or any of the as of right uses listed in this section does not require further zoning relief.

Section 3 – Great addition. In reviewing the Site Plan Review Section C, we have the same comment as in 2(l) above. If an existing shopping center has a retail tenant which moves out and is replaced by a professional office use which may require 15 or more parking spaces this could trigger Major Site Plan Project review and be inconsistent with providing additional flexibility. Should an exemption to Site Plan review be added in Section C4 which states it does not apply to existing centers where an existing use is being change to an as of right allowable use?

Section 4 – In (b) lot coverage should exclude any approved outdoor dining areas. Also, a provision which states that shopping centers may combine abutting lots under common ownership for the purpose of calculating (a) through (d) would be helpful (our center is actually 3 separate legal lots).

Section 5(a) – I believe by allowing an applicant with a “by right” use to choose the option of seeking a special permit using these smaller/lesser dimensional criteria is to encourage development. If that is the case, we would suggest making the maximum lot coverage 30%, which is consistent with the current regulations, as opposed to be more restrictive.

Section 5(c) – We may want to revisit the parking ratios for C1 with a mixed use project as trying to meet the Lot Coverage ratio, Open Space requirement and parking ratio may prove to greatly reduce development, or add parking as one of the design review criteria in Section 5(d) to allow some flexibility.

Section 5(d)5 and 6(c) – It makes sense to coordinate vehicular traffic flow with abutting sites, however, an abutting site will have a different owner. The Board cannot grant a permit to one property requiring some type of access arrangement with an abutter who can easily deny the request and block access to its site.

Thanks and feel free to call or email me with any questions.
Bethany

Bethany Bartlett Tel: 617.646.2038 Fax: 617.646.2222 babartlett@sherin.com

From: Susan Affleck-Childs [mailto:sachiids@townofmedway.org]
Sent: Friday, February 14, 2014 1:44 PM
To: Bethany A. Bartlett; Paul LaPerriere (plaperriere@dfi.cc)
Cc: David Damico; Dennis Crowley ; Thomas Holder; Andy Rodenhiser ; Andy Rodenhiser
Subject: Medway - Commercial I Zoning District

Hi Beth,

PEDB chairman Andy Rodenhiser asked me to inform you that the Planning and Economic Development Board has developed some proposed amendments to the Commercial I section of the Medway Zoning Bylaw.

See Attached draft. These may be of interest to you. They allow for mixed use development, provide for better coordination of special permit and site plan review, and include considerable flexible site design options.

The Board will hold a public hearing on this and other proposed amendments on Tuesday, March 4, 2014 at 7:15 pm. See attached public hearing notice. We would welcome your feedback on this proposal.

Best regards,

Susy Affleck-Childs

Susan E. Affleck-Childs
Town of Medway
Planning and Economic Development Coordinator
508-533-3291
155 Village Street
Medway, MA 02053

Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record.

The information in this e-mail, including attachments, may contain privileged and confidential information intended only for the person(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.

TAX ADVICE DISCLAIMER: This document is not intended or written to be used, and may not be used, for the purpose of avoiding any penalties which may be imposed by the IRS. Please contact us if you require an opinion that satisfies applicable IRS requirements, or if you have any other questions regarding federal income tax advice.

PRIVILEGED AND CONFIDENTIAL: The information contained in this electronic message and any attachments are confidential property and intended only for the use of the addressee. Any interception, copying, accessing, or disclosure or distribution of this message is prohibited, and sender takes no responsibility for any unauthorized reliance on this message. If you have received this message in error, please notify the sender immediately and purge the message you received.