

**Tuesday, March 17, 2015**  
**Planning and Economic Development Board Meeting**  
**155 Village Street - Medway, MA 02053**

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

**ALSO PRESENT:**

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

The Chairman opened the meeting at 7:00 pm.

There were no public comments.

**Zoning Bylaw Amendments - Public Hearing**

The Chairman provided an overview of the how the public hearing is to be run.

The Chairman opened the public hearing.

**On a motion made by Karyl Spiller-Walsh and seconded by Bob Tucker, the Board voted unanimously to waive the reading of the public hearing notice on proposed amendments to the Medway Zoning Bylaw.**

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

- Public Hearing Notice
- Flyer re: public hearing

**Zoning Bylaw Recodification**

The Board was in receipt of the following documents. **(See Attached)**

- Warrant Article – Proposed Zoning Bylaw Recodification
- Proposed Zoning Bylaw Recodification – 2/25/15 *(not included due to length of document)*
- Email communication from Robert Parrella – 3/17/15

Consultant Judi Barrett of RKG Associates was present to provide a presentation on the Medway Zoning Recodification & Update. **(See Attached)**

Consultant Barrett explained that the recodification was a task which the former Town Administrator requested to be completed. The Consultant was asked to review and make suggestions to improve this document. The following tasks were completed: reorganization, reformatting (structure), clarifying, eliminating of duplication, inconsistencies, conflicts between sections, eliminate obvious legal conflicts (conflicts with statuses and court decisions, and make the zoning bylaw easier to navigate. This recodification keeps the Bylaw current with case law. The existing bylaw has many inconsistencies and needless repetition. Some of the definitions and regulations were intertwined within the document. This makes it difficult for a resident, Building Inspector and other Department Heads to navigate through the document. The voice of the Bylaw is inconsistent, and the provisions are unenforceable as currently written. The goal is to build a better foundation.

The proposed format is to have eight sections within the document instead of the current five. This is broken up into the following:

1. Purpose and Authority
2. Definitions
3. Administration
4. Establishment of districts
5. Use Regulations
6. Dimensional Regulations
7. General Regulations
8. Special Regulations

There are General Regulations and Special Regulations at the end of the document. There are also cross references of those throughout.

### **Section 1:**

#### **Purposes and Authority**

- 1.1 Title
- 1.2 Purposes
- 1.3 Authority
- 1.4 Applicability
- 1.5 Amendment
- 1.6 Severability

### **Section 2:**

#### **Definitions**

Consultant Barrett showed an example of inconsistencies with the definitions. For example, with “Contractor’s quarters” and “contractor’s yard”. Another example is definition for “motel” but not “hotel”. She further explained that there are definitions scattered throughout the Zoning Bylaw without a cross reference to Section II.

### **Section 3:**

#### **Administration**

- 3.1 Enforcement, violation and penalties
- 3.2. Zoning of Appeals
- 3.3. Planning and Economic Development Board

3.4 Special Permits  
3.5 Site Plan Review

Consultant Barrett explained that the current site plan section is 12 pages. It is confusing, and repetitive. This reformatted version is now four pages. There is a set up criteria on how site plan will be judged.

**Section 4:**  
**Establishment of Districts**

No proposed changes to the boundaries of existing districts.

**Section 5:**  
**Use Regulations**

- General Provisions
- Prohibited Uses
- Uses Permitted in all districts
- Schedule of Uses
- Overlay Districts

Consultant Barrett indicated that is now included a Table of Uses and it allocates across the districts. It is an easier way to read the document and the non-conforming uses are addressed in this section. It was further explained that the current document has undifferentiated section along with repetition throughout. There was no differentiation between use and dimensional regulations. The off street parking and sign regulations were included with use regulations. The recodified document has now a table of uses along with a single list of prohibited uses. There is also a list of permitted uses in all districts. All of the overlay districts are in one subsection.

**Section 6**  
**Dimensional Regulations**

- Schedule of dimensional
- Density regulations
- General Regulations

There has been an inclusion of a chart which has a table of dimensional and density regulations and general requirements. An example of this is explanation of building height and lot frontage metrics.

**Section 7**  
**General Regulations**

- Site Development Standards
- Parking
- Signs
- Environmental Standards
- Lighting

**Section 8**

## **Special Regulations**

- Infill housing
- Accessory dwelling
- Home based business
- OSRD
- ARCPUD
- Affordable Housing
- Wireless Communications Facilities
- Small Wind Generation
- Registered Marijuana Dispensary

Consultant Barrett explained that the current OSRD section is 13 pages and it has been decreased to 7 pages by eliminating duplication along with reorganizing. The provisions were scattered throughout the existing Section 5 but are now grouped together in a single section.

It was made clear that there have been no land use policy changes. The focus of the scope of the project was on clean-up, clarity and formatting issues. There was some administrative changes done in order to make permitting procedures clear. It was communicated that what you can do with your land today you can still do tomorrow.

## **Recommendations for future actions:**

Consultant Barrett made the following recommendations:

- Comprehensive zoning revisions; stop piecemeal amendments
- Add graphics for key dimensional regulations
- Move sign bylaw to be a General Bylaw
- Evaluate roles, permitting responsibilities of Planning Board and Zoning Board of Appeals
- Consider strengthening professional staff role in site plan review
- Add color gradients to tables (an example of this was shown)

Consultant Barrett recommended sitting with this document for two years before any further changes are proposed. She agrees that the sign bylaw does need to be reworked, but it is a bigger issue that needs to be dealt. There is a two phase process with recodification; first clean up, let the document sit and allow the community and boards to work with it; then address the policy issues. In the past, there were 22 amendments made to the Bylaw in one year. This is too many amendments for one year. The Board can then look at how the administrative roles are evaluated, should a Special Permit be reviewed by Planning Board and not Zoning Board of Appeals in some cases. Another thing to discuss would be Site Plan and reworking it so that staff could addresses some of the applications “internally”. By reviewing this document over two years, those sections could be improved and then a big comprehensive change could be proposed in two years.

The Board is comfortable with how the recommended document flows. It was also indicated to the public that this is on online for the public to view.

## **Resident, Paul Rao 4 Blue Ribbon Lane:**

This resident is the Vice President of the Medway Business Council and he explained that he applauds the Board for taking this on. He was on a committee which tried to do an overview a few years back (1997) and it did not pass at town meeting.

**Business Transition Zoning Bylaw:**

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

- Warrant Article – Proposed Business Transition Zone dated 2/26/15
- Business Transition Zone – Proposed Map dated 2/26/15

Article 27: In Section V Use Regulations, proposes to add a new Sub-Section CC. Business Transition District along with amending the Medway Zoning Map to depict the boundaries of the proposed Business Transition District and to amend Section IV. Districts to add Business Transition District to the list of Medway zoning districts. A map showing the parcels proposed for the new district was shown. The establishment of the business transition zoning district would rezone six parcels in the area adjacent to the intersection of Routes 109 and 126 to the new classification. A number of the property owners in the area have requested business zoning.

It was explained that the purpose of this article is to further the goals of the Medway Master Plan which is to increase land available for economic development and to provide opportunities for small-scale and minimally intensive business uses adjacent to residential neighborhoods in a way that retains a residential character. This could include offices for medical, business or professional use.

There was a mailing done to property owners within 800 ft. The key point is that this would allow limited business uses. In the past, the Commercial V district had been proposed for expansion. The proposal is now for offices and consumer and personal services, no retail, no drive thru facility of any kind.

**Ricardo Menard - 10 Freedom Trail:**

This resident is questioning what will happen if this recodification does not pass, does the language in this warrant still remain appropriate as written. He also questions why this topic is being brought up again since it was turned down at a previous town meeting. Can this continue to be brought up each year?

It was explained that the language was rewritten and it was brought back up since some of the abutters have asked us address this.

**Michael Langley - 29 Summer St:**

This resident wanted to know if this could be amended in the future to include retail. He also wanted to know how zoning articles are submitted and proposed. This resident wanted to also know if a request is denied, then would another request need to be considered for future vote. It is his opinion that this article has been misrepresented as being referred to as something that the residents want. He feels it is being pushed by the Planning Board.

It was explained that if this article were denied it would need to go to town meeting at another time. The Board is not allowed to increase the scope of what has been requested within the proposed warrant.

**Chad Lemieux, 13 Little Tree Rd:**

If this article is denied, is it a fair assumption that it could be brought up at another time. He also wanted to know how the process for warrant submittal is done.

Susy explained that there are two options available for submitting a warrant article. The first option is for an owner to petition and this then goes to the Board of Selectmen. The second option is to contact the Board and personally request. There is no fee to do this. Zoning bylaw amendments can also be initiated by the Planning and Economic Development Board, the Zoning Board of Appeals, the Board of Selectmen, and the Metropolitan Area Planning Council. The Board was asked by several residents to pursue this article. There are six lots involved. The Master Plan calls out to look at other areas to expand commercial opportunities and Rt.109 and 126 are logical.

**Paul Yorkis, 7 Independence Lane:**

Mr. Yorkis thanked the Board for bring this article forward. It is good for economic development.

Mr. Yorkis wanted to suggest the following:

- Referenced on Item#1 last sentence: suggested the following change “in a manner that retains or *“enhances”* the residential character.
- 3D. maximum lot coverage 30%; this is too low in a community where taxes are increasing.
- Item 3G: Maximum building height: 2 stories, not to exceed 30 ft.  
It was suggested that this number be more flexible. For example if a dwelling has an attic it could exceed 30 ft.
- Item 4C.: Suggested take out the word reflect and add enhance.

**Audrey Alexander, owner 35-37 Summer St:**

This resident asked for the article to be put on the warrant. She wanted to do this back in 2006. She has had a printing business in her house for 25 years. In 2006, there was more traffic going down the street due to the tire company. Currently, she is not able to take care of the property and wants to sell it.

BOS member Glenn Trindade asked if her property can be used as a rental property. The chance of a family living there is small, and the idea that all will stay the way it is not going to happen. How do we mitigate the issues of the abutters? We do not want a vacant property.

**John Lyons, 4 Freedom Trail:**

He is concerned about the traffic at this intersection. There would be added traffic at this area. He has not heard any discussion about this topic. The Board should think about other areas in town for this business transition zone. There are other areas which are more viable than this area.

The Chairman explained that this was reviewed along with the functionality. Rt.126 has a road classification that indicates it is not in failure. Rt. 109 can carry more traffic than what is there. This is from information provided in recent traffic reports. The Master Plan directs the Board to create opportunities for economic development.

There have been conscious efforts to increase the backyard setback from 15 to 20 ft. There are buffering requirements which include landscaping, lighting and standards possible fencing.

### **Medway Zoning Bylaw - Multifamily Residential**

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

- Warrant Article – Proposed Multifamily Residential Zoning dated 3/2/15
- Multifamily Residential Overlay District Proposed Map dated 2/26/15
- Letter from Medway Affordable Housing Trust – 2/19/15
- Letter from Medway Affordable Housing Trust – 3/10/15
- Email from Laura Shufelt, Mass Housing Partnership - 3/11/15
- Confidential email from Barbara Saint Andre, Town Counsel – 3/12/15 (not included)
- Email from Susy Affleck-Childs – 3/4/15

The intent of this article is to establish a special permit option to allow for the limited development of multifamily housing through new construction or the renovation/reuse of existing buildings located within walking distance to business and municipal services. It also furthers the goals of the Medway Master Plan and the Medway Housing Production Plan which is to encourage a diversity of housing types, to promote pedestrian oriented development, and to increase the number of affordable housing units by establishing a special permit option to allow for the development of multifamily dwellings or apartment housing, and multifamily development.

### **Medway Community Housing Coordinator and resident Doug Havens, 5 Mann St:**

Mr. Havens suggested removing language regarding limiting the numbers of bedrooms. This is discriminatory language.

The Town has reached out to various housing organizations and entities regarding this article. One of those entities was Laura Shufelt from Mass Housing Partnership and she red-flagged the provision limiting the number of bedrooms to an average of 2. That provision may be a violation of the Fair Housing Law.

### **Charles “Eric” Alexander, 3 Phillips Street:**

It was communicated that this article is long overdue and he applauds the efforts to place this on the warrant. He would like to see the Town move towards form based zoning in the future. He also was interested in knowing the logic behind how the map was created.

Member Gay explained that he did a bubble analysis and converted it to the lots. He then went back to what has been built and where are the areas which already contain two family homes, and created boundaries which aligned with other overlay districts.

The Board discussed that it would be beneficial to have a handout at the Town Meeting since not all parcels will qualify. The handout could include the parcels/potential lots which do qualify. It was also suggested to possibly have the map on an overhead projector. It was noted that this (like any zoning bylaw amendment) will need a 2/3 vote at the town meeting to pass. This article provides opportunity for employers to have their workers live in town, allow children of residents to stay in Medway to raise their family.

There was a statement that when something is changed from a three family to a four family, it is cost prohibitive to the need for a fire sprinkler system.

There will need to be push from the various groups to get people at the town meeting to vote on the various articles. This needs a 2/3 vote to pass.

**On a motion made by Matt Hayes and seconded by Karyl Spiller-Walsh, the Board voted unanimously to eliminate the language regarding bedroom count in section 5a(3).**

It was suggested to have Consultant Carlucci work on creating an updated map with the noted parcels along with possibly showing the original bubble and show the evolution of the overlay area.

**On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted unanimously to continue the hearing until March 24, 2015 at 7:15 pm**

**Tri Valley Commons Site Plan**

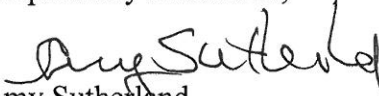
The Board was made aware that Tri Valley application submittal was completed today. The applicant has now submitted the building elevations, master sign plan and waiver requests. All the fees have been paid in full. The consultants have been notified to start their review. There is a working draft of the new schedule for public hearings. The intent is to have the public hearing for Tri Valley start on April 14, 2015.

**ADJOURN:**

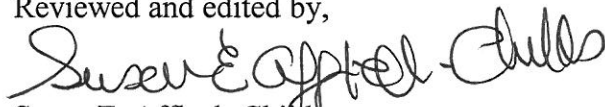
**On a motion made by Karyl Spiller-Walsh, and seconded by Matt Hayes, the Board voted unanimously to adjourn the meeting at 9:15 pm.**

The meeting was adjourned at 9:15 pm.

Respectfully Submitted,

  
Amy Sutherland  
Recording Secretary

Reviewed and edited by,

  
Susan E. Affleck-Childs  
Planning and Economic Development Coordinator



RECEIVED

FEB 24 2015

TOWN CLERK



## TOWN OF MEDWAY

### Planning & Economic Development Board

155 Village Street

Medway, Massachusetts 02053

*Andy Rodenhiser, Chairman*  
*Robert K. Tucker, Vice-Chairman*  
*Thomas A. Gay, Clerk*  
*Matthew J. Hayes, P.E.*  
*Karyl Spiller Walsh*  
*Richard Di Iulio, Associate Member*

February 24, 2015

### NOTICE OF PUBLIC HEARING

#### **Town of Medway – Planning & Economic Development Board Proposed Amendments to Medway Zoning Bylaw & Map**

Pursuant to the Medway Zoning Bylaw and M.G.L. Ch. 40A, Section 5, **the Medway Planning and Economic Development Board will conduct a public hearing on Tuesday, March 17, 2015 at 7:15 p.m.** at Medway Town Hall, 155 Village Street, Medway, MA to receive comments on proposed amendments to the *Medway Zoning Bylaw and Map*, last update published December 2, 2014. The Board has submitted a series of proposed amendments to the Board of Selectmen for inclusion on the warrant for the May 11, 2015 Annual Town Meeting. The subject matter of the proposed amendments is indicated below. It is anticipated that the noted warrant article numbers may change as the Board of Selectmen finalizes the warrant.

#### **MEDWAY ZONING BYLAW and MAP – Proposed Amendments**

ARTICLE 25: A proposed recodification of the *Medway Zoning Bylaw*. This pertains to the complete discontinuation of the current text of the *Medway Zoning Bylaw* and its replacement with a proposed recodified version. No changes to the *Zoning Map* are proposed. The recodified version includes but is not limited to a new format and numbering system, the establishment of use tables, corrections for consistency purposes, the elimination of unnecessary and duplicated information, and updates to reflect state law.

ARTICLE 26: In SECTION V. USE REGULATIONS, add a new Sub-Section DD. Multifamily Housing, amend the *Medway Zoning Map* to depict the boundaries of the Multifamily Housing Overlay District, and amend SECTION IV. DISTRICTS to add Multifamily Housing Overlay District to the list of Medway zoning districts. A map showing the designated area is on file with the Medway Town Clerk.

ARTICLE 27: In SECTION V. USE REGULATIONS, add a new Sub-Section CC. Business Transition District, amend the *Medway Zoning Map* to depict the boundaries of the proposed Business Transition District, and amend SECTION IV. DISTRICTS to add Business Transition District to the list of Medway zoning districts. A map showing the designated area is on file with the Medway Town Clerk.

The complete text of the proposed amendments to the *Medway Zoning Bylaw* and the proposed revisions to the *Medway Zoning Map* are on file with the Medway Town Clerk and at the Planning and Economic Development office at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected during regular business hours. The proposed amendments may also be viewed online at:

Telephone: 508-533-3291      Fax: 508-321-4987  
planningboard@townofmedway.org

[http://www.townofmedway.org/Pages/MedwayMA\\_Bcomm/PlanEcon/bylaw](http://www.townofmedway.org/Pages/MedwayMA_Bcomm/PlanEcon/bylaw). For further information, please contact the Medway Planning office at 508-533-3291.

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

*Andy Rodenhiser*

Planning & Economic Development Board Chairman

To be published in the *Milford Daily News*:

Monday, March 2, 2015

Tuesday, March 10, 2015

Telephone: 508-533-3291      Fax: 508-321-4987  
[planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)



# Medway Planning & Economic Development Board Public Hearing

**Proposed Amendments to the Medway Zoning Bylaw**  
**Tuesday, March 17, 2015 – 7:15 p.m.**  
**Medway Town Hall, 155 Village Street**

The Planning and Economic Development Board has prepared and submitted three proposed Zoning Bylaw amendments to the Board of Selectmen for the warrant for Medway's annual town meeting scheduled for Monday, May 11, 2015.

The three articles address the following:

- A recodification (reorganization and streamlining) of the Bylaw.
- The establishment of a Business Transition Zoning district and the rezoning of six parcels in the area adjacent to the intersection of Routes 109 and 126 to the new classification, as requested by those property owners.
- The establishment of a special use permit option to allow for the limited development of multifamily housing through new construction or the renovation/reuse of existing buildings located within walking distance to business and municipal services.

## **Public Hearing**

The March 17, 2015 public hearing provides an opportunity to learn about the proposed amendments and to provide comments to the Planning and Economic Development Board. State law requires a municipality's planning board to hold a public hearing and make a recommendation to Town Meeting on any proposed amendment to the community's zoning bylaw. Any amendment to Medway's Zoning Bylaw has to be approved by Medway Town Meeting.

The complete public hearing notice and the proposed Zoning Bylaw amendments can be viewed at and downloaded from: [http://www.townofmedway.org/Pages/MedwayMA\\_Bcomm/PlanEcon/bylaw](http://www.townofmedway.org/Pages/MedwayMA_Bcomm/PlanEcon/bylaw)

Or, you may contact or visit Medway's Planning office at 508-533-3291 during regular business hours.

Comments can be emailed to: [planningboard@townofmedway.org](mailto:planningboard@townofmedway.org)

ARTICLE : (Zoning Bylaw Recodification)

To see if the Town will vote to adopt a comprehensive recodification of the Medway Zoning Bylaw as presented in a proposed version on file with the Medway Town Clerk and with the office of the Planning and Economic Development Board and also posted at the Planning and Economic Development Board page at the Town of Medway web site.

The proposed recodification includes but is not limited to:

- A. re-organizing, re-positioning, re-captioning and re-numbering of the Zoning Bylaw;
- B. creating a Table of Uses which generally reflects the current use provisions;
- C. adding definitions to define various uses in the Table of Uses;
- D. creating a Table of Dimensional and Density Regulations which generally reflects the current provisions;
- E. making revisions to the nonconformities language to bring it into conformance with current law;
- F. eliminating redundant or unnecessary provisions regarding content of applications, review procedures, and enforcement;
- G. making housekeeping amendments such as eliminating numbers in parentheses that are already spelled out; correcting spelling, typographical and grammatical errors; eliminating or updating outdated statutory or other references; and deleting wording that repeats provisions of state law;
- H. revising the section on fines and enforcement; and
- I. making other needed amendments for clarification and consistency.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

**REVISED DRAFT – 2-26-2015**

**ARTICLE : (Establishment of a Business Transition Zone)**

To see if the Town of Medway will amend the Medway Zoning Bylaw by adding a new Sub-Section CC. Business Transition to SECTION V. USE REGULATIONS as follows:

**CC. Business Transition District**

1. Purpose: The purpose of this section is to further the goal of the Medway Master Plan to increase the land available for economic development, and to provide opportunities for small-scale and minimally intensive business uses adjacent to residential neighborhoods in a manner that retains a residential character.
2. Buildings, structures and premises may be used for any of the following purposes and uses customarily accessory thereto but no others, subject to the regulations enumerated herein.
  - a) Municipal use
  - b) Offices for business, professional or medical use
  - c) Personal care services such as but not limited to barber shops, hair salons, and nail salons
  - d) Consumer services such as but not limited to, optician, dry cleaner, florist, laundry, photocopying/printing, bakery, photography studio, design galleries and studios, tailor, and other similar businesses and services
3. Dimensional Regulations - Permitted and allowable uses pertaining to this district shall comply with the following dimensional regulations:
  - a) Minimum lot size: 12,000 sq. ft.
  - b) Maximum lot coverage, including accessory building: 30%
  - c) Minimum continuous frontage: 100 ft.
  - d) Minimum front yard setback from street line for any building or structure hereafter erected: 10 ft.
  - e) Minimum side yard setback: 15 ft.
  - f) Minimum rear yard setback: 20 ft.
  - g) Maximum building height: 2 stories, not to exceed 30 ft.
4. Special Regulations
  - a) Parking – To the maximum extent possible, parking shall be located to the rear and/or side of the building. Motor vehicle parking located between the building and street is permitted only if no other reasonable alternative is available due to site limitations. Parking of vehicles may not be located within the setback area from an abutting residence.

b. Buffers

- 1) A site's existing vegetated buffers to abutting residences shall be maintained and/or enhanced to shield abutters from adverse impacts such as headlights and noise.
- 2) The side or rear setback area of parcels which abut a residence shall be substantially landscaped so as to provide a suitable visual and sound buffer between the business and residential uses.
- 3) Additional buffering measures including fencing may be required.
- 4) Specific buffering measures shall be determined through the site plan review and approval process in accordance with the *Site Plan Rules and Regulations*.

- c. Building and Site Design - Building renovations, new construction and site improvements shall be designed to reflect the residential character of the neighborhood to the maximum extent practical.

And to amend the Medway Zoning Map by rezoning the following parcels from Agricultural Residential II District zoning to Business Transition District zoning as shown on a map on file with the Town Clerk:

1.38 acre parcel at 32 Summer Street (Berry's Greenhouse) - Medway Assessor's parcel 56-041

.09 acre parcel at 37 Summer Street (Alexander) - Medway Assessor's parcel 56-017

.67 acre parcel at 35 Summer Street (Alexander) - Medway Assessor's parcel 56-018

.42 acre parcel at 33 Summer Street (Notturmo) - Medway Assessor's parcel 56-019

.34 acre parcel at 31 Summer Street (PMAM Group LLC) - Medway Assessor's parcel 56-020

1.25 acre parcel at 38 Milford Street (Buchmiller & Mahaney) - Medway Assessor's parcel 46-048

And to amend SECTION IV. DISTRICTS by adding Business Transition to the list of Medway zoning districts.

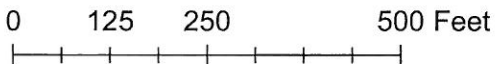
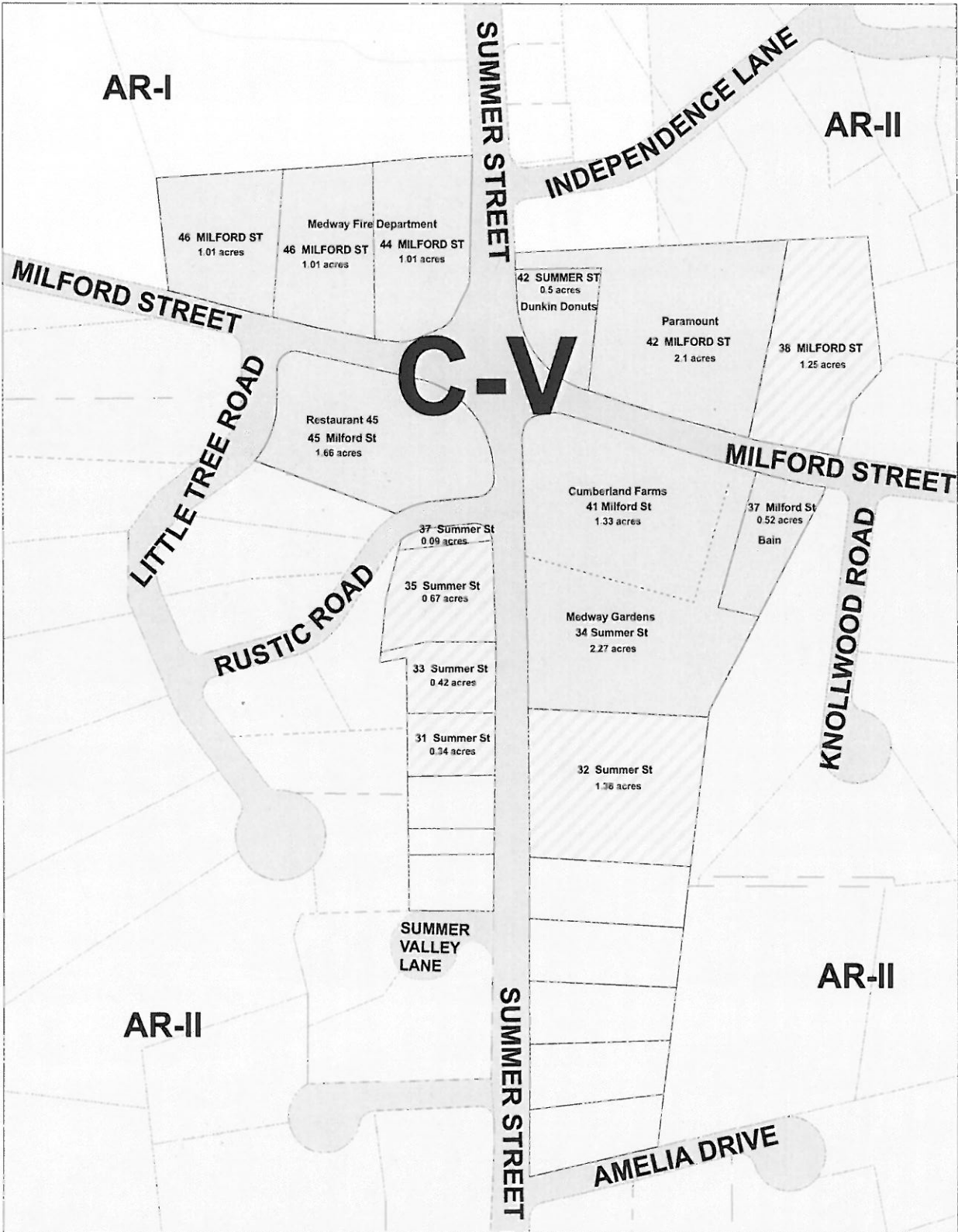
And to act in any manner relating thereto.


**PLANNING AND ECONOMIC DEVELOPMENT BOARD**

# Proposed Business Transition Zone



-  Business Transition Zone
-  Existing Commercial-V Zoning District



**Medway Zoning  
Recodification & Update** 

Planning & Economic Development Board Public Hearing  
March 17, 2015

**RKG**  
ASSOCIATES, INC.

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Town of Medway Zoning Recodification & Update 

**Recodification**

- What does it involve?
  - Reorganize
  - Reformat (structure)
  - Clarify
  - Eliminate duplication, inconsistencies, conflicts between sections
  - Eliminate obvious legal conflicts (conflicts with statutes and court decisions)
  - Make the Zoning Bylaw easier to navigate



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Town of Medway Zoning Recodification & Update 

**Why recodify the Zoning Bylaw?**

- Existing Zoning Bylaw:
  - Many inconsistencies
  - Needless repetition
  - Definitions and regulations intertwined
  - Definitions scattered throughout
  - Matters in the Bylaw that should be addressed in PEDB (or ZBA) regulations
  - Multiple voices
  - Provisions that are unenforceable as currently written
  - Build a better foundation for future amendments



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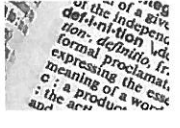
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Town of Medway Zoning Recodification & Update 

## Section 2

- Definitions



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Town of Medway Zoning Recodification & Update 

## Examples

- Current Definitions (Section II)
  - "Contractor's quarters" and "contractor's yard" – as defined by Medway, all actually fall under the standard definition of "contractor's yard."



- "Motel" defined, but not "hotel"
- Definitions scattered throughout the ZBL without a cross-reference to Section II

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Town of Medway Zoning Recodification & Update 

## Section 3

- Administration
  - 3.1. Enforcement, Violations, and Penalties
  - 3.2. Zoning Board of Appeals
  - 3.3. Planning and Economic Development Board
  - 3.4. Special Permits
  - 3.5. Site Plan Review



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Town of Medway Zoning Recodification & Update 

### Examples

- Current Section 5, Use Regulations
  - Subsections A-Z
  - A very large, undifferentiated section, "soup to nuts"
  - Much, much, much repetition – sometimes with minor but noticeable changes in terminology, which in turn raises questions about intent
  - No differentiation between use and dimensional regulations
  - Development rules such as off-street parking and signs merged with use regulations



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Town of Medway Zoning Recodification & Update 

### Examples

- New Section 5, Use Regulations
  - Table of Uses
  - Single list of prohibited uses
  - Single list of uses permitted in all districts
  - Non-conforming uses and structures updated
  - All overlay districts in one subsection
  - Non-zoning content moved to Planning Board (or ZBA) regulations

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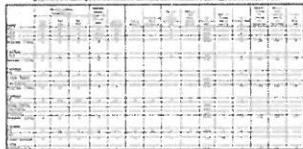
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Town of Medway Zoning Recodification & Update 

### Section 6

- Dimensional Regulations
  - Schedule of Dimensional & Density Regulations
  - General Provisions



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Town of Medway Zoning Recodification & Update 

### Examples

- Provisions currently scattered throughout existing Section 5 now grouped together in a single section
- Repetition eliminated wherever possible
- OSRD: 13 pages down to 7 simply by reorganizing and removing duplication

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## Take-Home Points

Medway Zoning Recodification & Update

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Town of Medway Zoning Recodification & Update 

### Recodification Scope



- Focuses on clean-up, clarity, and format
- No land use policy changes
- Some administrative changes in order to make permitting procedures clear
- What you can do with your land today you can still do tomorrow ...
- Town needs a better foundation for substantive amendments

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**REVISED DRAFT – 3-2-2015**

ARTICLE : To amend the Medway Zoning Bylaw by adding a new Sub-Section DD. Multifamily Housing to SECTION V. USE REGULATIONS as follows:

DD. Multifamily Housing

1. Purpose: The purpose of this sub-section is to further the goals of the Medway Master Plan and the Medway Housing Production Plan to encourage the provision of a diversity of housing types, to promote pedestrian oriented development, and to increase the number of affordable housing units by establishing a special permit option to allow for the development of Multifamily Dwellings or Apartment Houses, and Multifamily Developments within the capacities of existing Town utilities and services.
2. Applicability:
  - a) The Planning and Economic Development Board may grant a Multifamily Housing special permit for a Multifamily Dwelling or Apartment House, and/or a Multifamily Development on a tract of land within the AR-I, AR-II, Commercial III or Commercial IV zoning districts whether on one parcel or a set of contiguous parcels, with a minimum of fifty feet of frontage on an existing street located within the Multifamily Housing Overlay District as shown on a map on file with the Medway Town Clerk. The street shall, in the opinion of the Planning and Economic Development Board, have sufficient capacity to accommodate the projected additional traffic flow from the development.
  - b) Tracts of land within residential subdivisions approved and constructed under the Subdivision Control Law since September 29, 1952 or granted a special permit under the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section T (Open Space Residential Development) or Sub-Section U (Adult Retirement Community Overlay District) shall not be eligible for a special permit under this Sub-Section.
  - c) Multifamily Dwellings or Apartment Houses and Multifamily Developments within the Adaptive Use Overlay District must comply with the Medway Zoning bylaw, SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District, Paragraph 5. Adaptive Use Special Permit Site Development Standards.
  - d) These provisions apply to the following:
    - 1) The alteration/rehabilitation and conversion/adaptive reuse of existing buildings
    - 2) Construction of new buildings or additions to existing buildings.
3. Dimensional Regulations
  - a) The minimum dimensional requirements for area and setbacks shall be the same as for the underlying zoning district in which the parcel is located. However, the Planning and Economic Development Board may adjust these dimensional requirements by a four-fifths vote if, in its opinion, such adjustment will result in a

more desirable design of the development or provide enhanced buffering for adjacent residential properties.

- b) Legally pre-existing nonconforming buildings shall be eligible for a Multifamily Housing special permit provided there is no increase in any dimensional nonconformity or the creation of a new nonconformity, and the applicant can demonstrate compliance with the parking and open space requirements of this section.
  - c) Maximum building height: 2.5 stories or 40'
4. Density Regulations - The density of a Multifamily Dwelling or Apartment House, and a Multifamily Development shall not exceed twelve dwelling units per acre or portions thereof, except that the Planning and Economic Development Board may grant a density bonus for one or more of the following:
- a) + one unit when the project involves the rehabilitation/adaptive reuse of an existing structure at least seventy-five years of age and is completed in a manner that preserves and/or enhances the exterior architectural features of the building;
  - b) + one unit for each three thousand sq. ft. of existing interior finished space that is substantially rehabilitated in accordance with the Board's *Multifamily Housing Rules and Regulations*.
  - c) + two units when twenty-five percent of the dwelling units are designated as affordable independent of the provisions of the Medway Zoning Bylaw, SECTION V. Use Regulations, Sub-Section X. Affordable Housing.

In no case shall total density, including bonus units, exceed twenty dwelling units per acres.

5. Special Regulations

- a) Affordable Housing Requirement: Projects approved pursuant to this Sub-Section shall comply with:
  - 1) the Town's Affordable Housing requirements as specified in the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing;
  - 2) the Massachusetts Department of Housing and Community Development (DHCD)'s Local Initiative Program (LIP) Guidelines, July 1996, as may be amended; and
  - 3) the requirement that the average bedroom count of a Multifamily Dwelling or Apartment House or a Multifamily Development shall not exceed two per unit.
- b) Open Space: There shall be an open space or yard area equal to at least fifteen percent of the parcel(s) total area. This area shall be unpaved and may be landscaped or left natural, with the balance being trees, shrubs and grass suitable for the site. This area shall not be built upon but may include a play area.

- c) Parking: At least one and one-half off-street parking spaces shall be provided for each dwelling unit plus one additional visitor parking space for every two dwelling units.
  - d) There shall be Town water and sewer available in the street on which the Multifamily Dwelling or Apartment House or Multifamily Development has its frontage and said water and sewer lines shall have sufficient capacity to accommodate the project.
  - e) A Multifamily Dwelling or Apartment House shall not contain more than twelve dwelling units.
  - f) Any Multifamily Development shall not exceed forty dwelling units.
6. Rules and Regulations: The Planning and Economic Development Board shall adopt *Multifamily Housing Rules and Regulations* which shall include application submittal requirements, public hearing and review procedures, and site development and design standards including but not limited to landscaping, buffering, lighting, building style, pedestrian access, off-street parking, utilities, and waste disposal.
7. Development Limitation: The maximum number of Multifamily Dwelling units authorized pursuant to this sub-section shall not exceed five percent of the number of detached single-family dwellings located in the Town of Medway, as determined by the Board of Assessors.
8. Special Permit Procedures:
- a) The special permit application, public hearing, and decision procedures shall be in accordance with this Sub-Section, the Planning and Economic Development Board's *Multifamily Housing Rules and Regulations*, and the Medway Zoning Bylaw, SECTION V. Use Regulations, Sub-Section C. Site Plan Review and Approval.
  - b) Application Requirements. The Applicant shall submit a Multifamily Housing special permit application together with the size, form, number, and contents of the required plans and any supplemental information as required in the Planning and Economic Development Board's *Multifamily Housing Rules and Regulations*.
  - c) The special permit review of Multifamily Dwelling or Apartment Houses, and Multifamily Developments shall incorporate site plan review pursuant to the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section C. Site Plan Review and Approval.
9. Decision: The Planning and Economic Development Board may grant a Multifamily Housing special permit with any conditions, safeguards, and limitations necessary to mitigate the project's impact on the surrounding area and to ensure compliance with this Sub-Section and the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section C. Site Plan Review and Approval, upon finding that the Multifamily Dwelling or Apartment House, or the Multifamily Development will:

- a) meet the purposes and requirements of this Sub-Section, and the Planning and Economic Development Board's *Multifamily Housing Rules and Regulations* and *Site Plan Rules and Regulations*;
- b) is consistent with the goals of the Medway Master Plan and the Medway Housing Production Plan;
- c) not have a detrimental impact on abutting properties and adjacent neighborhoods or such impacts are adequately mitigated;
- d) provide for greater variety and type of housing stock.

And to amend SECTION II DEFINITIONS by inserting the following definition in alphabetical order:

**Multifamily Development** – A residential development of more than one building comprised of multifamily dwellings and which may also include one single family house and one or more two family houses.

And to amend SECTION IV. DISTRICTS by inserting Multifamily Overlay District to the list of overlay districts;

And to amend the Medway Zoning Map to include the Multifamily Housing Overlay District as shown on a map on file with the Medway Town Clerk;

Or to act in any manner relating thereto:

Planning and Economic Development Board  
Affordable Housing Trust  
Affordable Housing Committee



**TOWN OF MEDWAY**  
Affordable Housing Trust

Ann Sherry, *AHT Chair* - Douglas Havens, *Community Housing Coordinator*

2/25/15

Andy Rodenhiser, Chair  
Planning and Economic Development Board\  
Town of Medway

Re: Proposed Multifamily Zoning Bylaw

Dear Chair:

At a duly assembled meeting conducted at the Medway Senior Center on the evening of February 19, 2015, the Affordable Housing Trust voted unanimously to endorse the efforts of your Board to establish the ability of property owners and developers to create multi-family housing by special permit.

Based on the concurrently available version of the bylaw, our two bodies specifically appreciate and support the rational and measured approach in location and scale of multi-family creation as delineated in the plan. Further, we heartily commend the 25% inclusion of affordable units as a density bonus. We note especially that in the instance of rental unit development this ratio not only triggers inclusion of 100% of the project's units in the Department of Housing and Community Development's Subsidize Housing Inventory but also it signals sincere intent to meet the production challenges embodied in MGL 40B.

In consideration of these and other aspects of the draft so closely aligned with both the Town's Master and Housing Production Plans, the expressed goals of the Commonwealth's housing agencies and our own perception of a pressing need for such housing by working, start-up and downsized households, we wholeheartedly recommend inclusion of the Article at Town Meeting and encourage its passage by Medway residents.

With sincere regard,

Ann Sherry, Chair  
Medway Affordable Housing Trust

Cc: Dennis Crowley – Chair, Board of Selectmen; Michael Boynton – Town Administrator





**TOWN OF MEDWAY**  
Affordable Housing Trust

Ann Sherry, *AHT Chair* - Douglas Havens, *Community Housing Coordinator*

3/10/15

Andy Rodenhiser, Chair  
Planning and Economic Development Board  
Town of Medway

Re: Point of concern with proposed Multifamily Zoning Bylaw

Dear Chair:

While the Medway affordable Housing Trust remains fully supportive of efforts to implement *multifamily zoning in Medway*, it has come to our attention that clause 5. a) 3) limiting average bedroom count to two per unit may be found discriminatory toward larger households in violation of Federal Fair Housing laws. Further, it may contradict the intent of the 1/17/14 Interagency Agreement Regarding Housing Opportunities for Families with Children, thereby threatening eligibility of a special permitted, 40B multifamily project to receive the state or federal funding. Such contributions are vital to the economic feasibility of smaller-scale, low and moderate income housing production.

In light of this discovery, the Board of Trustees, duly assembled on 3/5/15, voted unanimously in support of legal review of the provision in question and the subsequent undertaking of any remedy necessary to allay our concerns.

With sincere regard,

Ann Sherry, Chair  
Medway Affordable Housing Trust

Cc: Dennis Crowley – Chair, Board of Selectmen; Michael Boynton – Town Administrator

## Susan Affleck-Childs

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**From:** Laura Shufelt <LShufelt@mhp.net>  
**Sent:** Wednesday, March 11, 2015 3:23 PM  
**To:** Susan Affleck-Childs  
**Cc:** Susan Connelly; 'Alison Slack'; Rita Farrell  
**Subject:** RE: Norfolk Court Case

Hi Susy,

After checking with Norfolk staff, I found that Norfolk did not receive an official letter as I had been told, but rather a phone call to the Town Attorney advising that a bedroom cap was not good zoning language.

The language proposed in Medway's zoning overlay district limiting the bedroom composition to an average of two bedrooms raises Fair Housing concerns. The effect (and presumably the purpose) would be to limit the number of children in any development in the district. As you know, families with children are a protected class in fair housing law so by limiting the bedroom size, the effect of the zoning could be discriminatory.

The other areas of concern: limits on building height, number of units per building, and total number of units; are not concerns of violating law, but rather of affecting the financial feasibility of using the overlay district. These restrictions have not been tested to see if a development could be financially viable if imposed. The fewer the restrictions, the more flexible and creative a developer can be.

If you have questions or need further clarification, please don't hesitate to call.

Thanks,

Laura

Laura F. Shufelt  
Community Assistance Manager  
**MASSACHUSETTS HOUSING PARTNERSHIP**  
160 Federal Street | Boston | MA | 02110  
617.330.9944 Ext. 292  
617.330.1919 fax  
508 221-5364 cell

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**From:** Susan Affleck-Childs [mailto:sachilds@townofmedway.org]  
**Sent:** Monday, March 09, 2015 4:38 PM  
**To:** Laura Shufelt  
**Subject:** Norfolk Court Case

Hi Laura,

Hope you had a wonderful wedding weekend.

When you can, could you please send me the info on the Norfolk case you mentioned? I believe you indicated that the AG's office had thrown out a zoning bylaw amendment that provided for a limit of 2 bedrooms.

## Susan Affleck-Childs

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**From:** Bob Parrella <rjp@paramountindustriesinc.com>  
**Sent:** Tuesday, March 17, 2015 2:35 PM  
**To:** Susan Affleck-Childs  
**Subject:** RE: Public Hearing,

Hi Susy, I guess I am writing as all that you listed. Thanks,  
Bob

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**From:** Susan Affleck-Childs [mailto:sachilds@townofmedway.org]  
**Sent:** Tuesday, March 17, 2015 2:29 PM  
**To:** Bob Parrella  
**Subject:** RE: Public Hearing,

Hi Bob,

Thanks for the email.

Are you writing as a Medway resident, business owner in the Commercial V district, or on behalf of the Bank?

Susy

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**From:** Bob Parrella [mailto:rjp@paramountindustriesinc.com]  
**Sent:** Tuesday, March 17, 2015 2:19 PM  
**To:** Planning Board  
**Subject:** Public Hearing,

Thank you for the notice regarding tonight's hearing re; proposed changes to Medway zoning Bylaw and map. Due to a travel commitment tonight, I am unable to attend this hearing, however, I have reviewed the maps and the newly proposed "Business Transition" classification and find them to be suitable. Although I do have some apprehension about extending the Commercial Zone V to lots at 31 & 32 Summer Street for reasons discussed at the recent discussions at Rest. 45 due to the "creep effect" some residents are concerned about, I could still support this proposal if passed as is. Thanks for this opportunity to offer my thoughts.

Bob Parrella