

Saturday, September 6, 2014
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	Absent with Notice	X	Absent with Notice	X

ALSO PRESENT:

Consultant, Gino Carlucci, PGC Associates
 Susy Affleck-Childs, PED Coordinator
 Glenn Trindade, BOS member

The Chairman opened the meeting at 9:00 am.

ANR Plan - 153 Holliston Street:

The Board is in receipt of the following documents: **(See Attached)**

- ANR application for 153 Holliston Street dated August 27, 2014
- Plan of Land dated August 20, 2014 by Colonial Engineering
- Review letter from Consultant Carlucci dated August 28, 2014

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to endorse the ANR plan as presented.

Consultant Barrett, Zoning Bylaw Recodification Discussion:

The Board is in receipt of the following documents: **(See Attached)**

- Revised Zoning Recodification Schedule updated September 5, 2014.
- Revised Table of Contents
- Draft Article 5 dated September 2, 2014.

Consultant Barrett explained that she took the information provided from the last meeting and incorporated it into the documents. There will be cross referencing within the documents as a guide. The goal was to get a more consolidated document which is easy to read. This bylaw does not include what can go into administrative regulations. The administrative regulations will include lists and what is needed to apply for a Special Permit. This information does not need to be in the actual bylaw. This will cut down the length of the bylaw significantly. The requirements and how decisions will be made will need to be in the bylaw document.

Table of Use Regulations:

The Consultant provided a Table of Uses. The previous prescriptive outline format for allowed uses was put into a table with footnotes. There is an umbrella provision in the beginning.

Agriculture:

Recommendation: Definition is needed.

The State statute allows the Board of Health to regulate how many animals one can have. Zoning cannot prohibit agricultural use. In the Table of Uses, if less than 5 acres, they are exempt.

Aviation Fields:

Consultant Barrett asks what was the intent of allowing the aviation field.

The bylaw allows this use subject to a Special Permit. The Board responded that they were not serving on the Board when this was put into the bylaw. Consultant Carlucci remembers discussion in the 60's about a western airport for the Boston metro area. This could have been why it was put it.

Consultant Barrett explained that if the intent was for commercial, then it should stay. If it is for an accessory residential use, (private home landing site) it would need to be changed. There needs to be a policy decision, since this is not clear.

Member Tucker thought the intent was for accessory residential use only.

Consultant Barrett communicates that this only shows up in the residential districts. This would need to be defined as well. The commercial and industrial areas are not big enough to put this in anyway.

Member Gay thinks that it belongs in both places, Industrial 3 could allow for this.

Selectmen Trindade responded that noted these are loud, and he would not want to live next to this.

Member Tucker responds that this needs to stay as is and then remove it at another time. We need to remain transparent to the town. We are only making the bylaw clearer and we recognize that some items do need to be fixed or removed. This will be addressed going forward.

Lawful Municipal Use:

Recommendation: Define term lawful.

The term lawful municipal use needs to be clarified. Municipal use is a permitted use. Consultant Carlucci responded that lawful only applies to residential. Municipal Use is intended to be allowed in all districts.

Public Utility:

Recommendation: Clarify definition of public utility.

The Bylaw currently does not list public utilities as being allowed in all districts. The town has to list public utilities in all districts. Currently, it is not permitted in the AR and C1 districts. In the State statute, it is very clear, that a town can regulate, but if you turn it down and the utility company is not happy, it can be overturned.

Conversion of single family to multifamily:

The definition of conversion needs to be clear. It was suggested to make a note to the table of uses subject to the rules in footnote. This is only in AR2. The dimensional requirements are noted elsewhere. Alteration and conversion are permitted by Special Permit. The Board referenced page 36 and Consultant Barrett noted that the Board should allow new two families by Special Permit. The table of uses needs to say Special Permit in AR2. If the parking requirement is met, there should not be an issue. If this is allowed by Special Permit, then the applicant can go to Design Review.

Assisted Living:

The Consultant recommended assisted living by Special Permit. It was recommended to have a code/key on the bottom of the document.

Home Based Business:

The Consultant indicated that home based businesses are by right as long as the business is operating within the performance standards. The uses table needs to reference “yes” in the Special Permit column.

Business Uses:

Consultant Barrett categorized the business uses. She commented that there are lots of uses which need to be straightened out and changed. The Board wanted to identify what needs to be changed and then go back and make those changes after the recodification is adopted. There needs to be further clarification on what you can store on site; and what is going to be sold on site. If the intent is the sale and storage of building materials/goods in Industrial areas, then language needs to be added. One example of this would be Swenson Granite. It is storage of materials on premises.

Design Review Guidelines:

Consultant Barrett suggested that the Design Review Guidelines need to be out of the bylaw. The design standards can be within the Guidelines. This could include illustrations to help clarify definitions. The current Design Guidelines do not have illustrations.

The reworking of the Design Review Guidelines would need a professional to work on this. Glenn Trindade recommended that a funding proposal to update the Design Guidelines be put together for the Board of Selectmen to review for the fall town meeting. The Board does not want to stop a developer from building due to a difference in subjective opinion in design. There needs to be clear procedures. As a board, we need to set the rules and guidelines for the DRC.

The DRC is only advisory. It was recommended to have a professional help with the crafting of the Guidelines. Consultant Barrett has someone in her firm that could assist with this. The guidelines can be adopted by PEDB. The language about the New England Architectural Design needs to be taken out of the bylaw. This can be placed within the Guidelines.

Restaurant:

Consultant Barrett informed the Board that the bylaw is silent about outside eating relative to restaurants. This will need to be addressed at a later time. This is an easy fix. Currently there are outside tables at Starbucks and there will be tables at Cumberland Farms.

Standard Uses:

The Bylaw does not contain standard uses such as cinema and theaters. This could be discussed at a later time if the Board would like to include other standard uses.

Banks:

Recommendation: Definition for bank, financial institution and free standing ATM.

Consultant Barrett notes that the word bank and financial institutions have not been defined. She asks the Board if this includes free standing ATMs. The Board agreed that this is important to add but as a Special Permit.

Kennels:

The kennel language currently reads that if anyone wants to have 5 dogs or more, they need to go to the Zoning Board for a kennel permit. The Board recommends that this stay as is but discuss it later in a workshop session with the ZBA.

Automotive Uses:

Recommendation: Add to list of discussion items in future.

The Board asked if they can limit the number of automotive uses in the district. Consultant Barrett recommends against this, but instead recommends limiting them locationally, indicating language such as “not closer than 1,000 ft.” The definition of this is clear to the reader. The Board would like to add this to the list of items to work on in the future.

Other Business Uses:

Recommendation: Clarify definition of shopping center as any combination of three or more businesses.

It was suggested by Consultant Barrett to change the use table by putting a shopping center as requiring a Special Permit by the Planning Board and not the Zoning Board of Appeals. The Board does not want strip malls. There can be a combination of uses on a single lot. For example, restaurant, office and beauty shop

Adult Uses:

Recommendation: Consultant Barrett recommends putting adult uses by Special Permit and references this in the table of uses.

Industrial Uses:

Recommendation: Clarify definition of wholesale, storage, and warehouse.

Consultant Barrett recommended that this section relating to wholesale and warehouse should also include retail. This section needs to be cleaned up. Some warehouses have products which come into the warehouse, are assembled and leave the site for distribution. Many warehouses also have office areas. There are also some warehouses that have showroom where customers can view the products. Judy suggested making it one category, warehouse, with or without wholesale distribution facility. The business uses would have an option to have a warehouse or not. This is an easy fix.

Manufacturing:

Consultant Barrett read the long list of manufacturing industries noted but she explained that times have changed and it is more important to describe the impacts and make the effects of those impacts not allowed. The long list is not needed but it is important to rely on prohibited uses. There is standard language which other communities use.

Contractor Yard/Quarters:

Recommendation: Clarify definitions of contractor yard and quarters.

Consultant Barrett noted that the current definitions for contractor yard and quarters are the same. It was also recommended to not have this as two categories but one.

PERMITTED USES IN ALL DISTRICTS

Childcare:

Recommendation: Include definition of schools.

Consultant Barrett comments that the section on childcare has a lot of restrictions and the town cannot do this. This is an exempt use. Child care and education facilities are the target of State regulations. The Zoning Act states clearly that a town cannot regulate dimensional requirements. Mr. Barrett suggests keeping this permitted in all districts and have a simple site plan review process.

Infill Bylaw:

The maximum infill residential limitation should not be included. This is a moving target since the market changes and the number might drop and you would be put out of compliance.

Accessory Family Dwelling:

Recommendation: Consultant Barrett recommended broadening the list of who can live in these units. It was not recommended to limit the accessory dwelling to a family member as is the present language. One example references was a nanny. The current bylaw would not allow for this. This is also only currently allowed in the AR1 and AR2 zone. This might be broadened. The bylaw references that the occupancy permit is a building permit function. This should be

removed. It needs to be made clear in the language that the Special Permit can be extended or renewed.

OSRD:

The Section on OSRD was condensed with some items moved. Page 96 was referenced. The wording of eligibility was changed to applicability. Consultant Barrett added a section called Use Regulations. There was also an area about the ability to waiver. There is a provision for how buildings will be separated. It was recommended to add language indicating minimum distance is 20 ft. unless the Fire Chief deems otherwise. The whole table is not needed and it is recommended to be removed. The reasoning for the minimum of 50% lot area on page 6 was to limit density. The section with the yield plan needs to be reworked. The way it is currently worded allows for the potential for a disconnect and this needs to be fixed. It was suggested to remove the 50%. Page 9 lists the submission requirements. Judy does not think the list of requirements of the plan is needed; it could be cross referenced.

OSRD has a particular design approach and this is an approach to residential design.

ARCPUD Uses:

Recommendation: Eliminate #2 and insert language which may include any of the following

The ARCPUD has to include assisted units and coordinated units, etc... The land uses can vary, but ARCPUD includes conservation and agricultural uses. The intent of ARPUD at that time was to have more than one use. An independent living unit should be able to be done within the ARCPUD. If you provide for some level of service within the ARPUD, the definition should include this. There was a recommendation to add multi-family dwellings.

Coordinated units are not needed. This is management structure. The multi-unit can be added with no size limit.

Susy met with a prospective developer who is interested in building an assisted living and independent living facility on Village Street along with medical clinic to for geriatric services and adult day care. Susy is looking to sponsor something at fall town meeting to allow for an amendment to the ARCPUD bylaw and AF bylaws. This developer owns the Milford VNA and has a good relationship with Milford Hospital. This would be a multi-story building.

The Board would like to see two articles presented at town meeting.

Judy recommended against putting an affordable housing requirement on this. The age restriction for affordable housing has not worked unless subsidized and then there is a problem with keeping people there. It is best to reserve an area on site for affordable senior housing in a building area.

It was noted that the Lovering Heights senior housing managed by the Housing Authority is in a bad need of renovation and there is a waiting list for all the senior developments.

The language notes 10% needs to be affordable, it was suggested that Consultant Carlucci will rewrite and exempt assisted living. The Board discussed looking at lowering the percentage. There are many different options and an opportunity to consider this type of project.

Upcoming Dates:

The next meeting to discuss Zoning Recodification is scheduled for Tuesday, September 16, 2014. The Zoning Board of Appeals was invited but they have not responded.

The Board will be holding another work session on Saturday September 20, 2014.

Fox Run Farm Update

The Board is in receipt of the following: **(See Attached)**

- A memo dated September 4, 2014 from Tetra Tech.
- Tetra Tech punch list dated September 4, 2014
- Tetra Tech provided a revised bond estimate dated September 4, 2014 in the amount of \$43,725.

Tetra Tech is reviewing the street acceptance plan for Fox Run Farm. The paving will be done next week.

The bond amount needs to be revised.

On a motion made by Bob Tucker and seconded by Tom Gay, the Board voted unanimously to approve the revised bond amount of \$43,725.00.

Millstone Village ARPUD

The Board is in receipt of a memorandum from Susy Affleck-Childs dated September 5, 2014. **(See Attached)**

The Board was made aware that the contractor for Millstone Village cleared four trees in the area north of site in the area in the Town's right of way. The applicant did not get a scenic work permit for this work. This is a violation. There will need to be remedial action undertaken.

On a motion made by Bob Tucker, and seconded by Tom Gay, the Board voted unanimously to send a violation notice and request that remediation action be taken along with filing out a scenic permit application

Adjourn:

On a motion made by Tom Gay, and seconded by Bob Tucker, the Board voted unanimously to adjourn the meeting at 1:10 pm.

Respectfully Submitted,

Amy Sutherland
Recording Secretary
Based on audio recording

*Minutes of September 6, 2014 Meeting
Medway Planning & Economic Development Board
APPROVED – October 7, 2014*

Reviewed and edited,



Susan E. Affleck-Childs

Planning and Economic Development Coordinator

LAND SUBDIVISION – FORM A

RECEIVED

AUG 20 2014

TOWN CLERK

**Application for Endorsement of Plan
Believed Not to Require Subdivision Approval (ANR)**

Planning & Economic Development Board - Town of Medway, MA

INSTRUCTIONS TO APPLICANT/OWNER

This Application is made pursuant to the Medway Planning Board Subdivision Rules and Regulations. Please complete this entire Application. Submit two (2) signed originals of this Application, one (1) copy of the ANR Plan, and one (1) Project Explanation to the Town Clerk who will date stamp the Applications. Provide one (1) original ANR Application date stamped by the Town Clerk, one (1) Project Explanation, eight (8) copies of the ANR Plan, and the appropriate ANR Filing Fee to the Medway Planning & Economic Development office.

The Applicant certifies that the information included in this Application is a true, complete and accurate representation of the facts regarding the property under consideration.

In submitting this application, the Applicant and Property Owner authorize the Planning & Economic Development Board and its agents to access the site during the plan review process.

The Town's Planning Consultant will review the Application, Project Explanation and ANR plan and provide a recommendation to the Planning & Economic Development Board.

You or your duly authorized agent is expected to attend the Board meeting at which the ANR Plan will be considered to answer any questions and/or submit such additional information as the Board may request in connection with this Application.

Your absence may result in a delay in its review.

AUGUST 20, _____, 2014

TO: *The Planning & Economic Development Board of the Town of Medway, MA*

The undersigned, wishing to record the accompanying plan of property in the Town of Medway and believing that the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits this Application and ANR Plan to the Medway Planning and Economic Development Board and requests its determination and endorsement that the Board's approval under the Subdivision Control Law is not required.

ANR PLAN INFORMATION

Plan Title: PLAN OF LAND IN MEDWAY, MA

Prepared by: _____

P.E. or P.L.S registration #: 30466 Plan Date: _____

PROPERTY INFORMATION

ANR Location Address: 153 HOLLISTON STREET

The land shown on the plan is shown on Medway Assessor's Map # 15 Parcel # 1

Total Acreage of Land to be Divided: 5.6264 ACRES

Subdivision Name (if applicable): _____

Medway Zoning District Classification: AR-1

Frontage Requirement: 180 Area Requirement: 44,000 SQ. FT.

Is the road on which this property has its frontage a designated Medway Scenic Road? NO

The owner's title to the land that is the subject matter of this application is derived under deed from: GEORGE E. DILL to LORETO & NEIDE M. GRILLE dated JUNE 5, 1989 and recorded in Norfolk County Registry of Deeds, Book 8335 Page 7 or Land Court Certificate of Title Number _____, Land Court Case Number _____, registered in the Norfolk County Land Registry District Volume _____, Page _____.

APPLICANT INFORMATION

Applicant's Name: LORETO & NEIDE M. GRILLI

Applicant's Signature: _____

Applicant's Address: 58 ROBBINS ROAD
WALPOLE, MA 02081

Applicant's Telephone: 508-668-4192

Applicant's Email: _____

PROPERTY OWNER INFORMATION (if different than applicant)

Property Owner Name: _____

Address: _____

The Owner hereby appoints _____ to act as its Agent for purposes of submitting and processing this Application for endorsement of an ANR Plan.

Date: _____
_____ Owner's Signature
_____ Owner's Signature

PROJECT EXPLANATION

Provide a cover letter with a detailed explanation of why the land is being divided and what land transaction/reconfiguration will result from the endorsement and recording of this ANR Plan.

APPROVAL NOT REQUIRED JUSTIFICATION

The Applicant believes that the Board's approval under the Subdivision Control Law is not required for the following reasons: (Check all that apply.)

- _____ 1. The accompanying plan does not show a division of land.
- _____ 2. Every lot shown on the plan has frontage as required by the Medway Zoning Bylaw. The frontage required by the Zoning Bylaw is located on _____ (name of way(s), which is:
 - _____ a. A public way. Date of street acceptance: _____
 - _____ b. A way certified by the Town Clerk as being maintained and used as a public way. (Attach Town Clerk's certification)

_____ c. A way shown on a definitive subdivision plan entitled _____
that was previously endorsed by the Planning & Economic
Development Board on _____
and recorded at the Norfolk County Registry of Deeds on _____.
Provide detailed recording information.

_____ d. A private way in existence on the ground before 1952 when the
Subdivision Control Law was adopted in the Town of Medway,
which has, in the opinion of the Planning & Economic
Development Board, adequate width, suitable grades, and
adequate construction to provide vehicular access to the lot(s) for
their intended purpose of _____
and to permit the installation of municipal services to serve the
lot(s) and any buildings thereon.

x 3. The division of land shown on the accompanying plan is not a "subdivision" for
the following reasons: NO NEW WAYS OR STREETS

ANR PLAN FILING FEE

\$250 plus \$100/lot or parcel for a plan involving three (3) or more lots/parcels,
not to exceed a maximum of \$750.

Please prepare two checks: one for \$80 and one for the balance.
Each check should be made payable to: Town of Medway

Fee approved 11-2-06

APPLICATION CHECKLIST – All items must be submitted

✓	2 signed original ANR applications (FORM A)
✓	8 prints of ANR plan
✓	Project Explanation
✓	Application/Filing Fee

Date Form A, ANR Plan, and Project Explanation Received by Planning & Economic
Development Board: 8-27-2014

ANR Application/Filing Fee Paid: Amount: \$050 Check # 3020 \$170
3021 \$80

44318

25

7

I, George E. Dill
of Medway, Norfolk County, Massachusetts,

~~for consideration~~, for consideration paid, and in full consideration of \$183,000.00

grant to Loreto Grilli and Neide M. Grilli, husband and wife, as tenants by the entirety of 58 Robbins Road, Walpole, Norfolk County, Massachusetts with quitclaim covenants

the land in situated in the Northerly part of said Medway on Holliston and is bounded and described as follows:

~~DESCRIPTION OF LAND~~

Beginning at an iron pipe on the Westerly side of Holliston Street at land of J. McNeil; thence running
N 84° 39' 20" W 300 feet to an iron post at corner of said McNeil land; thence running
N 74° 55' 20" W by land now or formerly of Vaughan C. Dill et al, 319.8 feet to a stake; thence running
N 58° 25' W still by land now or formerly of Vaughan C. Dill et al, 1,116 feet to a stake at land of heirs of Susan Cutler; thence turning and running
S 10° 48' 40" W bounded Westerly by land of said Cutler heirs, 480 feet to a wood post; thence turning and running
S 73° 40' E bounded Southerly in part by land of said Cutler heirs and in part by land now or formerly of Melville H. Newell, 1,759 feet to Holliston Street; thence turning and running in a general
NORTHERLY direction bounded Easterly by Holliston Street, 285 feet to the point of beginning.
Containing 12.2 acres more or less.

For grantor's title, see deed of Vaughan C. Dill et al dated September 4, 1951 duly recorded with Norfolk Deeds, Book 3030, Page 153. See also Norfolk Deeds, Book 2584, Page 248.

Said premises are conveyed subject to a taking by the County of Norfolk for the layout and relocation of Holliston Street duly recorded with Norfolk Deeds, Book 4012, Page 74.

Property Address: 153 Holliston Street, Medway, Massachusetts

Witness my hand and seal this 5th day of June, 1989.

George E. Dill

Barry T. Karpok
BARRY T. KAPOK, REGISTER

RECEIVED RECORDED
1989 JUN -5 PM 2:21

The Commonwealth of Massachusetts

~~Norfolk~~ Norfolk

ss.

June 5, 1989

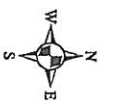
Then personally appeared the above named George E. DILL

and acknowledged the foregoing instrument to be his free act and deed before me

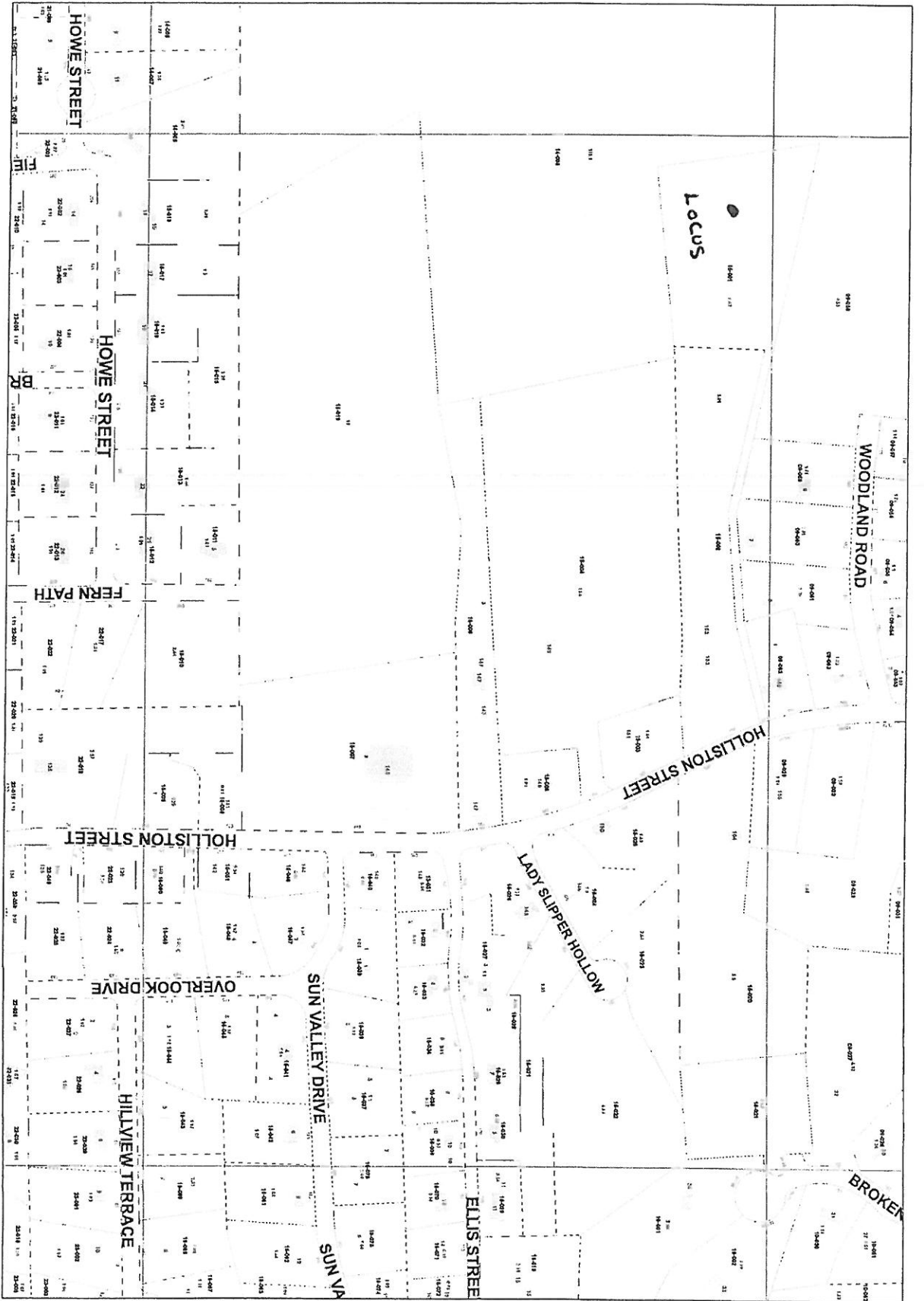
P. Joseph Kenney
P. Joseph Kenney, Notary Public

My commission expires September 7, 1990





Map 15



Map prepared by
Assessors Office
July 1, 2013
From Verticals Ltd



Ordinance Date
October 2001
Assessors Office
August 17, 2013
September 26, 2013
Additional Mapping Information
From Verticals Ltd
Verticals Assessment Date



- General Notes**
1. Prepared for Tax Assessments purposes, not to be used for conveyances.
 2. Information shown on maps is subject to change or revision without notification.
 3. The parcels shown represent all known deed information to the Board of Assessors as of January 1, 2013.
 4. Rights of Way, parcel locations and parcel frontages based on Schofield Brothers' Assessor's Atlas (1975) registry plans and approved subdivision plans.
 5. Coordinates are based on the Massachusetts State Plane Coordinate System.
 6. There are 70 maps (including the Oak Grove inset map) and 1 index sheet map.

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80

APPROVAL UNDER SUBDIVISION CONTROL
LAW IS NOT REQUIRED.

DATE ENDORSED: _____

TOWN OF MEDWAY PLANNING BOARD

PLANNING BOARD ENDORSEMENT DOES
NOT CONSTITUTE A DETERMINATION OF
COMPLIANCE WITH THE MEDWAY ZONING
BYLAWS.

NOTE: PROPERTY SHOWN ON THIS
PLAN IS NOT CLASSIFIED AS
CHAPTER 61A OR 61B.

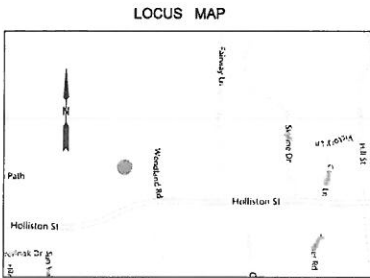
PARCEL "A" HAVING 0.6442 ACRES IS TO BE COMBINED WITH
LOT 1 AREA OF 5.0074 ACRES FOR A COMBINED TOTAL OF 5.6176 ACRES.

PARCEL "2A" TO BE DEEDED TO THE ABUTTING
OWNER (N/F HENRY L. WICKETT SR.)

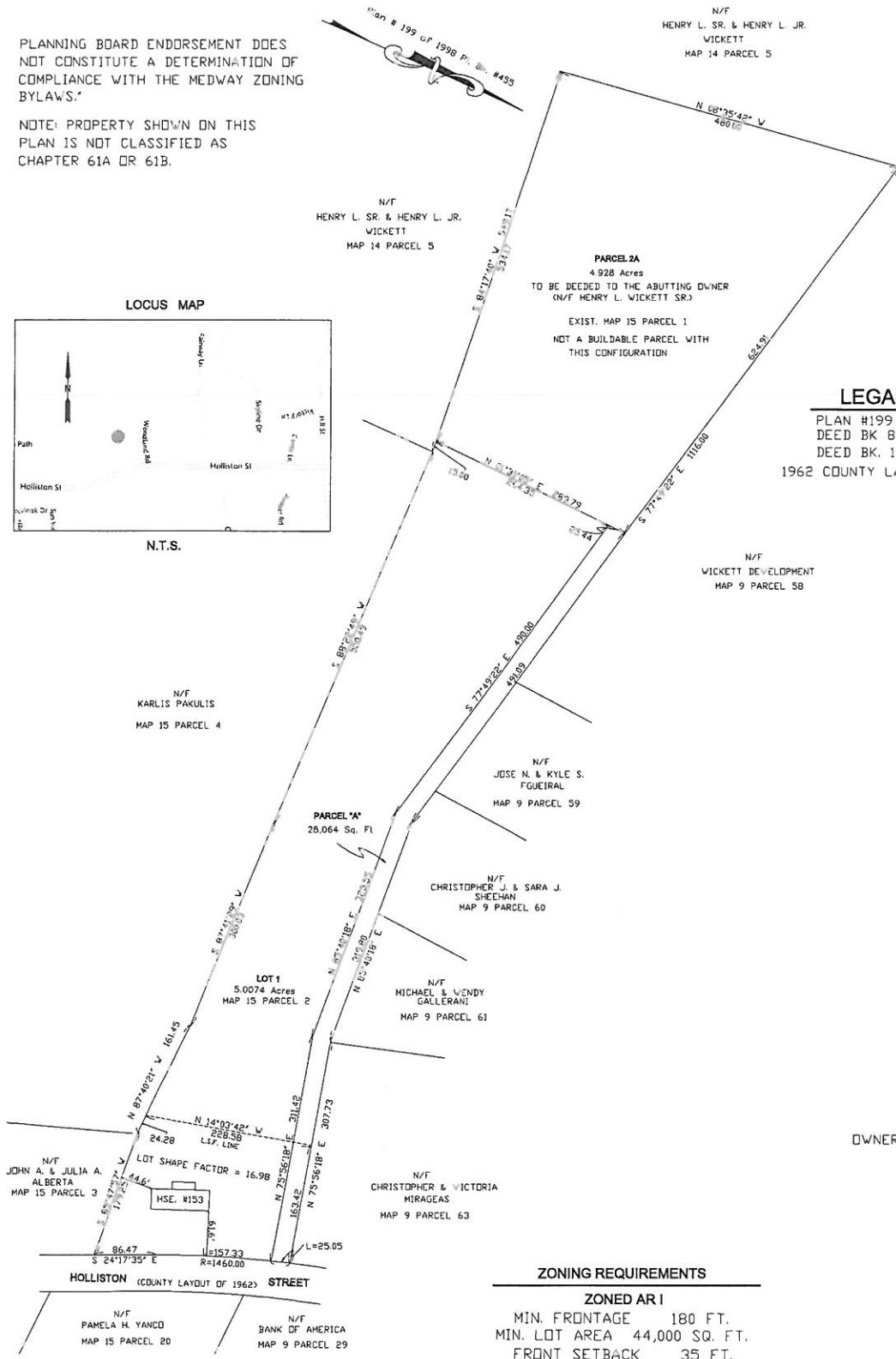
PARCEL "2A" AND PARCEL "A" ARE A SUBDIVISION OF LOT 2
SHOWN ON PLAN #199 OF 1998 IN PL. BK. 455

I CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN CONFORMITY WITH THE
RULES AND REGULATIONS OF THE
REGISTERS OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS

DATE: _____



N.T.S.



LEGAL REFERENCES

PLAN #199 OF 1998 PL. BK. 455
DEED BK 8335 PG. 7
DEED BK. 12360 PG. 548
1962 COUNTY LAYOUT OF HOLLISTON STREET

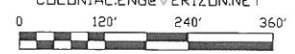
**PLAN OF LAND
IN
MEDWAY, MA**

OWNER: LORETO & NEIDE M. GRILLI
58 ROBBINS ROAD
WALPOLE, MA 02081

DATE: AUGUST 20, 2014

SCALE 1" = 100'

COLONIAL ENGINEERING, INC.
PO BOX 95
MEDWAY, MA 02053
508-533-1644
COLONIAL.ENG@VERIZON.NET



ZONING REQUIREMENTS

ZONED AR I
MIN. FRONTAGE 180 FT.
MIN. LOT AREA 44,000 SQ. FT.
FRONT SETBACK 35 FT.
SIDE LINE SETBACK 15 FT.
REAR LINE SETBACK 15 FT.

PGC ASSOCIATES, INC.

1 Toni Lane
Franklin, MA 02038-2648
508.533.8106
gino@pgcassociates.com

MEMO TO: Medway Planning Board

FROM: Gino D. Carlucci, Jr.

DATE: August 28, 2014

RE: Grilli ANR on Holliston Street

I have reviewed the ANR plan submitted for endorsement by Loreto and Neide Grilli of Walpole. The plan was prepared by Colonial Engineering of Medway, and is dated August 20, 2014. The plan proposes to divide a parcel of 5.57 acres that has 25 feet of frontage on Holliston Street and a 25-foot strip running from Holliston Street alongside an abutting lot for 974 feet where it opens into a rectangular area of almost five acres. The 25-foot strip is being divided off and conveyed to the abutting lot and the 4.928 acres is also being conveyed to a different abutter (Henry Wickett).

I have comments as follows:

1. Section 3.2 requires a scale of 1" = 40' or other scale that the Board may accept. The plan uses a 1" = 100' scale, which appears to be necessary due to the size and shape of the property involved.
2. Section 3.2.1 requires a locus map. A locus map is provided but it does not show property lines. Property lines are not specifically required, but they are typically shown in order to provide greater context as to how the proposed lot line changes relate to other properties. The application does include a copy of that portion of the Assessors Map that shows the property in relation to nearby properties.
3. Section 3.2.10 requires that wetlands be shown on the plan. There are wetlands on the property but they are not shown.

The plan meets the substantive requirements for ANR endorsement. I recommend that the wetlands be added to the plan and that the plan then be endorsed.

Medway Zoning Bylaw
Suggested Alternative Format
Table of Contents

ARTICLE 1: GENERAL PROVISIONS

- 1-A Purposes
- 1-B Authority
- 1-C Applicability
- 1-D Amendment
- 1-E Severability

ARTICLE 2: DEFINITIONS

ARTICLE 3: ADMINISTRATION

- 3-A Building Permit
- 3-B Board of Appeals
- 3-C Special Permits
- 3-D Site Plan Review
- 3-E Design Review
- 3-F Enforcement

ARTICLE 4: ESTABLISHMENT OF DISTRICTS

- 4-A Districts Enumerated
- 4-B Overlay Districts
- 4-C Zoning Map
- 4-D Lots Divided By District Boundaries

ARTICLE 5: USE REGULATIONS

- 5-A General Provisions
- 5-B Prohibited Uses
- 5-C Exempt Uses
- 5-D Schedule of Uses¹
 - 1) Agricultural-Residential I
 - 2) Agricultural-Residential II
 - 3) Commercial I
 - 4) Commercial III
 - 5) Commercial IV
 - 6) Commercial V
 - 7) Industrial I
 - 8) Industrial II
 - 9) Industrial III
- 5-E Nonconforming Uses and Structures
- 5-F Overlay Districts

¹ This TOC assumes that Medway wants to keep its existing “outline” approach to use regulations and not convert to a Table of Uses. Either method is fine.

ARTICLE 6: DENSITY AND DIMENSIONAL REGULATIONS

- 6-A General Provisions
- 6-B Table of Density and Dimensional Regulations

ARTICLE 7: GENERAL REGULATIONS

- 7-A Off-Street Parking and Loading.
- 7-B Landscaping.
- 7-C Outdoor Lighting.
- 7-D Signs.

ARTICLE 8: SPECIAL REGULATIONS

- 8-A OSRD.
- 8-B Affordable Housing.
- 5-A Home-Based Businesses
- 5-B Infill Housing
- 5-A Wireless Communications Facilities
- 5-B Small Wind Generation

Medway Zoning Bylaw Recodification - REVISED Schedule

General Discussion	7/29/2014	Extra PEDB Mtg
Article 1 - Purpose	8/19/2014	Extra PEDB Mtg
Article 4 - Districts	8/19/2014	Extra PEDB Mtg
BOS Mtg - Warrant Opens for Fall town meeting	9/2/2014	
Article 5 - Use Regulations (Schedule of Uses, Prohibited Uses, Exempt Uses, except Non-Conformities)	9/6/2014	Saturday PEDB mtg
Article 6 - Density and Dimensional Regulations	9/6/2014	Saturday PEDB mtg
Article 5 - Use Regulations (Non-Conformities)	9/16/2014	Extra PEDB Mtg - Invite ZBA
Article 3 - Administration (Building Permits, Board of Appeals, Special Permits, Enforcement)	9/16/2014	Extra PEDB Mtg - Invite ZBA
Placeholder warrant article due to BOS	9/19/2014	
BOS Mtg - Warrant closes for fall town meeting	9/22/2014	
Article 7 - General Regulations (Parking, Landscaping, Lighting and Signs)	9/23/2014	Regular PEDB Mtg
Article 8 - Special Regulations (OSRD, Affordable Housing, Home Based Businesses, Infill Housing, Wireless Communication Facilities, Small Wind Generation)	9/30/2014	Extra PEDB Mtg
BOS Meeting - Review and approval of warrant; adopt recommendations	10/6/2014	
Article 3 - Administration (Site Plan Review and Design Review)	10/7/2014	Extra PEDB Mtg
Article 2 - Definitions	10/7/2014	Extra PEDB Mtg
Send Legal Ad to Milford Daily News	by 10/7/2014	To run on 10/13 and 10/21/14
Post Public Hearing Notice with Town Clerk & to the TOM web page	by 10/13/2014	
Review Consolidated Draft	10/14/2014	Regular PEDB Mtg
FINCOM public hearing	Week of 10/20/14	
Review Revised Consolidated Draft	10/21/2014	Extra PEDB Mtg
File Document with Town Clerk & BOS for warrant	?????	
CONSTABLE POSTS WARRANT	10/24/2014	
PEDB Public Hearing	10/28/2014	Regular PEDB Mtg

PEDB votes it recommendation to Town Mtg	11/4/2014	
Town Meeting	11/10/2014	
<i>revised 9-5-2014</i>		

ARTICLE 5. USE REGULATIONS

5.1. General Provisions

- A. No building or structure shall be erected and no building or structure, or land or water area shall be used for any purpose or in any manner except in accordance with this chapter.
- B. No building permit shall be issued for any use that is subject to Section XX [cross-reference to Site Plan Review] unless a site plan has been reviewed and approved in accordance with the requirements therein.
- C. Accessory uses.
 - 1. An accessory use shall be incidental and subordinate to the principal use on the lot.
 - 2. An accessory use shall be located on the same lot as the principal residential or non-residential use to which it is accessory, and shall not alter the character of the premises on which it is located or have an adverse impact on the surrounding area.

5.2. Prohibited Uses

- A. Any use not listed in § 5.4, Schedule of Uses, or otherwise allowable under the provisions of this Bylaw is prohibited.
- B. In all districts, no use shall be permitted which would be offensive because of injurious or noxious noise, vibration, smoke, gas, fumes, odors, dust, debris, glare, radiation, or electrical interference, or other objectionable features, or be hazardous due to fire or explosions or any other cause.
- C. Mobile homes, except that pursuant to Massachusetts General Laws Chapter 40A, Section 3, a mobile home or temporary manufactured home may be placed on the site of a residence destroyed by fire or natural disaster, for a period not to exceed twelve months while the residence is being rebuilt.

5.3. Permitted in All Districts

The following uses are permitted in all districts:

- A. Federal or state use
- B. Pursuant to Massachusetts General Laws Chapter 40A, Section 3:
 - 1. Public or non-profit educational use
 - 2. Religious use

3. Child care facility licensed by the Commonwealth under Massachusetts General Laws Chapter 15D¹
4. Agriculture, horticulture, viticulture, aquaculture, or floriculture on parcels of five or more acres, including ~~on~~ facilities for the sale of produce, wine and dairy products

5.4. Schedule of Uses

No land, structure or building shall be used except for the purposes permitted in the district as set forth in Table 1, Schedule of Uses unless permitted under Section 5.3 or as otherwise provided in Section 5.XX [cross-reference to Overlay Districts]. In Table 1, a use permitted by right is denoted by the letter “Y,” and a prohibited use is denoted by the letter “N.” A use denoted by the letters “SP” may be allowed by special permit from the Zoning Board of Appeals, and a use denoted by the letters “PB” may be allowed by special permit from the Planning and Economic Development Board.

5.5. Special Provisions for Residential Uses

5.5.1. Infill Housing

- A. Purposes. The purposes of this Infill Housing bylaw are to increase the supply of affordable housing for low-and moderate-income households, encourage development at a scale and density compatible with existing neighborhoods in the AR-II district, and further the goals of the Medway Master Plan by guiding development toward established areas.
- B. Applicability. The Planning and Economic Development Board may grant a special permit to construct an infill dwelling unit on a lot that does not comply with the minimum lot area or frontage requirements of the AR-II district, including a lot held in common ownership with an adjoining lot, provided such lot existed as of January 1, 2009 and meets the requirements of this section.
- C. Basic Requirements.
 1. An infill dwelling unit shall be a detached single-family dwelling with not more than three bedrooms. No infill dwelling unit approved under this Section 5.5.1 shall be converted to a two-family or multi-family dwelling and shall not be altered to include an accessory dwelling unit.
 2. Affordable Housing. An infill dwelling unit shall be rented or sold only to a low- or moderate-income household, subject to an affordable housing deed restriction with a term of not less than 30 years. The unit shall be eligible for inclusion in the Chapter 40B Subsidized Housing Inventory.

¹ I cannot recommend keeping the language in your existing Section V-P). It is inconsistent with the legislative intent of Chapter 40A, Section 3. If you disagree, let's add this to a list of items to refer to Town Counsel.

3. To be eligible for an Infill Housing special permit, the lot shall meet the following requirements:
 - a. Area. An infill lot shall have at least 6,000 sq. feet of land area.
 - b. Lot Shape. An infill lot shall have a "Shape Factor" that falls within 15 percent of the average of the Shape Factor of the lots adjacent to and across the street from it.
 - c. Setbacks. The minimum front, side, and rear setbacks shall be not less than the average corresponding setbacks of principal structures located adjacent to and across the street from the infill lot. Vacant lots shall not be used to determine setbacks.
 - d. Frontage. An infill lot shall have frontage on an existing public way or private way that provides safe and adequate access as determined by the Planning and Economic Development Board. The minimum required frontage shall be not less than the average frontage of lots with principal structures located adjacent to and across the street from the infill lot.
 - e. Utilities. An infill lot shall connect to the public sewer and water system.
 - f. Parking. There shall be at least two off-street parking spaces per infill dwelling unit. No parking shall be located nearer than 10 feet to the adjoining property line. Unless waived by the Planning and Economic Development Board, no parking shall be located in the front yard. Parking areas shall be suitably screened from abutting properties.
4. An infill lot approved under this Section 5.5.1 shall not be further subdivided or reduced in area, or changed in size or shape. It may be used only for an infill dwelling as provided herein.
5. Minimum Design Standards
 - a. The Design Review Committee shall review the infill dwelling unit in accordance with the Medway Design Guidelines and provide a recommendation to the Planning and Economic Development Board.
 - b. The proposed infill dwelling shall similar to and consistent with the character and scale of the neighborhood and the bulk and height of adjacent residences.
 - c. The primary entrance and façade of the infill residence shall be oriented toward the adjacent street.
6. Maximum Infill Residential Use Limitation. The maximum number of infill dwelling units that may be permitted under this section shall be limited to a number equal to 1 percent of the total number of detached single-family dwellings in the Town of Medway as determined by the Board of Assessors.

5.5.2. Accessory Family Dwelling Unit²

1. Purposes. The purposes of this Accessory Family Dwelling Unit bylaw are to assist Medway residents with creating suitable housing to accommodate a family member.³
2. Applicability. The Board of Appeals may grant a special permit for an accessory family dwelling unit in accordance with this Section 5.5.2 and Table 1, Schedule of Uses.
3. Basic Requirements.
 - a. An accessory family dwelling unit shall be located within a detached single-family dwelling and designed so as to preserve the appearance of the single-family dwelling.
 - b. There shall be only one accessory family dwelling unit on a lot, and no accessory family dwelling unit shall have more than one bedroom.
4. There shall be at least one off-street parking space for the accessory family dwelling unit in addition to parking for the principal dwelling. The off-street parking shall be located in a garage or carport, or in the driveway, and shall not be permitted within any required yard area or setback. There shall be no additional driveway or curb cut providing access to the accessory family dwelling unit.
 - a. Occupancy of the single-family dwelling and accessory family dwelling unit shall be restricted as follows:
 - i. The owners of the property shall reside in one of the units as their primary residence. For purposes of this section, “owners” shall mean one or more individuals who hold legal or beneficial title to the premises.
 - ii. The unit not occupied by the owners may only be occupied by the owners’ immediate family or step-family members, grandparents, or in-laws. A notarized statement of the owner’s relationship to the occupant shall be submitted to the Inspector of Buildings prior to the issue of a certificate of occupancy for the accessory family dwelling unit.
5. Limitations of Special Permit. The special permit for an accessory family dwelling unit shall expire not more than three years after the date of issuance unless extended by the Board of Appeals. Upon transfer or conveyance of the property, the special permit granted hereunder shall become null and void.⁴

² Since Medway doesn't allow accessory apartments except for family members, you could simplify this section by calling it “accessory apartment.” Accessory family dwelling unit is a mouthful ...

³ You don't need a purpose statement here, but I've retained a simplified version.

⁴ I don't believe you can cause the CO to be revoked simply because the special permit expires. Flag this for input from Town Counsel.

5.5.3. Open Space Residential Development (OSRD)

- A. Purposes. The purposes of open space-residential development (OSRD) are to preserve open space, agricultural and forestry land, viewsheds, wildlife habitat and corridors, wetlands and water resources, and historical and archeological resources; minimize the total amount of disturbance on a site; encourage more efficient development that consumes less open land and respects existing topography and natural features better than a conventional or grid subdivision; encourage flexibility and creativity in the design of residential developments; and through flexible design and more efficient use of land, facilitate the provision of a variety of housing opportunities in the Town.
- B. Applicability. The Planning and Economic Development Board may grant a special permit for an OSRD concept plan for any tract of land with 10 or more contiguous acres in the AR-I or AR-II district, or a tract of land with less than 10 acres if such property directly abuts the Charles River, Chicken Brook, or Hopping Brook and land abutting any of these waterways is included in the minimum required open space under Section XX below (Common Open Space). For the purposes of this Section 5.5.3, parcels directly opposite each other on an existing street, each with at least 25 feet of frontage on the same 25-foot section of roadway, may be considered contiguous if they have practical development potential as determined by the Planning and Economic Development Board.
- C. Land Division. The OSRD may be a subdivision or a division of land pursuant to Massachusetts General Laws Chapter 41, Section 81P, or a condominium on land not so divided or subdivided.
- D. Use Regulations. An OSRD special permit may provide for any of the following uses as determined by the Planning and Economic Development Board:
1. Detached single-family dwellings
 2. Attached single-family dwellings up to a maximum of five (5) per building
 3. Local convenience retail, up to a maximum of 7,500 sq. ft. of gross floor area
 4. Community center
- E. Density and Dimensional Regulations.
1. The maximum number of dwelling units in an OSRD shall be determined by the Planning and Economic Development Board in accordance Section XX below (Yield Analysis).
 2. The Planning and Economic Development Board may waive the applicable minimum lot area, lot shape, minimum lot frontage, and other bulk requirements for lots within an OSRD, subject to the following:
 - a. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the OSRD unless such reduced lots are consistent with established development patterns in the neighborhood, as determined by the Planning and Economic Development Board.

- b. The minimum lot frontage shall be 50 feet.
 - c. The minimum front setback shall be 25 feet unless a reduction is authorized by the Planning and Economic Development Board.
 - d. The minimum lot area per unit shall be 50 percent of the minimum lot area in the district in accordance with Article 6 of this Bylaw.⁵
3. In order to allow flexibility and creativity in siting buildings while also promoting privacy, buildings shall be separated as follows:⁶

[Insert Table from ZBL]

The calculation of average separation distances shall be based on buildings that can be connected with an imaginary line that does not cross a roadway. On a through road, the separation distances on each side of the road shall be calculated separately. On a cul-de-sac, all of the buildings that can be connected by an imaginary line on both sides and around the bulb of the cul-de-sac shall be counted. On a loop road, the buildings on the exterior and interior of the loop will be calculated separately. Detached accessory buildings such as garages up to two bays and one-story sheds that do not require a building permit shall not be considered in calculating the distances between buildings.

F. Common Open Space. The OSRD must provide Common Open Space to be protected in perpetuity. Common Open Space shall comprise at least 50 percent of the site for parcels of 25 acres or less, and at least 60 percent of the site for parcels of more than 25 acres. The Common Open Space shall not be further subdivided, and a notation to this effect shall be placed on the plan to be recorded with the Norfolk Registry of Deeds. The following standards apply to the Common Open Space in an OSRD.

1. Use, shape and location.
 - a. Common Open Space shall be functional for wildlife habitat, passive recreation, resource preservation, agriculture or equestrian uses.
 - b. To the maximum extent feasible, the Common Open Space shall be undisturbed, unaltered and left in its natural or existing condition. It shall be appropriate in size, shape, dimension, location, and character to assure its use as a conservation area, or where appropriate, a recreational area. Not more than 10 percent of the open space may be covered by gravel roadways, pavement or structures accessory to the dedicated use or uses of the open space. However, principal or accessory structures and access roads essential to an agricultural use are exempt from this limitation.

⁵ Why 50 percent?

⁶ I've preserved your existing separation rules, but this section is way too complicated. I strongly recommend that you consider a simpler approach – one that is fairly common in OSRD bylaws (something like this): "No dwelling shall exceed 30 feet in height, measured from natural grade. The minimum distance between dwelling units shall be 20 feet unless the Fire Chief requires a greater distance ..."

- c. While protecting natural resources is a primary goal of this Section 5.5.3, the Common Open Space may provide for recreation areas such as commons, parks, and playgrounds.
- d. The percentage of open space that includes wetlands normally shall not exceed the percentage of the site that includes wetlands unless waived by the Planning and Economic Development Board.
- e. Wherever feasible, the Common Open Space shall be contiguous and linked as a unit, and linked to other existing open space.
- f. The following shall not qualify for inclusion in the Common Open Space calculation unless approved by the Planning and Economic Development Board:
 - i. Existing or proposed utility easements;⁷
 - ii. Surface stormwater management systems or sub-surface drainage, septic, and leaching systems pursuant to Title 5;
 - iii. Land within 30 feet of any dwelling unit;
 - iv. Median strips, landscaped areas within parking lots, or narrow, unconnected strips of land.
 - v. Buffer areas as required in Section XX below.⁸
- 2. Ownership. Common Open Space shall be conveyed in accordance with Massachusetts General Laws Chapter 40A, Section 9, as determined by the Planning and Economic Development Board: either to the Town or accepted by it for a park or open space use, or to a nonprofit organization the principal purpose of which is the conservation of open space, or to a corporation or trust owned by the owners of lots or residential units within the project, or any combination of the above. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units in perpetuity. In any case where such land is not conveyed to the Town, a restriction enforceable by the Town shall be recorded providing that such land shall be kept in an open or natural state and not to be built for residential use or developed for accessory uses such as parking and roadway. The restriction shall further provide for maintenance of the common land in a manner which will ensure its suitability for its function, appearance, and maintenance.
- G. Four-Step Design Process. The proposed layout of streets, dwelling units, and open space in an OSRD shall be designed according to the following Four-Step Design Process, which the applicant shall conduct with assistance of a Registered Landscape Architect (RLA).

⁷ Note: Most OSRD bylaws allow underground utilities that serve residents of the project to be included in the Common Open Space.

⁸ Given that your OSRD bylaw requires 50% open space, excluding the buffer is very unusual.

1. Identify primary and secondary conservation areas and potential development areas, and features to be preserved. Primary conservation areas shall include wetlands, riverfront areas, and floodplains, and secondary conservation shall include unprotected elements of the natural landscape, e.g., steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats, and historic and archeological sites and scenic views. To the maximum extent feasible, potential development areas shall consist of land outside identified primary and secondary conservation areas.
2. Locate the approximate sites of dwelling units within the potentially developable area(s). Include the delineation of private yards and shared amenities so as to reflect an integrated community, emphasizing consistency with the Town's historic development patterns. The number of homes with direct access to the development's amenities should be maximized.
3. Align streets in order to access the house lots or dwelling units. New streets and trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, existing or proposed new open space parcels, and trails on abutting public or private property.
4. Draw in lot lines.

H. Pre-Application Process

1. Pre-Application Review Meeting. The applicant shall schedule an informal pre-application review meeting at a regular meeting of the Planning and Economic Development Board. The purpose of pre-application review is to allow the applicant to receive feedback from the Planning and Economic Development Board, minimize the applicant's costs of engineering and other technical experts, begin negotiations with the Planning and Economic Development Board at the earliest possible stage in the site design process, and set a timetable for filing a formal OSRD special permit application. The Planning and Economic Development Board shall invite other Town boards to review the pre-application materials and attend the informal pre-application review.
2. Plans and Documentation. At the pre-application review meeting, the applicant shall present a conceptual plan for the site, natural and cultural resources inventories, maps, photographs, and any other information the Planning and Economic Development Board needs in order to understand and respond to the applicant's proposal. Pre-application materials shall be in accordance with the Planning and Economic Development Board's development regulations and may be based on existing sources of information.
3. Site Visit. The applicant shall grant permission to Planning and Economic Development Board, Open Space Committee, and Conservation Commission members and agents to visit the site.

I. Special Permit Procedures⁹

⁹ Some of the procedures listed in the OSRD section of the ZBL will be moved to the umbrella Special Permits section in Article 3.

1. General. The special permit application, public hearing, and decision procedures shall be in accordance with this Section 5.5.3 and Section XX [cross-reference Special Permits in Article 3] and Massachusetts General Laws Chapter 40A, Section 9.
2. Application Requirements. The OSRD special permit application shall include the plans and documents listed below. The size, form, number, and contents of the required plans and any supplemental information shall be in accordance with the Planning and Economic Development Board's rules and regulations.
 - a. Site Context and Analysis Map illustrating existing conditions and significant natural resources or features on the site and in the surrounding area. The applicant shall have the burden of proof with respect to the identification of natural features and calculation of wetlands on the site.
 - b. OSRD Concept Plan. The OSRD Concept Plan shall be a schematic representation of the proposed OSRD and supporting documentation. The Concept Plan submission shall provide enough detail about existing and proposed conditions to enable the Planning and Economic Development Board to understand the nature, scope, and impacts of the proposed project. In addition, the Concept Plan submission shall document the OSRD design process outlined in Section XX above and include scaled drawings prepared by a registered landscape architect. At minimum, the Concept Plan shall provide the following information:¹⁰
 - i. The location of the proposed development;
 - ii. The size of the proposed site in acres;
 - iii. An existing conditions inventory and an analysis of site and context features identified during the OSRD Design Process;
 - iv. The total number and approximate locations of proposed buildings, dwelling units and/or lots, the approximate size of each in sq. ft., and sample façade designs;
 - v. The approximate delineation, acreage, proposed use(s), and proposed ownership of the Common Open Space;
 - vi. The areas or approximate delineation of lots that will be used as building areas;
 - vii. The approximate location of proposed roadways;
 - viii. A general description of how drainage and wastewater will be handled, including a soils statement and the general area of the site to be used for stormwater management facilities;

¹⁰ You could put most if not all of the items listed here in Planning Board regulations rather than the ZBL.

- ix. A general description of the applicant's plans for site improvements, including mitigation of noise, odor or visual impacts arising from the operation of a package treatment plant, where applicable; and
 - x. Sufficient detail of the proposed area(s) of disturbance and built and natural features to enable the Planning and Economic Development Board to make the required determinations under Section XX below.
- c. Neighborhood Density Analysis, i.e., a calculation of the density of abutting subdivisions and all other existing residential development within 2500 feet of the site's perimeter.
- d. Yield Analysis. The applicant shall submit a Yield Analysis, the purpose of which is to demonstrate the maximum number of lots that could be developed on the site under a conventional plan and the maximum number of units that may be permitted in an OSRD. The Yield Analysis shall identify the total area of the site, existing utility easements, and wetland and riverfront areas as determined by the Medway Conservation Commission. The Yield Analysis shall be based on the formula shown below. For purposes of this computation, "net site area" shall mean the total area of the site minus existing upland utility easements. (Land located both within utility easements and wetland resource areas shall not be counted twice.) The result shall be rounded down to the nearest whole number. Following a review of the Yield Analysis, the Planning and Economic Development Board shall determine the maximum number of units that may be constructed in an OSRD.¹¹

$$\text{Maximum Number of Dwelling Units} = \frac{\text{Net Site Area} - (50\% \times \text{wetlands}) - (10\% \text{ Net Site Area})}{\text{Zoning District Minimum Lot Area}}$$

3. Decision.

- a. The Planning and Economic Development Board may grant a special permit for an OSRD with any conditions, safeguards, and limitations necessary to ensure compliance with Section XX [cross-reference Special Permits] and this Section 5.5.3, only upon finding that:
 - i. The conceptual design and layout of the proposed OSRD is superior to a conventional development in preserving open space for conservation and recreation, preserving natural features of the land, achieving more efficient provision of streets, utilities and other public services, and providing a high degree of design quality;

¹¹ How is an applicant supposed to figure out how many lots can be created in an OSRD if the Bylaw doesn't provide some sort of assurance?

the application to amend the special permit shall be limited to the significant changes identified in the Planning Board's conditional approval.

4. The Planning Board may disapprove a definitive plan for failure to comply with the special permit or for failure to meet the general design standards in Section XX below. The definitive plan will be considered not to comply with the special permit if the Planning Board determines that any of the following conditions exist:
 - a. Any increase in the number of buildings or dwelling units;
 - b. A significant decrease in acres of Common Open Space; or
 - c. A significant change in the general development pattern which adversely affects natural landscape features and open space preservation.
- K. General Design Standards. Wherever possible, the Applicant shall incorporate the following General Design Standards in the design of an OSRD. The Planning and Economic Development Board and Design Review Committee will consider these standards in their review of a proposed OSRD project.
1. Landscape Preservation. The landscape shall be preserved in its natural state by minimizing tree and soil removal. Topography, tree cover, significant landmarks, and natural drainage ways should be treated as fixed determinants of road and lot configuration.
 2. Views. Views of the open space shall be maximized for residents of the development, abutting properties, and passersby.
 3. Cultural Resources. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized, whether located on the site or adjacent properties.
 4. Open Space Access. Each OSRD dwelling unit shall have reasonable access to the open space.
 5. Buffer. A buffer area at least 15 feet wide, consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, shall be located along the boundary of the site where it abuts existing neighborhoods unless waived by the Planning and Economic Development Board.
 6. Pedestrian paths shall be provided to facilitate movement within the OSRD and between it and any abutting open space. Sidewalks shall be provided along the entire frontage of the OSRD tract along existing Town ways, including the frontage of any lots held in common ownership with the parcels within five (5) years prior to the submission of the OSRD Special Permit application. Where sidewalk construction is not feasible, the Planning Board may require the applicant to construct an equivalent length of sidewalk elsewhere in the Medway or make a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning Board.

7. Architecture. The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings.
8. Garage Doors. Garage doors facing the street shall be set back at least 5 feet more than the front wall of the principle building. No more than 50 percent of the garage doors within an OSRD shall face the street from which they have access unless waived by the Planning and Economic Development Board.
9. Common Driveways. Common or shared driveways may be allowed at the discretion of the Planning and Economic Development Board.
10. Parking. A minimum of three (3) off-street parking spaces shall be required for each dwelling unit.¹² The Planning and Economic Board may require additional off-street parking areas for use in common by residents and their guests. Locations for additional guest parking shall be shown on the Concept Plan.
11. Dead-end streets not exceeding 1,000 lineal feet may be approved if the applicant provides adequate access for police, fire, ambulance, and other emergency vehicles.

5.5.4. Adult Retirement Community Planned Unit Development

- A. Purpose: The purposes of the Adult Retirement Planned Unit Development (ARCPUD) are to develop a variety of housing for senior citizens and accommodate their long-term social, cultural, recreational, and continuing care needs.
- B. Applicability. The Planning and Economic Development Board may grant a special permit for an Adult Retirement Community Planned Unit Development (ARCPUD) for any tract with 10 or more acres, whether in one parcel or a set of contiguous parcels in the AR-I or AR-II district.
- C. Use Regulations. An ARCPUD is a master planned residential community for people fifty-five (55) years of age and older. It allows for a greater variety of uses and building types, a higher density of development, and greater flexibility in site planning than would normally be allowed in the AR-I or AR-II district. An ARCPUD shall provide a range of housing types and facilities, as follows.
 1. The ARCPUD shall include at least one of the following residential uses.
 - a. Congregate housing
 - b. Assisted living facility
 - c. Long-term care facility
 - d. Coordinated units (see Article 2 of this Bylaw)

¹² Why such an excessive standard?

2. The ARCPUD may include any of the following:
 - a. Detached single-family dwelling or cottage
 - b. Townhouse
 - c. Local convenience retail, up to a maximum of 7,500 sq. ft. of gross floor area
 - d. Community center
 - e. Conservation, agricultural, and recreation uses

D. Density and Dimensional Regulations.¹³

1. The maximum number of units permitted in an ARCPUD shall be determined by multiplying the gross acreage of the ARCPUD site by a factor of three (3.0). However, the applicant is not entitled to the maximum number of housing units described in this section. The number of housing units for an ARCPUD shall be determined by the Planning and Economic Development Board.
2. For purposes of this Section 5.5.4, a housing unit shall be defined as equal to:
 - a. A home site in an ARCPUD subdivision, a townhouse, or a dwelling unit as defined in Article II of this Bylaw;
 - b. Two (2) studios or suites of rooms in an Assisted Living or Congregate Living Facility, provided such dwellings do not meet the definition of a dwelling unit in Article II of this Bylaw;
 - c. Three (3) rooms in a Long-Term Care Facility.
3. Each tract of land proposed for an ARCPUD shall have a minimum of 250 linear feet of frontage on an existing public way(s).
4. Each building in the ARCPUD shall have a minimum front yard of no less than 20 feet and a side yard of not less than 10 feet, both measured from the edge of the paved way to the closest point of the structure.
5. No buildings shall be constructed within 50 feet from the right-of-way line of a public way or within 50 feet from the perimeter lot line. The 50-foot buffer shall be maintained in its natural state or a landscaped open space.
6. In an ARCPUD residential subdivision, the minimum lot area per unit shall be 6,000 square feet and each lot shall comply with the upland and lot shape requirements of this Bylaw.

¹³ I have tried to preserve what I think your Bylaw intends, but this is a more complicated density formula than it needs to be.

7. There shall be no minimum side setback on lots within an ARCPUD unless required by the Planning and Economic Development Board.

E. Basic Requirements

1. Age Restriction. All dwellings in an ARCPUD shall be subject to an age restriction in a legal instrument approved by the Planning and Economic Development Board and recorded with the Norfolk Registry of Deeds or Norfolk Registry District of the Land Court. The age restriction shall limit occupancy of the dwelling units to people age fifty-five (55) or older and their spouses (if applicable) of any age, and provide for reasonable time-limited guest visitation rights. It also shall authorize exceptions for a person of any age to occupy an ARCPUD unit as a personal care assistant for a resident senior with disabilities. The special permit including the age restriction shall run with the land in perpetuity and shall be enforceable by any owner(s) of dwelling units in the ARCPUD or by the Town of Medway.
2. Affordability. At least 10 percent of the total number of ARCPUD dwelling units, rounded up to the next higher integer, shall be designated and made available as Affordable Housing Units as defined in this Bylaw.

F. ARCPUD Site Development Standards. The following site development standards shall apply to an ARCPUD.

1. Each building in the ARCPUD shall face either upon an existing street or a public or private way constructed within the ARCPUD.
2. Existing healthy trees and groundcover shall be preserved wherever possible. Large lawn areas shall be minimized.
3. Parking. The minimum off-street parking requirements for an ARCPUD shall be as follows. The Planning and Economic Development Board may reduce these requirements for an ARCPUD with enhanced pedestrian access or where a majority of the proposed floor space will be in an Assisted Living Facility or Long-Term Care Facility.
 - a. There shall be at least two (2) off-street parking spaces for each dwelling unit.¹⁴ A minimum of one (1) off-street parking space shall be required for each 500 square feet of gross floor area for Local Convenience Retail.
 - b. Required parking space(s) shall be provided on the same lot as the permitted use or on a contiguous lot (within the ARCPUD), subject to easements ensuring rights of access, use and maintenance.
 - c. The Planning and Economic Development Board may require additional off-street parking areas for common use by residents or their guests.
4. All two-way roadways serving more than one dwelling shall be a minimum paved width of 22 feet. The paved width of a one-way roadway may be less than 22 feet if approved

¹⁴ This is excessive for senior housing.

- by the Planning and Economic Development Board based on site conditions and standard engineering practice.
5. All roadways, driveways and parking areas within the ARCPUD shall be maintained by the applicant or owners or their agents and assigns.
 6. All utilities shall be underground.
 7. Utilities and on-site storage shall be shielded from view by walls or fences.
 8. All solid waste removal within the ARCPUD shall be the responsibility of the residents, owners or their agents.
- G. Open Space. At least 40 percent of the total land area of the ARCPUD shall be set aside and maintained as open space in accordance with the following standards.
1. A minimum of 40 percent shall be suitable and designed for recreational purposes.
 2. A minimum of 50 percent of the space in an ARCPUD shall be Common Open Space as described in Section 5.5.3(F) and subject to the requirements and specifications provided therein unless modified or waived by the Planning and Economic Development Board.
 3. Wetland resources as defined in Medway Wetlands Protection Bylaw shall comprise not more than 50 percent of the required ARCPUD open space unless waived by the Planning and Economic Development Board.
 4. Drainage facilities shall not be located in the ARCPUD open space, but land within the open space may be utilized as natural courses for disposal of stormwater runoff. Other than minor berming and riprap at pipe outflows, no significant disruption of the land for drainage shall be permitted.
- H. Pre-Application Process. An ARCPUD is subject to the pre-application process outlined in Section XX of this Bylaw [cross-reference OSRD].
- I. Four-Step Design Process. An ARCPUD shall be designed in accordance with the four-step process outlined in Section XX of this Bylaw [cross-reference OSRD].
- J. Special Permit Procedures¹⁵
1. General. The special permit application, public hearing, and decision procedures shall be in accordance with this Section 5.5.4 and Section XX [cross-reference Special Permits in Article 3] and Massachusetts General Laws Chapter 40A, Section 9.
 2. Application Requirements. The ARCPUD special permit application shall include the plans and documents listed below.¹⁶ The size, form, number, and contents of the required

¹⁵ Some of the procedures listed in the OSRD section of the ZBL will be moved to the umbrella Special Permits section in Article 3.

¹⁶ I have maintained most of your existing text, but FYI, virtually everything that's in the ZBL can be removed and placed in the Planning Board's rules and regulations. You do not need all of this in your ZBL.

plans and any supplemental information shall be in accordance with the Planning and Economic Development Board's rules and regulations.

- a. Names, addresses and telephone numbers of the applicant, the owner if other than the applicant and other agents for the applicant, such as the architect, engineer and/or attorney, and the name and address of the proposed project;
- b. A plot plan (certified by a land surveyor) indicating total land area boundaries, angles and dimensions of the site and a north arrow;
- c. Locus of the land shown on the plan at a scale of no smaller than 1"=100', with sufficient information to accurately locate the land and adjacent land, all property lines and buildings within 500' of the land;
- d. Plans showing present and proposed use(s) of the land and existing buildings, if any;
- e. Dimensions of existing and proposed building(s) and other structures including height, setback(s) from property lines, total floor area of all floors (in square feet), and ground coverage ratio of each building or structure;¹⁷
- f. Locations and dimensions of any easements, public or private rights-of-way, or other burdens existing or proposed;
- g. At-grade parking and loading areas showing number, location and dimensions of parking and loading spaces, driveways, access and sidewalks, preferably indicated on plot plan; and
- h. A brief written description of the proposed project, such as proposed construction or demolition, all uses, who the project is intended to serve, expected number of employees, and/or occupants and methods and hours of operation, as applicable.
- i. Additional Information, if applicable:
 - i. Front, side and rear elevations;
 - ii. Existing and proposed contour elevations in 2-foot increments;
 - iii. Provisions for vehicular and pedestrian access ways, including proposals for new or relocated curb-cuts and access for emergency vehicles;
 - iv. Color, materials, and exterior features of proposed structures;

¹⁷ Some of these requirements are currently listed under Additional Information, if applicable, but there seemed to be some repetition, so I consolidated everything into one paragraph e.

- v. Landscaping and screening, including trees, stones, walls, fences and other features to be retained and removed as well as color, size and type of landscaped surface materials;
 - vi. Measures taken to preserve and protect natural resources
 - vii. Outdoor lighting, including location and intensity of lighting facilities;
 - viii. Location and significance of historical structures;
 - ix. Locations of and adequacy of existing and proposed on-site public utilities, facilities and conditions (water, sewerage and drainage), showing size and direction of flow;
 - x. A traffic study, including estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions;
 - xi. Wetlands, ponds, and surface water bodies as defined in the Wetlands Protection Act, Massachusetts General Laws Chapter 131, Section 40, and the Department of Environmental Protection's (DEP) wetland regulations, 310 CMR 10.00, and any other applicable local bylaws, rules or regulations; and
 - xii. Such other information as the Board deems necessary to understand and act upon the special permit application.
- K. Decision. The Planning and Economic Development Board may grant an ARCPUD special permit with any conditions, safeguards, and limitations necessary to mitigate the project's impact on the surrounding area and to ensure compliance with Section XX [cross-reference Special Permits] and this Section 5.5.4, only upon finding that:
- 1. That the ARCPUD meets the purposes, requirements, and design standards of this Section 5.5.4
 - 2. That the ARCPUD is consistent with the goals of the Town of Medway Master Plan;
- L. Development Limitation. The maximum number of housing units in all permitted ARCPUD developments shall be equal to 10 percent of the existing detached single-family dwellings (excluding ARCPUD units) located in the Town of Medway, as determined by the Board of Assessors.

5.5.5. Home-Based Business

- A. Purposes. The purposes of the Home-Based Business bylaw is to provide for the conduct of home occupations in a residential or mixed-use district while preserving the residential character of the premises and preventing adverse effects on the neighborhood.
- B. Applicability. A Home-Based Business shall be allowed by right as shown in Table 1 if it meets the following requirements:

1. The business use is subordinate to the residential use of the premises. No more than 20 percent of the gross floor area of the dwelling and any accessory structures, up to a maximum of 1,000 square feet of gross floor area, shall be used for the home-based business. As used herein, "gross floor area" means the total floor area of all heated and ventilated (habitable) rooms in the dwelling or on the premises, and includes heated and ventilated basements, attics, and accessory structures.¹⁸
2. There shall be no visible evidence of the home-based business from the street or an adjacent lot. A home-based business shall be conducted entirely indoors within the principal dwelling on the lot or a building accessory thereto.
3. There shall be no outside storage associated with the home-based business. Accessory structures such as sheds, detached garages, and barns may be used for unheated storage of the home-based business's stock in trade, commodities, or products.
4. Not more than one non-resident shall be employed on the premises, and the maximum number of customers on the premises at any given time shall not exceed the number that can be accommodated in one passenger vehicle.¹⁹
5. The maximum number of off-street parking spaces for employee and customer parking shall be two (2). There shall be no outside parking of more than two commercial vehicles as defined by the Massachusetts Registry of Motor Vehicles in 540 CMR 4.02.
6. There shall be no change in the exterior appearance of the dwelling or accessory building used for the home-based business. Any new building constructed for the business shall not deviate from the residential character of the area. No signs shall be permitted for a home-based business except as provided in Section XX of this Bylaw.
7. No equipment or process shall be used in the home-based business which creates noise, vibration, odor, fumes, gas, smoke, dust, or electrical disturbance detectable to the normal senses off the lot.
8. A home-based business shall not generate any solid waste or sewage discharge in volume or type greater than that associated with a typical residential use.
9. Deliveries or pick-ups of supplies or products for the home-based business are allowed between 8 am and 8 pm. Vehicles used for such delivery and pick-ups shall be limited to those that customarily serve residential neighborhoods.
10. There is no limit to the number of home based businesses that may occupy a single dwelling unit, provided that the cumulative total of the area used for home-based businesses on the premises shall not exceed Section XX above.
11. Special Permits. A home-based business that does not comply with all of the above standards shall only be allowed by special permit from the Zoning Board of Appeals.

¹⁸ I suggest removing this definition of GFA and putting it in the Definitions section, which will be Article 2.

¹⁹ I'm not sure this standard gets at what you're trying to accomplish. A passenger vehicle can include a van that transports up to 14 people. Why not just limit parking for employee and customer use to two off-street spaces?

Special permits granted hereunder shall be based upon the criteria in Section XX [cross-reference Special Permits].

12. Registration. Pursuant to Massachusetts General Laws Chapter 110, Sections 5-6 and Chapter 227, Section 5A, most home-based businesses are required to register with the Town Clerk and obtain a Business Certificate before commencing business operations.

5.5.6. Affordable Housing

- A. Purposes. The purposes of this Affordable Housing bylaw are to provide housing in Medway for people of varying ages and income levels; to increase the supply of affordable housing for low and moderate income households; to promote a mix and geographic distribution of affordable housing throughout the Town; to provide housing options for people who work in Medway; and to create housing units eligible for listing in the Chapter 40B Subsidized Housing Inventory,
- B. Applicability. This Section 5.5.6 shall apply to any residential or mixed-use development that results in a net increase of six or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space, whether on one or more contiguous parcels. Construction of a residential development shall not be segmented to avoid compliance with this section. Segmentation shall mean one or more divisions of land that cumulatively result in a net increase of six or more lots or dwelling units above the number existing 36 months earlier on any parcel or set of contiguous parcels held in common ownership on or after the effective date of this Section 5.5.6.

This Section shall not apply to:

1. The construction of six or more single-family dwellings on individual lots if said lots were in existence prior to the effective date of this Section [enter date].
 2. An Adult Retirement Community Planned Unit Development.
 3. An Assisted Living Facility
- C. Mandatory Provision of Affordable Housing Units. In any development subject to this Section 5.5.6, at least 10 percent of the dwelling units shall be affordable housing. Fractions shall be rounded up to the next whole number.
 - D. Density Bonus; Affordable Housing Special Permit
 1. The Planning and Economic Development Board may grant an Affordable Housing Special Permit to modify or waive dimensional requirements in order to increase the total number of market-rate units to a number equal to one-half of the required number of affordable units under Section XX below.²⁰ For example, in a development that must provide two affordable units, an additional market-rate unit may be allowed. Fractions shall be rounded up to the next whole number. The density bonus may be granted for

²⁰ The ratio is usually in the reverse, i.e., two market-rate units for an affordable unit.

developments that provide affordable units on site or off-site in another location in Medway, pursuant to Section X below. In addition, the density bonus may be granted for a development that provides affordable units voluntarily, i.e., a development not subject to this Section 5.5.6.

2. Dimensional Requirements. The minimum lot area, minimum lot frontage, and minimum front, rear, and side setbacks normally required in the applicable district may be adjusted to allow for the increase in total number of dwelling units as long as the layout of lots meets one of the following requirements:
 - a. No individual lot shall be reduced in area or frontage to less than 80 percent of the required minimum in the district, and any lot with an affordable dwelling unit shall represent the median lot in area and frontage; or
 - b. The lot area and lot frontage of all lots in the subdivision shall not vary by more than 10 percent.
3. Type of dwelling unit. An increase in the total number of dwelling units may be accommodated by allowing unit types not otherwise permitted in the district. For example, in a district where only single-family dwellings are allowed by right, a development with an affordable housing density bonus may include duplexes, townhouses, or multi-family dwellings.
4. No density bonus shall be granted when the requirements of this Section 5.5.6 are met with a payment in lieu of units pursuant to Section X below.

E. Methods of Providing Affordable Housing Units.

1. On-site units. Construction of affordable units on the locus of the development shall be permitted as of right.
2. The Planning Board may grant a special permit for one or more of the following methods, alone or in combination. In no event shall the total number or value of off-site units, land area, or cash payments provided be less than the equivalent number or value of affordable housing units that could be built on-site pursuant to Section E(1) above.
 - a. "Off-site units," or comparable affordable units on another site in Medway. Off-site units need not be located in the same district as the development. The approved location(s) of the off-site affordable housing units shall be identified in the special permit decision. Preservation of existing dwelling units for affordable housing may be accomplished by purchasing deed restrictions and providing funds for capital improvements to create housing with equal or greater value as new-construction units.
 - b. Donation of developable land in Medway to the Medway Affordable Housing Trust or another entity as determined by Planning and Economic Development Board, provided the receiving organization agrees in writing to accept the land and the applicant demonstrates that the land is developable for an equivalent number of affordable units in conformance with this Bylaw. Donated land need not be located in

the same district as the development, and shall be subject to a deed restriction limiting its use to affordable or mixed-income housing.

- c. Payment of a fee in lieu of affordable units to the Medway Affordable Housing Trust. The payment shall be an amount equal to the number of affordable housing units required by this Section 5.5.6 multiplied by the calculated Equivalent Affordable Housing Unit Value for that development.
 - i. The affordable purchase price shall comply with Local Initiative Program (LIP) guidelines in effect when the Affordable Housing special permit application is filed.
 - ii. The assumptions used to determine an affordable purchase price shall be consistent with first-time homebuyer mortgage products available from commercial lending institutions located in or serving Medway, all in accordance with the Planning Board's rules and regulations and requirements of the Department of Housing and Community Development (DHCD).
 - iii. Payments in lieu shall be made according to the schedule set forth in paragraph 9 herein.

F. Location and Comparability of Affordable Housing Units (On and Off Site)

1. Affordable units shall be dispersed throughout a development and be as accessible to public amenities as the market-rate units in the same development. In addition, they shall:
 - a. Be integrated with the rest of the development, and the exterior shall be comparable to the market-rate units in terms of design, exterior appearance, quality of materials, and energy efficiency, and shall include a garage if the market-rate units have a garage.
 - b. Comply with the Local Initiative Program's minimum design and construction standards;
 - c. Contain at least 1,500 square feet of living area and at least three bedrooms for single family detached houses and a minimum of 1,200 square feet of living area and at least two bedrooms for attached or multifamily units, excluding basement space.²¹ The Planning and Economic Development Board may make reasonable exceptions for the size of existing units that are purchased and resold or rented as affordable housing units with an appropriate deed restriction.
2. The special permit application shall include a plan showing the proposed location of the affordable housing units. When a special permit is not needed, the location of the affordable housing units shall be identified on plans submitted to the Town for any other required permit.

²¹ These floor areas exceed LIP requirements.

3. The owners and tenants of market-rate and affordable units shall have the same rights and privileges to access any amenities within the development.

G. Marketing Plan for Affordable Housing Units. The selection of qualified purchasers or qualified renters shall be carried out under an affirmative fair marketing plan submitted by the applicant and approved by the Planning Board in consultation with the Medway Affordable Housing Committee or the Medway Affordable Housing Trust. The marketing plan shall comply with LIP guidelines in effect on the date of the special permit or other permit application.

The affordable units may be sold to the Town of Medway, the Medway Housing Authority, the Medway Affordable Housing Trust, or to any non-profit housing development organization serving the Town of Medway, in order to carry out the affirmative marketing plan and homebuyer or renter selection process.

H. Timing of Construction.

1. Affordable units shall be constructed or otherwise provided in proportion to market-rate units, but in no event shall the construction of affordable housing units be delayed beyond the schedule below. Proportionality shall be determined by the number of building permits or certificates of occupancy issued for affordable and market-rate units, or lot releases, as applicable. Affordable units shall not be the last units to be built in any development that is subject to this Section 5.5.6.

Percent Market-Rate Units	Percent Affordable Units
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

2. In the case of payments in lieu of affordable units, the following methods of payment may be used at the option of the applicant:
 - a. The total amount due shall be paid upon the release of any lots or, in the case of a development other than a subdivision, upon the issuance of the first building permit; or,
 - b. The total amount due shall be divided by the total number of market rate units in the development. The resulting quotient shall be payable at, or prior to, the closing of each market rate unit. or,
 - c. A combination of the above methods if approved by the Planning and Economic Development Board.

I. Preservation of Affordability

1. Affordable units provided under this Section 5.5.6 shall be subject to an affordable housing restriction that complies with Local Initiative Program requirements for inclusion in the Chapter 40B Subsidized Housing Inventory and is enforceable under Massachusetts General Laws Chapter 184, Section 26 or Sections 31-32.
2. No building permit shall be issued until the affordable housing deed restriction has been executed and recorded with the Norfolk Registry of Deeds.
3. For homeownership units, no certificate of occupancy shall be issued until the applicant provides documentation acceptable to the Planning Department that a DHCD-approved affordable housing deed rider has been signed by the qualified purchaser and recorded with the Norfolk Registry of Deeds.

5.6. Nonconforming Uses and Structures.

(Not included in 08-31-2014 draft)

5.7. Overlay Districts

(Not included in 08-31-2014 draft)

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	C-I	C-III	C-IV	C-V	I-I	I-II	I-III
A. Agriculture, Conservation, Recreation Uses									
Agriculture, excluding piggeries and fur farms on parcels with less than 5 acres of land, and excluding livestock and poultry on parcels with less than 44,000 sq. ft. of land.	Y	Y	N	N	N	N	N	N	N
Greenhouse	SP	SP	N	N	N	Y	N	N	N
Nonprofit recreational use	Y	Y	N	N	N	N	N	N	N
Sawmill	SP	N	N	N	N	N	N	N	N
Boathouse, livery riding stable, ¹ ski tow, golf course	SP	SP	N	N	N	N	N	N	N
Aviation field ²	SP	SP	N	N	N	N	N	N	N
Gravel, loam, sand, or stone removal ³	SP	SP	N	N	N	N	N	N	N
B. Public or Institutional Use									
Municipal use ⁴	Y	N	Y	Y	Y	Y	Y	Y	Y
Public utilities ⁵									
C. Residential and Institutional Uses									
Detached single-family dwelling	Y	Y	N	Y	Y	N	N	N	N
Conversion of single-family dwelling to a two-family dwelling ⁶	N	SP	N	N	N	N	N	N	N
Infill dwelling unit, subject to Section XX	N	SP	N	N	N	N	N	N	N

¹ But a stable on five or more acres would be a permitted agricultural use, yes?

² Aviation field is currently grouped with golf course, boat house, etc., and is allowed only by SP in the A-R districts. Is the intent to allow a private landing strip accessory to a residence, or a commercial aviation facility?

³ Except that no special permit shall be required when removal of such materials is incidental to the construction or alteration of buildings for which a permit has been issued by the Board of Selectmen or to the construction of a way shown on a subdivision plan approved by the Planning and Economic Development Board.

⁴ I have listed municipal use as permitted in the AR districts, but the ZBL is confusing. What is a lawful municipal use – and what is an unlawful municipal use? The confusion stems in part from the preamble to the AR district and also from the specific reference to “municipal use” in the nonresidential districts.

⁵ Is public utility not permitted in the AR districts and C1? The town can't outright prohibit essential public services (see G.L. c. 40A, s. 3).

⁶ Provided that the exterior of the dwelling maintains the appearance of a detached single-family dwelling, other than alterations required to comply with the State Building Code. In addition, there shall be two parking spaces for each dwelling unit on the premises, and no parking shall located within 10 feet of any abutting lot line.

	AR-I	AR-II	C-I	C-III	C-IV	C-V	I-I	I-II	I-III
Open space residential development, subject to Section XX	PB	PB	N	N	N	N	N	N	N
Assisted living residence	N	N	PB	N	N	N	N	N	N
Adult retirement community planned development, subject to Section XX	PB	PB	N	N	N	N	N	N	N
Accessory uses:									
Accessory family dwelling unit	SP	SP	N	SP	SP	N	N	N	N
Home-based business, subject to Section XX	SP	SP	N	Y	Y	N	N	N	N
D. Business Uses									
Retail Trade									
Retail store	N	N	Y	Y	Y	Y	N	N	N
Shopping center	N	N	SP	N	N	N	N	N	N
Nursery and florist ⁷	N	N	N	N	N	Y	N	N	N
Indoor sales of motor vehicles, trailers, boats, farm equipment, with accessory repair services and storage, but excluding auto body, welding, or soldering shop	N	N	Y	N	N	N	N	N	N
Sale and storage of building materials ⁸	N	N	N	N	N	N	Y	N	N
Hospitality and Food Services									
Restaurant providing food within a building ⁹	N	N	Y	Y	Y	Y	N	N	N
Restaurant providing live entertainment within a building	N	N	SP	N	N	N	N	N	N
Motel or hotel	N	N	SP	N	N	N	N	N	N
Cultural and Entertainment Uses ¹⁰									
Studio for artists, photographers, interior decorators, other design-related uses	N	N	N	N	N	Y	N	N	N

⁷ But a nursery associated with an agricultural use on 5 or more acres would be exempt, yes?

⁸ Does storage mean storage of goods to be sold on the premises?

⁹ What about outdoor seating on a patio?

¹⁰ I do not see standard uses such as "cinema," "theatre," or "museum" in the ZBL. Do you want to add them?

	AR-I	AR-II	C-I	C-III	C-IV	C-V	I-I	I-II	I-III
Professional Uses and Financial Services									
Bank or other financial institution ¹¹	N	N	Y	Y	Y	Y	N	N	N
Professional or business office ¹²	N	N	Y	Y	Y	Y	Y	Y	Y
Services									
Barber shop, beauty shop, nail salon, and similar personal service establishments	N	N	Y	N	N	Y	N	N	N
Repair shop for small equipment, bicycles, appliances, tools	N	N	Y	N	M	N	N	N	N
Commercial indoor amusement or recreation, or similar place of assembly	N	N	SP	N	M	N	N	N	N
Funeral home, undertaker	N	N	Y	Y	Y	Y	N	N	N
Veterinary hospital	SP		N	N	N	N	N	N	N
Kennel ¹³	SP	SP	SP	SP	SP	SP	SP	SP	SP
Automotive Uses									
Vehicle fuel station, car wash	N	N	SP	N	N	N	N	N	N
Vehicle fuel station with convenience store	N	N	PB	N	N	PB	N	N	N
Vehicle repair	N	N	SP	N	N	N	Y	N	N
Other Business Uses; Unclassified									
Any combination of three or more business uses on a single lot ¹⁴	N	N				PB	N	N	N
Adult uses ¹⁵	N	N	N	N	N	N	Y	N	N
Accessory Uses									
Drive-through	N	N	SP	N	N	PB	N	N	N

¹¹ Does this include free-standing ATMs?

¹² Do you want to separate medical office from professional or business office? (Many towns do – the impacts are different)

¹³ But a kennel on five or more acres may be exempt pursuant to 40A s. 3, yes?

¹⁴ This is very unusual. What are you trying to accomplish here? And why is the use listed in the C-V district and not the other C districts? Should one assume that three or more businesses uses would be allowed in the C-1 district without a special permit from the PEBD?

¹⁵ Subject to the standards in Section XX. NOTE: the Town can require a special permit for adult uses. It's very unusual to find Adult Uses as a permitted use. Why?

	AR-I	AR-II	C-I	C-III	C-IV	C-V	I-I	I-II	I-III
E. Industrial and Related Uses									
Warehouse and distribution	N	N	N	N	N	Y	N	N	N
Wholesale showroom or office including warehouse	N	N	N	N	N	N	Y	Y	Y
Manufacturing, processing, fabrication, packaging and assembly, and storage of goods manufactured on the premises ¹⁶	N	N	N	N	N	N	Y	Y	Y
Contractor's yard ¹⁷	N	N	N	N	N	N	Y	N	N
Research and development	N	N	N	N	N	N	Y	Y	N
Research and development and/or manufacturing of renewable or alternative energy products	N	N	N	N	N	N	Y	Y	Y
Electric power generation including but not limited to renewable or alternative energy generating facilities such as the construction and operation of large-scale ground-mounted solar photovoltaic installations with a rated name plate capacity of 250 kW (DC) or more	N	N	N	N	N	N	N	Y	N
Accessory Uses									
Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises	N	N	N	N	N	N	Y	Y	Y

¹⁶ The ZBL expressly prohibits the following manufacturing uses: abattoir and commercial slaughtering; manufacture of corrosive, poisonous or malodorous acids and chemicals; cement, lime, gypsum and plaster-of-paris manufacture; fertilizer manufacture or fat rendering in manufacture of tallow, grease, and oils; glue, size and gelatin manufacture; petroleum and kerosene refining or distillation and derivation of by-products; manufacture of explosives and the storage of explosives in bulk; smelting and reduction of copper, tin, zinc and iron ores; yard for the storage and sale of used building and junk material; asphalt plants. This is a very prescriptive list of prohibitions. It would be much better to describe the *impacts* you want to prohibit. Otherwise, you could end up with a manufacturing use that's just as offensive as those in your list, but because the use isn't specifically listed, it would have to be allowed. This needs discussion.

¹⁷ I recommend consolidating contractor's yard and contractor's quarters. It isn't necessary to separate them. The definition of these two terms can (and should) be changed.



TETRA TECH

*revised to
\$43,000
dl- 9/16/14*

MEMORANDUM

To: Susan Affleck-Childs – Medway Planning and Economic Development Board
Coordinator

Fr: Steven Bouley, E.I.T. – Tetra Tech (TT)

Re: **Fox Run Farm
Subdivision Review (Punchlist)
Medway, MA**

Dt: September 4, 2014

**REVISED
9-5-14**

On September 4, 2014 at the request of the Medway Planning and Economic Development Board, Tetra Tech (TT) performed a Punch List inspection of the Fox Run Farm Subdivision.

The following is a list of items and issues that should be repaired or resolved:

Right-of-Way

1. An HMA leveling course/binder repair is required in areas from the entrance to SMH 2 prior to HMA top course paving. (See Photo #1 - #2)
2. The applicant shall install HMA top course throughout the roadway layout. The existing binder surface shall be swept and tack applied prior to paving operations. It should be noted that upon completion of top course paving operations, storm water runoff from the roadway shall not be permitted to flow onto private property.
3. Loam and seed is required at all newly installed curb locations and all disturbed areas within the right-of-way. (See Photo #3 - #4)
4. The applicant shall install landscaping in the center cul-de-sac island as shown on the approved plans. (See Photo #4)
5. Dead and/or dying screen trees have been observed along the property line. All dead and/or dying screen trees should be replaced. (See Photo #5 - #6)



TETRA TECH

6. The applicant shall paint a stop line and the word "STOP" upon completion of top course paving. It is recommended to delay painting approximately one week to allow for the HMA surface to cure providing a sufficient surface to paint upon.
7. The applicant should cut and cap electrical conduit which was to be utilized for the proposed light poles. The cap and cut should be buried as to prevent mowing equipment from striking the conduit during mowing.

If you have any questions or require additional information, please don't hesitate to contact me at (508) 903-2000.

P:\21583\127-21583-11001\DOCS\MEMO\MEMO-FOX RUN FARM PUNCH LIST 2014-09-04.DOC

Photo # 1

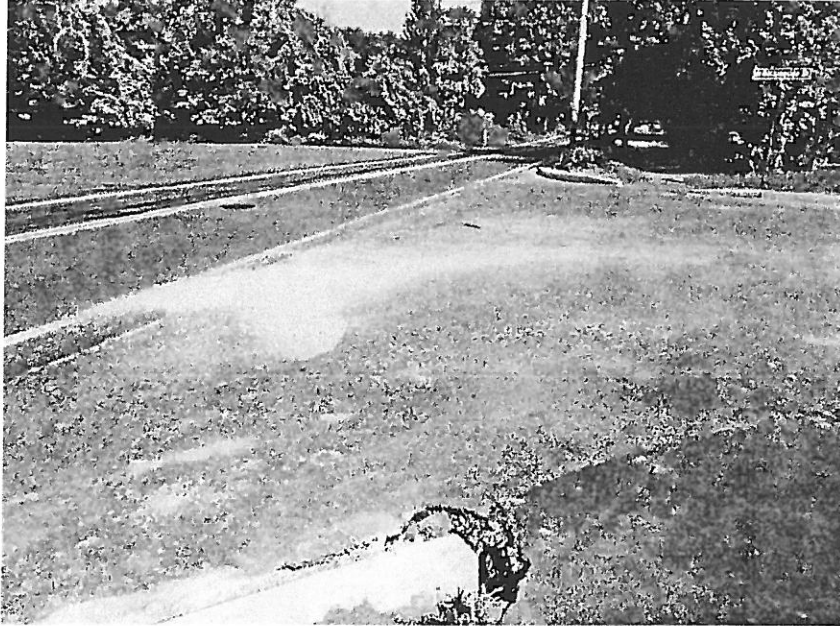


Photo # 2



Photo # 3

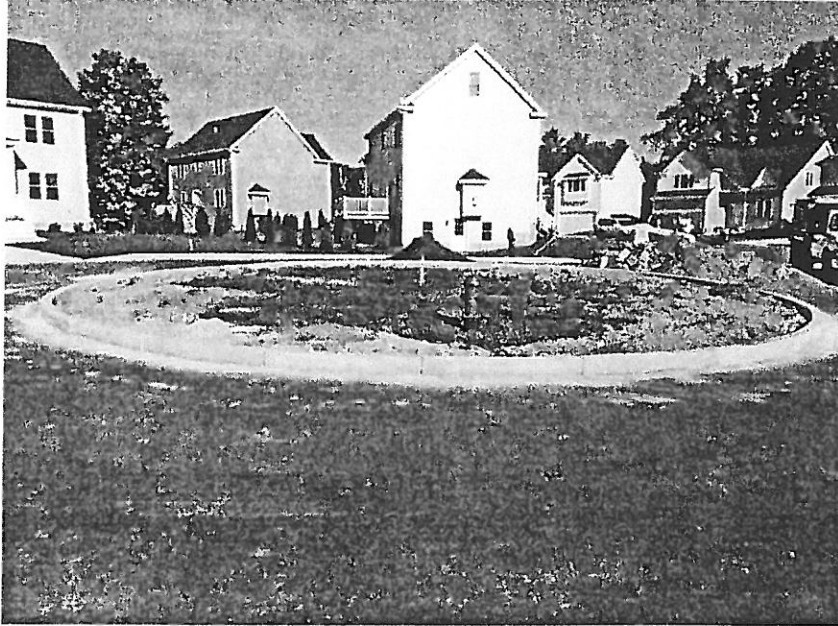
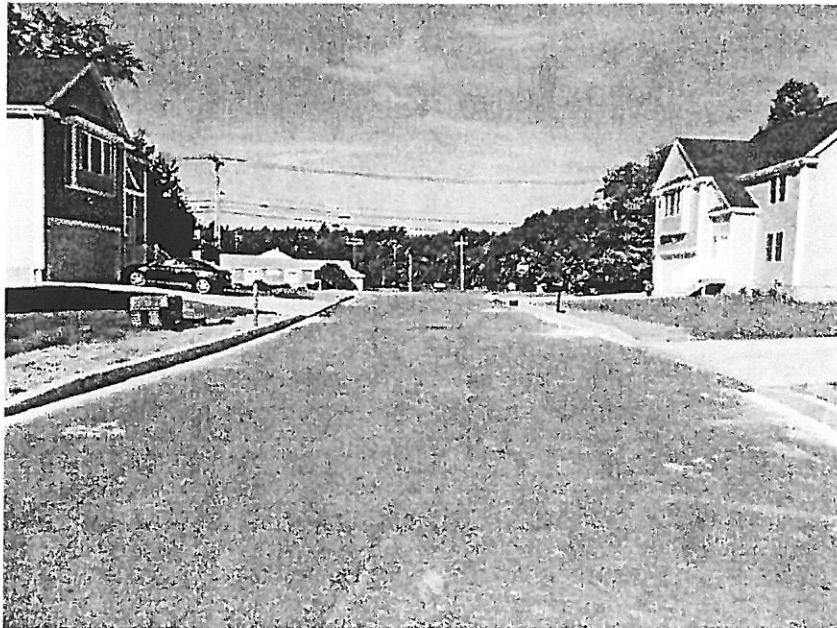


Photo # 4





TETRA TECH

Photo # 5

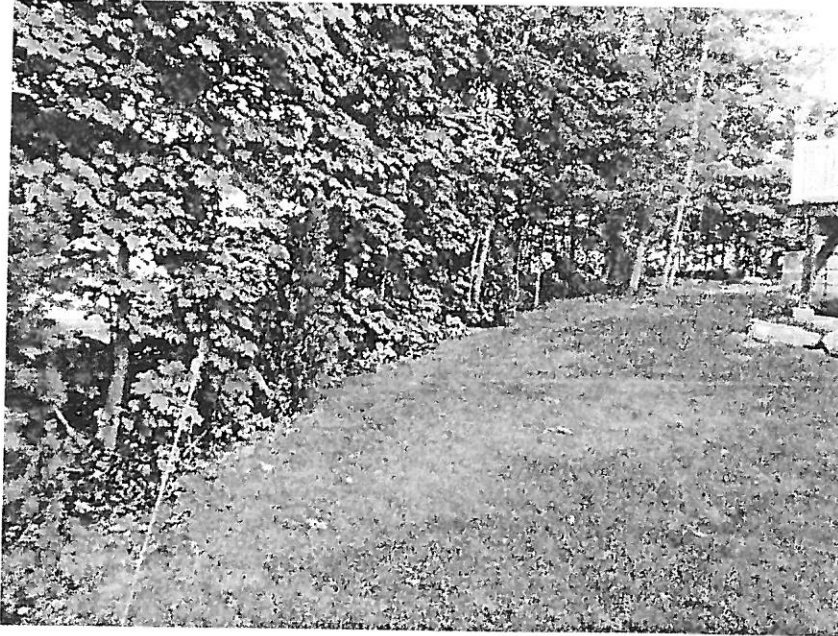


Photo # 6





Bond Reduction Estimate
Fox Run Farm
Comprehensive Permit
Medway, Massachusetts
September 4, 2014

REVISED
9-5-14

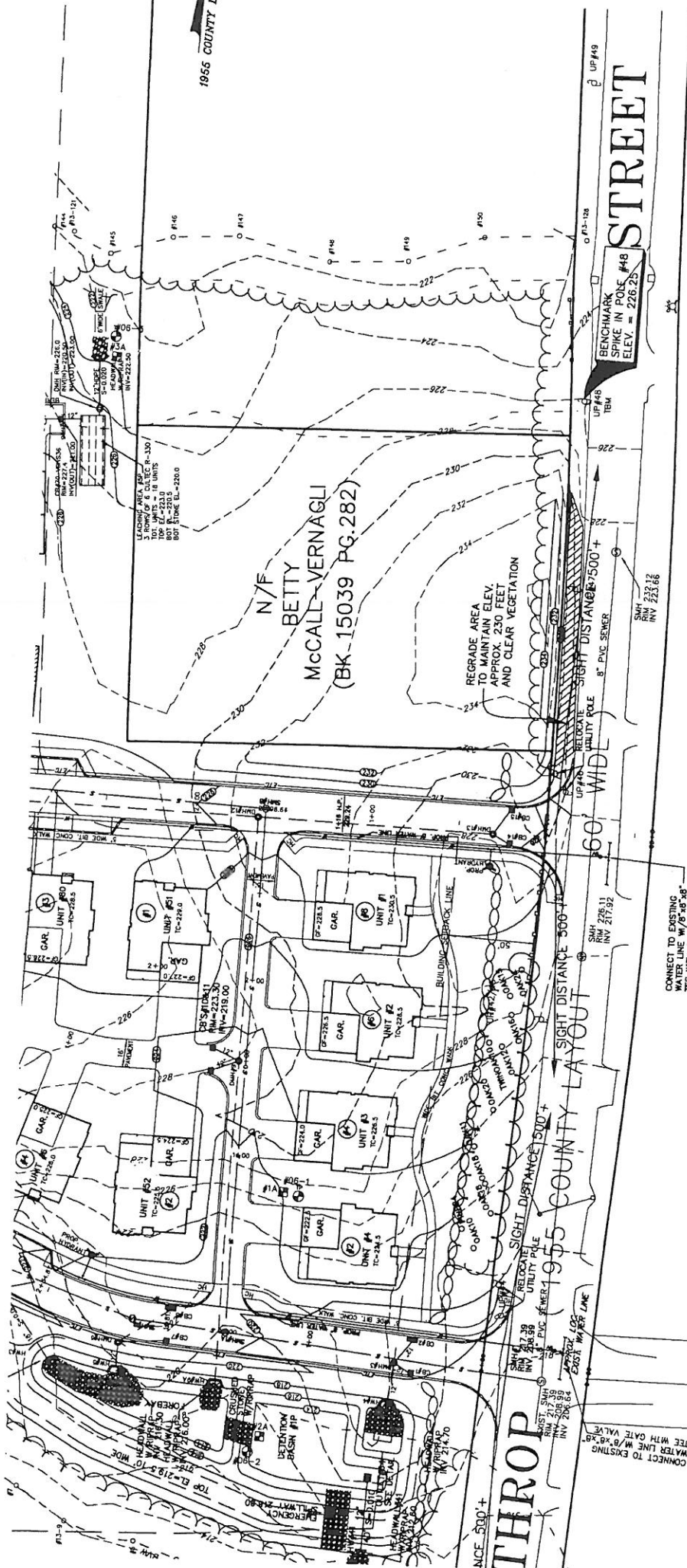
One Grant Street
Framingham, MA 01701
Tel 508.903.2000 Fax 508.903.2001

DESCRIPTION	QUANTITY	UNIT	UNIT COST	ENGINEERS ESTIMATE
HMA Top Course - 1 1/2" Depth (Roadway)	125	TON	\$120.00	\$15,000
HMA Binder Repair/Leveling	1	LS	\$1,700.00	\$1,700
Loam	48	CY	\$45.00	\$2,160
Seeding	485	SY	\$1.65	\$800
Landscaping ²	1	LS	\$5,000.00	\$5,000
Pavement Markings	1	LS	\$250.00	\$250
2 year Snow Plowing	515	LF/YR	\$2.50	\$2,575
2 year Road Maintenance	515	LF/YR	\$2.00	\$2,060
2 year Drainage Maintenance	515	LF/YR	\$2.00	\$2,060
As-built Plans	515	LF	\$5.00	\$2,575
				\$34,180

Subtotal \$34,180
Contingency (25%) \$8,545
Recommended Bond Value \$42,725

Notes:

1. Unit prices are taken from the latest information provided on the Mass DOT website. They utilize the Mass DOT weighted bid prices (Combined - All Districts) for the time period 8/2013 - 8/2014.
2. Proposed screen trees throughout the property are dead and/or dying. The trees should be replaced to ensure proper screening is achieved. The cul-de-sac center island also requires landscaping.



N/F
 BETTY
 McCALL-VERNAGLI
 (BK 15039 PG. 282)

THROP
 500' +

STREET

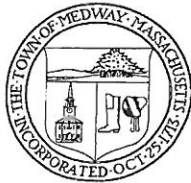
BENCHMARK
 SPIKE IN POLE #48
 ELEV. = 226.25

REGRADE AREA
 TO MAINTAIN ELEV.
 APPROX. 230 FEET
 AND CLEAR VEGETATION

CONNECT TO EXISTING
 WATER LINE W/ 8\"/>

CONNECT TO EXISTING
 WATER LINE W/ 8\"/>


1:10



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

MEMORANDUM

September 5, 2014

TO: Planning and Economic Development Board
FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator 
RE: Scenic Road Violation – West side of Winthrop Street north of Millstone Village

After Millstone started construction, we received several complaints from neighbors on the east side of Winthrop Street who reported that the developer's site contractor had undertaken considerable tree cutting in the Town's right of way on the west side of Main Street, north of the Millstone entrance, on property owned by Betty McCall Vernagli. If the neighbors' observations are correct, this tree cutting would be a violation of the Town's Scenic Road regulations as no Scenic Road work permit had been secured for tree cutting in this area. You may recollect that there was a Scenic Road work permit issued for the removal of one tree in the ROW south of the Millstone entrance. The neighbors want to know how the Town (PEDB) is going to hold the developer accountable for this unauthorized tree removal.

I reviewed the grading sheet for the Millstone plans. See attached. It clearly specifies that a portion of the ROW adjacent to Betty McCall Vernagli's property will be re-graded to maintain an elevation of 230 feet and that vegetation will be cleared. I believe one of the reasons for clearing

I asked Tree Warden Fred Sibley to investigate. On August 28, 2014, Fred inventoried the Town owned slope adjacent to Winthrop Street north of the Millstone Village entrance. He has determined that 4 trees over 4" in diameter were cut in the Town's right of way. There is one tree stump at 12-18" high with a diameter of 8". There are three tree stumps at 12-18" high that have a diameter of 5".

Based on Fred's evaluation, it seems reasonable to conclude that the Millstone site contractor did not understand that a Scenic Road Work Permit would be needed to remove trees, located in the Town's right of way on Winthrop Street, with a diameter of 4" or more as measured one foot from the ground.

Recommendation – We inform the applicant of this violation and direct them to immediately file for a scenic road work permit.

Tree Replacement Calculations

Section 405-8 B of the *Scenic Road Rules and Regulations* provides for tree replacement on a 1 sq. inch per 2 sq. inch replacement basis as follows:

A one square inch per two square inch replacement is calculated by finding the diameter of a tree in question at one foot about ground level and determining its trunk area (tree radius squared x 3.14). The resulting figure is halved and that square inch total becomes the square inch total of the replacement trees.

For the subject property, the tree replacement calculations are as follows:

One 8 inch diameter tree (tree radius = 4")

$$\begin{array}{r} 4^2 = 16 \text{ sq. inches} \\ \times 3.14 \\ \hline 50.24 \text{ sq. inches} \\ \text{Divide by } 2 \\ \hline 25.12 \text{ sq. inches of replacement trees} \end{array}$$

Three 5 inch diameter trees (tree radius = 2.5")

$$\begin{array}{r} 2.5^2 = 6.24 \text{ sq. inches} \\ \times 3.14 \\ \hline 19.6 \text{ sq. inches} \\ \text{Divide by } 2 \\ \hline 8.3 \text{ sq. inches of replacement trees} \\ \times 3 \text{ trees that were cut down} \\ \hline 24.9 \text{ sq. inches of replacement trees} \end{array}$$

Total sq. inches of replacement trees = 25.12 (one 8" tree) + 24.9 (three 5" trees) = 50 sq. inches