TOWN OF MEDWAY

WARRANT FOR MAY 14, 2012

ANNUAL TOWN MEETING

NORFOLK ss:

To either of the Constables of the Town of Medway

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet at the **Medway High School, 88 Summer Street,** on **Monday, May 14, 2012** at 7:30 PM, then and there to act on the following articles:

ARTICLE 1: (Appropriation: FY13 Operating Budget)
To see if the Town will vote to fix the salary and compensation of all elected officers of the Town, provide for a Reserve Fund, and determine what sums of money the Town will raise and appropriate, including appropriation from available funds, to defray charges and expenses of the Town including debt and interest, for the Fiscal Year ending June 30, 2013, or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 2: (Appropriation: Town Clerk Salary)
To see if the Town will vote to remunerate the Town Clerk an additional sum of $3,881 in Fiscal Year 2013, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 3: (Free Cash Appropriation: Capital Items)
To see if the Town will vote to appropriate the sum of $1,517,255 for fiscal Year 2013 from Certified Free Cash for the purpose of funding the following capital items, or act in any manner relating thereto:

Project	Department	Cost
VARIOUS ROAD/SIDEWALK IMPROVEMENTS	Roads	$600,000
REPLACE HIGH BAND RADIO SYSTEM	DPS	$140,000
EMERGENCY GENERATOR REPLACEMENT - BURKE	School	$40,150
REPLACE EMERGENCY GENERATOR	Facilities	$70,000
ENGINEERING DESIGN- SANFORD STREET BRIDGE	Roads	$40,000
POLICE SERVER VIRTUALIZATION	Police	$8,000
TECHNOLOGY EQUIPMENT	IT	$101,955
INSTALL FOUR POST LIFT	DPS	$28,000
REPLACE 2 HVAC RTUS	Library	$21,000
LIBRARY INITIATIVES	Library	$23,150
REPAIR WALKWAYS TO CENTER STREET LOT - MEMORIAL SC	School	$42,000
SYSTEMS VIRTUALIZATION	IT	$100,000
PURCHASE EXCAVATOR EQUIPMENT	DPS	$120,000
FIRE DEPARTMENT COMMAND VEHICLE	Fire	$48,000
REFURBISH OAKLAND BASKETBALL CT	Parks	$15,000
OPEN SPACE/PARKS RECREATIONAL USE STUDY	Parks	$30,000
COMMUNITY SIGNAGE PROJECT	Planning	$20,000
PARK & FIELD IMPROVEMENTS	Parks	$70,000
Free Cash Total		**$1,517,255**

CAPITAL IMPROVEMENT PLANNING COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 4: (General Fund Appropriation: Capital Items)
To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute, or transfer from available funds the amount of $349,045 for the purpose of funding the following capital items, or act in any manner relating thereto:

Project	Department	Cost
TECHNOLOGY EQUIPMENT	IT	$158,045
GIS	Planning	$55,000
FURNITURE REPLACEMENT – MCGOVERN SC	School	$78,000
ONE-TON DUMP TRUCK	DPS	$58,000
Total		**$349,045**

CAPITAL IMPROVEMENT PLANNING COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 5: (Free Cash Appropriation: Non Capital Item)
To see if the Town will vote to appropriate the sum of $37,290 for fiscal Year 2013 from Certified Free Cash for the purpose of funding the following items, or act in any manner relating thereto:

Project	Department	Cost
ECONOMIC DEVELOPMENT CONSULTING	EDC	$37,290

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 6: (Free Cash Appropriation: Capital Improvement Stabilization Account)
To see if the Town will vote to establish a Capital Improvement Stabilization Account, in accordance with M.G. L. Chapter 40, Section 5B, and to appropriate the sum of $200,000 from Fiscal Year 2011 Certified Free Cash to fund it, or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 7: (Operational Reserve Transfer: Capital Improvement Stabilization Account)
To see if the Town will vote to transfer the sum of $250,000 from the Operational Reserve Account to the Capital Improvement Stabilization Account, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 8: (FY13 Capital Budget: Bonding Expenditure)
To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of $900,000 for Fiscal Year 2013 for the purpose of purchasing a ladder truck for the Fire Department or to act in any manner relating thereto.

CAPITAL IMPROVEMENT PLANNING COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 9: (FY13 Capital Budget: Water Enterprise)
To see if the Town will vote to raise, borrow or appropriate the sum of $35,000 for Fiscal Year 2013 from Water Enterprise Fund Retained Earnings for the purpose of funding the following item, or act in any manner relating thereto.

PURCHASE WATER SUPT TRUCK	Water	$35,000

CAPITAL IMPROVEMENT PLANNING COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 10: (FY13 Capital Budget: Sewer Enterprise)
To see if the Town will vote to raise, borrow or appropriate the sum of $200,000 for Fiscal Year 2013 from the Sewer Enterprise Fund for the purpose of funding the following items, including associated engineering, personnel, maintenance, and legal services costs, or act in any manner relating thereto.

SEWER COLLECTION SYSTEM IMPROVEMENTS	Sewer	$200,000

CAPITAL IMPROVEMENT PLANNING COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 11: (Appropriation: FY13 Water Enterprise Fund)
To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $1,850,237 for the maintenance of the Water Department Enterprise fund as follows, or to act in any manner relating thereto:

Direct Costs

	Amount
Salaries	$524,265

Expenses	536,350
Long Term Debt – Principal	565,000
Long Term Debt – Interest	224,622
Direct Costs Total	$1,850,237

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of $225,067for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	$225,067

Total	**$2,075,304**

And further that the above listed appropriations be funded as follows:

Fees for Service [User Fees]	$2,075,304
	$2,075,304

WATER SEWER COMMISSION

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 12: (Appropriation: FY13 Sewer Enterprise Fund)
To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $808,334 for the maintenance of the Sewer Department Enterprise fund as follows, or to act in any manner relating thereto:

Direct Costs

	Amount
Salaries	$165,094
Expenses	467,815
Long Term Debt – Principal	135,600
Long Term Debt – Interest	39,825
Direct Costs Total	$808,334

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of $71,306 for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	$71,306

Total	**$879,640**

And further that the above listed appropriations be funded as follows:

Fees for Service [User Fees]	$879,640
Total	**$879,640**

WATER SEWER COMMISSION

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 13: (Appropriation: FY13 Solid Waste Enterprise Fund)
To see if the Town will vote to raise and appropriate or transfer from available funds a sum of $1,245,987 to operate the Solid Waste/Recycling Department Enterprise Fund as follows, or to act in any manner relating thereto.

Direct Costs

	Amount
Salaries	$287,487
Expenses	958,500
Direct Costs Total	$1,245,987

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of $99,658 for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	$99,658

Total	**$1,345,645**

And further that the above listed appropriations be funded as follows:

Trash Recycling Fees/Bag Revenues	$1,345,645
Total	**$1,345,645**

PUBLIC SERVICES DEPT.

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 14: (Appropriation: FY13 Ambulance Enterprise Fund)
To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $281,187 to operate the Ambulance Enterprise Fund as follows, or act in any manner relating thereto.

Direct Costs

	Amount
Salaries	$163,432
Expenses	117,755
Direct Costs Total	$281,187

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of $67,199 for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	$67,199

Total	**$348,386**

And further that the above listed appropriations be funded as follows:

Insurance and Fees for Service	$348,386
Total	**$348,386**

FIRE DEPARTMENT

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 15: (Appropriation: Community Preservation Committee)
To see if the Town will vote to act on the report of the Community Preservation Committee for the Fiscal Year 2013 Community Preservation budget and to appropriate, or reserve for later appropriations, monies from the Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community

preservation projects and all other necessary and proper expenses for the Fiscal Year 2013, or act in any manner relating thereto.

COMMUNITY PRESERVATION COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: TBD

FINANCE COMMITTEE RECOMMENDATION: TBD

ARTICLE 16: (Appropriation: Thayer Project Funds)
To see if the Town will vote to expand the scope of services authorized by vote of the Town under Article #1 at the November 14, 2011 Special Town Meeting, which appropriated $150,000 from the Community Preservation Fund Account, to include architect services for the preparation of construction bid documents for the Thayer Development Concept prepared by Davis Square and Associates for the renovation of the Town-owned Thayer property at 2B Oak Street and authorize the Board of Selectmen, in consultation with the Community Preservation Committee, to enter into contracts with professionals to perform said work, or take any other action relative thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 17: (Lease: Roadway Operation and Maint. Equipment)
To see if the Town will vote to authorize the Board of Selectmen to enter into a lease arrangement for the procurement of equipment purposed for roadway operation and maintenance, or to act in any manner relating thereto.

PUBLIC SERVICES DEPARTMENT

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 18: (Revolving Accounts: Annual Authorization)
To see if the Town will vote to re-authorize the following revolving funds pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws for Fiscal Year 2013 as follows:

FUND	REVENUE SOURCE	AUTHORITY TO SPEND	USE OF FUND	SPENDING LIMIT
Parks and	Permit Fees	Board of Parks	Self supporting recreation	$100,000

Recreation		Commissioners	and parks services	
Council on Aging	Donations/fees paid by riders and GATRA reimbursement	Council on Aging	Pay for dial-a-ride van service for seniors and disabled; shuttle service to Norfolk commuter rail station, and other necessary transportation services	$82,790
Library Printer/ Copier	Public printer use and copy machine revenues	Board of Library Trustees	Printer and copy machine expenses.	$1,000
Library Meeting Room	Meeting room use fees	Board of Library Trustees	Meeting room maintenance, repairs and upgrades	$500

BOARD OF SELECTMEN
(For the Various Departments Indicated)

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 19: (Appropriation: Medway 300th)
To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute, or transfer from available funds the amount of $10,000.00, under Massachusetts General Laws Chapter 44, Section 53I, for the purpose of appropriating funds for the celebration of Medway's 300th anniversary of its incorporation, herein called "Medway 300", or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 20: (Appropriation: Library – Books and Materials)
To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute, or transfer from available funds the amount of $20,000.00 for the purpose of funding the purchase of books and materials for the Library, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 21: (Approve Settlement: Sewer Ext. Project Claim)

To see if the Town will vote to approve, pursuant to Article II, Section 2.6 of the General Bylaws, the proposed settlement of Medway Trotter v Town of Medway, including settlement payment amount of $105,000, a claim arising out of the industrial park sewer extension project, subject to the approval of all needed settlement documents by Town Counsel, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 22: (Land Acquisition: Adams St Property)
To see if the Town will vote to authorize the Boar d of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept the deed to the Town of a fee simple interest in all or a portion of the parcel described below, now owned by Robert A. Briggs upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, the land to be used for purposes allowed by the so-called Community Preservation Act, Massachusetts General Laws Chapter 44B, to be under the management and control of Board of Selectmen said parcel of land being described as follows:

> The land located on the southerly side of Adams Street, known as 0 Adams Street, Medway, Norfolk County, MA, shown on Medway Assessors Map 5-11, 5-10, and 5-7 as Parcel 5-34 & 34A consisting of 47.88 acres more or less, and specifically excluding the parcel on the northerly side of Adams Street identified as Parcel 5-34; and the land located on Adams Street known as 25R Adams Street, shown as Parcel 5-337B on Map 5-11, consisting of 8.5 acres, more or less; as well as a right of first refusal on Seller's 1/3 interest in two parcels of land, the first located on Adams and Winthrop Street, known as 25 Winthrop Street, shown as Parcel 5-339 on Assessors Map 5-11 and 5-14, consisting of 47 acres, more or less; and the second located on the easterly side of Winthrop Street, known as 38 Winthrop Street, being a portion of what is shown as Parcel 5-32,35 on Assessors Map 5-11, 5-12, 5-6, and 5-5, believed to be 8-10 acres, more or less.

And, further to see if the Town will vote: a) to appropriate from the Community Preservation Fund the sum of $1,775,000 for the purchase of the property and up to $10,000 for any expenses related thereto, including legal fees; b) authorize the Board of Selectmen to convey a permanent deed restriction in accordance with General Laws chapter 44B, section 12 and General Laws chapter 184, sections 31-33; and c) authorize the Board of Selectmen and Town officers to take all related actions necessary or appropriate to carry out this acquisition, including the submission, on behalf of the town, of any and all applications deemed necessary for grants and/or reimbursements from any state or federal programs and to receive and accept such grants or reimbursements for this purpose, and/or any other purposes in any way connected with the scope of this Article, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 23: (Eminent Domain: Brentwood Drainage Project)
To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or take by eminent domain pursuant to General Laws, Chapter 40, §14, and Chapter 79, and any other lawful authority, the fee or other interest in real property necessary for the Brentwood Stormwater Drainage project located in the area bounded by and adjacent to Main Street, Holliston Street and Coffee Street; on such terms and conditions as the Board of Selectmen shall determine to be appropriate, and further to authorize the Board of Selectmen and town officers to take all actions to carry out the purposes of this article; and further to raise and appropriate, borrow or transfer from available funds a sum of money for said purpose and related expenses; or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 24: (Land Transfer: Lovering St)
To see if the town will vote to transfer to the Board of Selectmen to the extent necessary, and authorize the Board of Selectmen to convey a portion of the Town's property at 35 Lovering Street, as shown on a plan entitled "Plan of Land in Medway" dated March 7, 2012, contingent upon approval of said conveyance by the Department of Environmental Protection; provided that said conveyance shall retain a water easement over the land being conveyed, and on such further terms as the Board of Selectmen shall deem to be in the best interests of the Town, and to authorize the Board of Selectmen and other town officials to do all acts necessary to carry out the purposes of this article, or take any other action related thereto.

DEPT. OF PUBLIC SERVICES

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 25: (Amend General By-laws: Community Preservation Committee Composition)

To see if the Town will vote to amend Article XXV of the General By-laws, Community Preservation Committee, by deleting the current Section 25.2 and inserting in its place a new Section 25.2 as follows:

"Section 25.2
The membership of the Community Preservation Committee shall consist of the following:
One member of the Affordable Housing Committee, as designated by the Affordable Housing Committee;
One member of the Open Space Committee, as designated by the Open Space Committee;
One member of the Planning and Economic Development Board, as designated by the Planning and Economic Development Board;
One member of the Historical Commission, as designated by the Historical Commission;
One member of the Conservation Commission, as designated by the Conservation Commission;
One member of the Park and Recreation Commission, as designated by the Park and Recreation Commission;
Three citizens at large, appointed by the Board of Selectmen for staggered terms;
All members to be appointed for a term of three years."

or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 26: (Amend General By-laws: Affordable Housing Trust Composition)
To see if the Town will vote to amend Article II, Section 2.18 of the General By-laws, the Affordable Housing Trust Fund, by amending Section 2.18(e) by deleting the second sentence, and deleting the word "remaining" in the third sentence; and by amending Section 2.18(f) by deleting the first sentence, and deleting the word "other" in the second sentence; and by amending Section 2.18(g) by deleting the words "who shall not be the Town Administrator"; or take any other action relative thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 27: (Charter Amendment: Appointment of Water and Sewer Commission)

To see if the town will vote pursuant to Section 3-1-9 of the Town Charter to determine that the Water and Sewer Commission shall be appointed by the Board of Selectmen, provided that this vote shall not take effect until the matter is submitted to the voters at the next annual town election held at least 90 days after the Town Meeting vote, in the form of a ballot question, and a majority of votes is cast in the affirmative,
or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 28: (Charter Amendment: Appointment of Board of Health)

To see if the town will vote pursuant to Section 3-1-9 of the Town Charter to determine that the Board of Health shall be appointed by the Board of Selectmen, provided that this vote shall not take effect until the matter is submitted to the voters at the next annual town election held at least 90 days after the Town Meeting vote, in the form of a ballot question, and a majority of votes is cast in the affirmative, or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 29: (Petition General Court: Street Acceptance Process)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act providing that legislation be adopted in the form set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen be authorized to approve amendments which shall be within the scope of the general public objectives of the petition:

SECTION 1. Notwithstanding the provisions of Chapters 82 and 79 of the General Laws or any other general or special law to the contrary, the Town of Medway may employ the procedure hereinafter set out for municipal acceptance of roads constructed within a subdivision in accordance with a definitive subdivision plan which has been approved under the Subdivision Control Law. The Town of Medway Planning and Economic Development Board, on request of the Medway Board of Selectmen, the developer of the subdivision, or on its own initiative, shall prepare a written certification that a subdivision

road or roads has been constructed in accordance with the Planning and Economic Development Board's rules and regulations and the approved definitive plan. The Planning and Economic Development Board shall submit its certification, together with original mylars of an acceptance plan, in required form for recording at the Registry of Deeds, and an "as-built" plan, to the Medway Board of Selectmen. The Board of Selectmen shall hold a public hearing, after first giving written notice by first-class mail, postage prepaid, to the owner of record of each property abutting the road or roads, as appears from municipal records, and giving notice by publication in a newspaper of local circulation at least seven days prior to the hearing. The sole purpose of the public hearing shall be to determine whether it is in the public interest to accept the road or roads as a public way. If the Medway Board of Selectmen determines, after the public hearing, that it is in the public interest to accept the road or roads, they shall so-vote, by a majority vote, and place an article on the warrant for the next annual or special town meeting for acceptance of the road or roads. Upon a two-thirds vote of Town Meeting to accept the road or roads, the Board of Selectmen shall cause to be prepared for recording at the Norfolk County Registry of Deeds an Order of Acceptance setting forth the vote of the Town Meeting. The Order of Acceptance, together with the original acceptance plan, shall be recorded within thirty days following the Town Meeting vote and, upon recordation, shall operate to vest ownership in fee to the road or roads, together with ownership of all utility, drainage access, and other easements shown on the plan, as well as all pipes, structures, and other improvements located therein, in the Town of Medway with no additional notice or other action required. No owner or interest holder of land abutting a road so-accepted or subject to an easement shown on said plan shall have any claim for compensation against the Town on account of said acceptance.

SECTION 2. This act shall take effect upon its passage.

or take any other action relative thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 30: (Amend Zoning Bylaw: Section I)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw by deleting Sub-Section C. Purpose and Intent in its entirety from SECTION I. AUTHORITY AND PURPOSE.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 31: (Amend Zoning Bylaw: Section II)
To see if the Town will vote to amend SECTION II of the Medway Zoning Bylaw by adding the following definitions in alphabetical order:

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

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

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

Frontage: That portion of a lot which fronts on a street or streets from which physical access to the principal building on the lots can be provided. Frontage is measured as the distance between the points of intersection of the side lot lines with the front lot line. In the case of a corner lot bounding more than one street, the measurement on both streets may be used to determine if the lot meets the minimum frontage requirement of the particular zoning district. With a corner lot, the frontage is measured from the side lot line to the midpoint of the arc that constitutes the corner rounding at the intersection of the two streets.

Lot Area: The total area of a lot, not including the area of any street rights-of way.

Lot Coverage: That portion of the lot that is covered by buildings/structures including accessory buildings. Lot coverage shall be determined by dividing the area of the footprint of all building on a lot by the total lot area.

Lot Frontage: The length of a lot line(s) measured at the street right-of-way line

Lot Line, Front: A lot line separating a lot from a street right-of-way

Lot Line, Rear: A line separating a lot from other lots or from land in a different ownership, being the boundary of a lot which is opposite or approximately opposite the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot Line, Street: A lot line separating a lot from a street right-of-way

Retail Sales: Establishments engaged in the buying, receiving, selling and renting of goods or merchandise to the general public and which may include the rendering of associated services incidental to the sale of such goods or merchandise. Said merchandise being offered shall be stocked and displayed primarily within the building.

Retail Sales, Outdoors: Retail sales establishments where the display of products occurs primarily outside of a building or structure, including but not limited to automotive and recreational vehicles, boats, garden supplies, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yard.

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

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

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

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

And by deleting the existing definition for *Automotive Service Station*

And by deleting the existing definition for *Lot Line* and replacing it with the following:

Lot Line: A line of record bounding a lot that divides one lot from another lot or from a way or any public space.

And by deleting the existing definition of *Street* and replacing it with the following:

Street:

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

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 32: (Amend Zoning Bylaw: Section V, Sub-Section E)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section E. Agricultural Residential District I as follows:

Paragraph 1. c) by adding 6) *Kennel when authorized by a special permit of the Zoning Board of Appeals*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 33: (Amend Zoning Bylaw: Section V: Sub-Section F)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section F. Agricultural Residential District II as follows:

Paragraph 1. c) by adding 6) *Kennel when authorized by a special permit of the Zoning Board of Appeals*

Paragraph 4. by inserting *"single family"* between the word *any* and *dwelling*.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 34: (Amend Zoning Bylaw: Section V, Sub-Section G)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE RGULATIONS, Sub-Section G. Commercial I as follows:

1. b)Delete this item in its entirety and replace it with *Retail Sales*

   j)Special Permit Uses – Zoning Board of Appeals

   4) Delete *Automobile Service Station* and replace it with *Vehicle Fuel Station*

   Add 8) *Kennel*

   Add 9) *Vehicle Repair*

   k)Special Permit Uses – Planning and Economic Development Board

   Add 2) *Local Convenience Retail with Associated Vehicle Fuel Station*

2. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 35: (Amend Zoning Bylaw: Section V, Sub-Section I)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section I. Commercial District III as follows:

1. b) Delete this item in its entirety and replace it with *Retail Sales*

Add 1. g)*Home Based Businesses subject to the provisions of SECTION V. USE REGULATIONS Sub-Section AA. Home Based Businesses*

Add 1. h) *Kennel when authorized by a special permit from the Zoning Board of Appeals*

3. c)Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 36: (Amend Zoning Bylaw: Section V, Sub-Section J)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section J. Commercial District IV as follows:

1. b)Delete this item in its entirety and replace with *Retail* S*ales*

Add 1. g)*Home Based Businesses subject to the provisions of SECTION V. USE REGULATIONS Sub-Section AA. Home Based Businesses*

Add 1. h) *Kennel when authorized by a special permit from the Zoning Board of Appeals*

3. c)Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 37: (Amend Zoning Bylaw: Amend Section V, Sub-Section K)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section K. Commercial District V as follows:

1. b) Delete this item in its entirety and replace with *Retail* S*ales*

Add 1. m) *Kennel when authorized by a special permit from the Zoning Board of Appeals*

2. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 38: (Amend Zoning Bylaw: Section V, Add Sub-Section L and amend Sub-Sections E, F, I and J)
To see if the Town will vote to amend the Medway Zoning Bylaw to add Sub-Section L. Accessory Family Dwelling Units to SECTION V. USE REGULATIONS as follows:

1. *Purpose* - To facilitate assistance within families in providing for the tasks of daily living such as, but not limited to, activities necessary to maintain good

health, meal preparation, child care, household and yard maintenance tasks, transportation or other activities of daily living.

2. The special permit must be recorded prior to the issuing of an occupancy permit. Upon transfer or conveyance of the property, the special permit shall become null and void

3. An accessory family dwelling unit in a single-family dwelling is subject to the following conditions:

   a) The single-family dwelling or accessory family dwelling shall be occupied by the owner of the premises. For the purpose of this section, the "owner" shall be one or more individuals who hold legal or beneficial title to the premises and for whom the premises is the primary residence.

   b) The accessory family dwelling unit only may be occupied by the following family members: mother/father, mother-in-law/father-in-law, son/daughter, son-in-law/daughter-in-law, sister/brother, sister-in-law/brother-in-law, grandmother/ grandfather, step-mother/step-father, step-son/step-daughter, step-sister/step-brother, step-grandmother/ step-grandfather. A notarized statement of the relevant relationship shall be provided to the Inspector of Buildings prior to the issue of a certificate of occupancy for the accessory family dwelling unit.

   c) There shall not be more than one bedroom in the accessory family dwelling unit.

   d) The accessory family dwelling unit shall have an exterior design such that the premises has the character of a single-family dwelling.

   e) There shall be no additional driveway or curb cut providing access to the accessory family dwelling unit. At least one off-street parking space shall be provided for the accessory family dwelling unit.

   f) A certificate of occupancy for the accessory family dwelling unit is required, and shall be issued to the owner only, and is not transferable. A certificate of occupancy for an accessory family dwelling unit shall expire not more than three years after the date of issue. Upon transfer of ownership of the premises, the certificate of occupancy for the accessory family dwelling unit shall be null and void.

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

And to revise Sub-Section E. Agricultural Residential I and Sub-Section F. Agricultural Residential II by deleting paragraph 2 in each sub-section its entirety and replacing it as follows:

2.Accessory Family Dwelling Units may be authorized by special permit from the Zoning Board of Appeals subject to the provisions of Sub-Section L. Accessory Family Dwelling Units.

And to revise Sub-Section I. Commercial District III and Sub-Section J. Commercial IV by inserting a new paragraph 3 in each sub-section as follows:

3.Accessory Family Dwelling Units may be authorized by special permit from the Zoning Board of Appeals subject to the provisions of Sub-Section L. Accessory Family Dwelling Units.

And to renumber the existing paragraph 3 in Sub-Sections I. and J. to paragraph 4.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 39: (Amend Zoning Bylawy: Section V, Sub-Section M)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section M. Industrial District I as follows:

Add 1. l)*Contractor's Yard*

Add 1. m)*Vehicle Repair*

Add 1. n)*Outdoor storage of materials and parking of vehicles and equipment associated with the operation of a business located in a structure on the premises*

Add 1. o)*Kennel when authorized by a special permit from the Zoning Board of Appeals*

2. c)Delete *Minimum lot width* and replace it with *Minimum continuousfrontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 40: (Amend Zoning Bylaw: Section V, Sub-Section N)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw,

SECTION V. USE REGULATIONS, Sub-Section N. Industrial District II as follows:

Add 1. j) *Outdoor storage of materials and parking of vehicles and equipment associated with the operation of a business located in a structure on the premises*

Add 1. k)*Kennel when authorized by a special permit from the Zoning Board of Appeals*

2. c)Delete *Minimum lot width* and replace it with *Minimum continuousfrontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 41: (Amend Zoning Bylaw: Section V, Sub-Section O)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section O. Industrial District III as follows:

Add 1. i)*Outdoor storage of materials and parking of vehicles and equipment associated with the operation of a business located in a structure on the premises*

Add 1. j) *Kennel when authorized by special permit from the Zoning Board of Appeals*

2. c)Delete *Minimum lot width* and replace it with *Minimum continuousfrontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 42: (Amend Zoning Bylaw: Section V, Sub-Section Q)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, by amending Sub-Section Q. Floodplain/Wetland Protection Districts to read as follows:

(NOTE – New text is noted in ***italic bold***. Deleted text is shown with s~~trikethrough~~.)

Q.FLOOD PLAIN/WETLAND PROTECTION DISTRICTS

1. *Purpose*: In addition to the purpose in Section l of this Bylaw, the purposes of this district are:

   a) To provide that lands in the Town of Medway subject to seasonal or periodic flooding as described hereinafter shall not be used for residence***s*** or other purposes in such a manner as to endanger the health or safety of the occupants thereof, or the public generally, or to burden the public with costs ***associated with the response and cleanup of flooding conditions*** resulting from the unwise individual choices of land use.

   b) To protect, preserve and maintain the water table and water recharge areas within the town so as to preserve present and potential water supplies for the public health and safety of the Town and the Metropolitan area.

   c) To assure the continuation of the natural flow pattern of the watercourses within Medway and to preserve natural floodwater storage areas so as to protect persons and property against the hazards of flood inundation ***and reduce damage to public and private property resulting from flooding waters.***

   d) To avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact areas of the community beyond the site of flooding.

2. ***Flood Plain/***Wetland Protection ***District: The Flood/Plain/Wetland Protection District is hereby established as an overlay district. The Flood Plain/Wetland Protection District includes:***

   ~~a) The Flood Plain/ District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain/ District includes~~

   a) All special flood hazard areas designated as Zone A ***or AE*** ~~A1-30~~ on the ~~Medway~~ ***Norfolk County*** Flood Insurance Rate Map (FIRM) ***issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Medway are panel numbers 25021C - 0136E, 0137E, 0138E, 0139E, 0141E, 0142E, 0413E, and 0144E with a preliminary date of June 12, 2009 and an effective date of July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) with an effective date of July 17, 2012. The FIRM and FIS report are incorporated herein by reference***

and are ~~and the Flood Boundary and Floodway Maps dated June 18, 1980~~ on file with the Town Clerk, Planning ***and Economic Development*** Board, ***Conservation Commission***, ***Building Department*** and ***Board of Assessors***. ~~Town Engineering Department. These maps as well as the accompanying Medway Flood Insurance Study are incorporated herein by reference.~~

b) All that land bordering any natural water body that lies within a horizontal distance of twenty-five (25) feet from the mean high water line except as otherwise defined on the Flood Plain/Wetland Protection District Map.

c) All water bodies encircled by boundary lines of the District.

d) All that land along the following named brooks and their tributaries: Stall Brook, Hopping Brook, Chicken Brook and certain unnamed brooks and streams that lie within a horizontal distance of twenty-five (25) feet of the thread of said brooks and streams except as otherwise defined on the Flood Plain/Wetland Protection District Map.

e) All those wetlands which may be described as upland swamps or marshes which lie at the source of the brooks or their tributaries or which lie in surface depressions without drainage outlets, as defined on the Flood Plain/Wetland Protection District Map.

3. Base Flood Elevation and Floodway Data

a)Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

b)Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

~~3~~.4. *Use Regulations:*

a) The Flood Plain/Wetland Protection District ***is an overlay district to all*** ~~shall be considered as overlying~~ other districts established by this Bylaw. ***The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains.*** ~~Any uses permitted in the portion of the districts so overlaid shall be permitted except that:~~

1) No new building or structure shall be erected or constructed;
2) No existing building or structure shall be moved, altered or enlarged so as to increase its ground coverage by more than a total of twenty (20) percent; and
3) No dumping or filling or relocation of earth materials shall be permitted except as may be required for the uses permitted in paragraphs b. (7) and (8) below.
4) No storage of road salt, fertilizer, manure or other organic or chemical leachable material shall be permitted.

b) In addition, the following uses shall be permitted in the Flood Plain/Wetland Protection District subject specifically to paragraphs **4** ~~3~~, a) 1, 2, 3 and 4 above, above as applicable provided that prior approval of the Conservation Commission under the provisions of the General Laws, Ch. 131, S. 40 has been given.

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

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

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

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

d) Other Use Regulations

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

~~4.~~ **5**. *Lot Area Allowance**:*** If any area of a lot in a single family residence district is overlaid by the Flood Plain/Wetland Protection District, said portion may be used to meet the area regulations of that district provided that no building or structure may be erected on the portion remaining outside the Flood Plain/Wetland Protection District unless appropriate space on that portion is available for siting a building or structure, for installation of adequate sewage disposal facilities in accordance with Article XI of the State Sanitary Code and for meeting the setback, frontage and other dimensional requirements in this Bylaw , but in no case less than 10,000 square feet.

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

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

~~5.~~**6**. *Boundary Line Plot Plan*: Whenever an application is made for a building permit which the Building Inspector believes may be affected by a Flood Plain/Wetland Protection District boundary, the Inspector shall require the applicant for such permit to provide as part of such application a plan, certified by a registered land surveyor, of the lot on which such building is intended to be built showing the exact location of the District boundary as described on the Zoning Map, "Flood Plain/Wetland Protection District, Medway, Mass. 1975" and in paragraph 2 herein. In the case of a building permit for an interior improvement to a building or structure where the outside dimensions and the total ground coverage are not to be increased, the boundary line location shall not be required.

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

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

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

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

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

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

a)Adjacent Municipalities
b)NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600 - 700
Boston, MA 02114-2104
Or any successor agencies/addresses

c) NFIP Program Specialist
Federal Emergency Management Agency, Region 1
99 High Street, 6th Floor
Boston, MA 02110
Or any successor agencies/addresses

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

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

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

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

DISTRICT means floodplain district.

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

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

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

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

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

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

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.

REGULATORY FLOODWAY - see FLOODWAY

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

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the

term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.
SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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

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

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

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

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 43: (Amend Zoning Bylaw: Section V, Sub-Section R)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulation as follows:

9. b) 10) Delete reference to *eight (8)* square feet and replace it with *six* square feet

9. e) 1) Delete reference to *eight (8)* square feet and replace it with *six* square feet

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 44: (Amend Zoning Bylaw: Section V, Sub-Section T)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section T. Open Space Residential Development (OSRD) by amending paragraphs 1 – 11 to read as follows:

(NOTE – New text is shown in ***italic bold***. Deleted text is shown with ~~strikethrough~~.)

T. OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)

1.*Purpose and Intent* – ***An OSRD is an alternative to a conventional/grid subdivision. An OSRD is specifically designed to accommodate, preserve and feature a site's important physical features.*** The primary purposes for OSRD are:

a) To allow for greater flexibility and creativity in the design of residential development;
b) To protect community water supplies;
c) To minimize the total amount of disturbance on the site**;**
d) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, ***other natural landscape features*** and/or historical and archeological resources.
e) To ~~discourage sprawl and~~ encourage a more efficient form of development that consumes less open land and conforms more closely to existing topography and natural features than a conventional ***grid*** subdivision;
f) To further the goals and policies of the Medway Master and/or Open Space Plans;
g) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economic and efficient manner.
h) To preserve and enhance the community character;
i) To preserve and protect ***farmland*** ~~agriculturally significant land~~**;**
j) To protect the value of real property;
k) To ***promote a variety of*** ~~allow for~~ housing types that will diversify the community's housing stock including the provision of affordable housing for persons of low and moderate incomes.

(Item k) added May 14, 2007)

It is not the intent of this sub-section that an OSRD will have more building lots or dwelling units than would otherwise be possible with a conventional subdivision plan.

2. *Eligibility*

a) *Zoning Classification* - Only those tracts located in the AR-I and AR-II Districts shall be eligible for consideration as an OSRD.

b) *Contiguous Parcels* - To be eligible for consideration as an OSRD, the tract shall consist of a parcel or set of contiguous parcels. For the purposes of this section, parcels that are directly opposite each other across an existing street, and each have a minimum of 25 feet of frontage on the same 25-foot section of roadway, may be considered as if contiguous. Provided, however, that parcels or sets of parcels on opposite sides of a street must each have practical development potential as evidenced by either meeting the dimensional requirements of the residential zoning district in which it lies, or, in the opinion of the Planning Board, has sufficient access and area to be subdivided in accordance with the Planning Board's Rules and Regulations for the Review and Approval of Land Subdivisions. *(Revised June 15, 2009)*

c) *Land Division* - To be eligible for consideration as an OSRD, the tract may be a subdivision or a division of land pursuant to M.G.L. c. 41, s. 81P, provided, however, that an OSRD may also be permitted where intended as a condominium on land not so divided or subdivided.

d) *Tract Size* – An OSRD shall be on a site that is a minimum of ~~8~~ ***10*** acres in area. The Planning and Economic Development Board may approve an OSRD on a tract of land that is less than ~~8~~ ***10*** acres if such property directly abuts the Charles River, Chicken Brook or Hopping Brook and that portion of the property that abuts any of these waterways is included in the open space. *(Item d) added June 15, 2009)*

3. *Special Permit* ~~*Required*~~ ***General Requirements***

a) The Planning Board may authorize an OSRD pursuant to the grant of a special permit. Such special permits shall be acted upon in accordance with the provisions outlined below.

b) The Planning Board shall adopt *OSRD Rules and Regulations* which shall more fully define the application requirements including the size, form, number and contents of the *Site Context and Analysis Plan*, *Concept Plan*, and *Yield Plan*, identify supporting information needed, and establish reasonable application, review and inspection fees, and performance bond requirements.

c) Upon approval by the Planning Board, an OSRD may include a Local Convenience Retail use of no more than 7,500 square feet of gross building area.

(*Item c) added 6-2-08)*

d) Upon approval by the Planning Board, an OSRD may include a Community Center or Building erected solely for the use of the residents of the OSRD and their guests for educational, recreational and social purposes. *(Item d) added 6-2-08)*

4. *Pre-Application ~~Phase~~*

a) *Pre-Application Review* -The purpose of the pre-application review is to ***allow the developer to secure feedback from the Planning and Economic Development Board, to*** minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning and Economic Development Board at the earliest possible stage in the ~~development.~~ ***site design process***. The applicant is required to ***submit a pre-application and to*** schedule a pre-application review at a regular business meeting of the Planning and Economic Development Board. The Planning and Economic Development Board shall invite the Conservation Commission, Open Space Committee, Board of Health, and Design Review Committee to ***review the pre-application materials and*** attend the informal pre-application review.

b)Pre-Application Documents – It is the intention that the majority of the required pre-application information can be derived primarily from existing data/information sources.

1) Preliminary Site Context Map
2) Preliminary Site Analysis Map illustrating features of the site and nearby surrounding areas including water resources (such as aquifers, streams and riparian areas, DEP Zone II's, wetlands, floodplains and certified and potential vernal pools), BioMap areas, Priority Habitats and Estimated Habitats of Rare and Endangered Species, other protected open space and any other features that the applicant believes may be significant
3) Aerial and/or ground photos of the site and environs
4) Neighborhood Density Analysis - Calculation of the density of existing residential dwellings within 2500 feet of the site's perimeter and the density of all existing subdivisions which are adjacent to the subject property
5) Conventional Subdivision Sketch Plan showing the maximum number of lots into which the parcel could reasonably be expected to be divided pursuant to the existing by-right zoning,

conventional subdivision rules and regulations and other land use restrictions such as wetlands protection, etc.

6) Map(s) and documentation (which may consist of photographs) of any stone walls, historic structures, significant trees, important landscapes, scenic views or other natural resources/features of the site.

c) At the pre-application review, the applicant shall:

1) ~~outline the proposed OSRD including~~ ~~presentation of~~ ***present*** the ***P***reliminary Site ***C***ontext and ***Preliminary Site*** Analysis ***maps*** ~~Plan~~ prepared with input from a Registered Landscape Architect

2) ***identify potential development areas and open space areas and amenities including potential trails, trail connections, parking areas, etc.***

3) seek preliminary feedback from the Planning and Economic Development Board and/or its agents ***and other Town boards/committees***

~~4) review potential open space, trails and trail connections~~

~~5)~~ ***4)*** present a preliminary concept for handling stormwater runoff

~~6)~~ ***5)*** discuss potential mitigation measures pursuant to paragraph 13. B) herein

~~7)~~ ***6)*** and set a timetable for submittal of a formal application.

At the applicant's request and expense, the Planning and Economic Development Board may engage ***outside consultants*** **as** technical experts to review the applicant's ~~informal~~ ***preliminary*** plans and facilitate submittal of a formal application for an OSRD special permit.

~~b)~~ ***d)*** *Site Visit* – As part of a request for a pre-application review, the applicant shall grant permission to Planning and Economic Development Board, ~~and~~ Open Space Committee ***and Conservation Commission*** members and agents to visit the site, either as a group or individually, so that they may become familiar with the site and its surrounding area.

(Paragraph 4. Replaced in its entirety – June 13, 2011)

5. *Four-Step Design Process* - At the time of the application for an OSRD Special Permit, an applicant is required to demonstrate to the Planning and Economic Development Board that the following *Four-Step Design Process* was performed with the assistance of a Registered Landscape Architect (RLA) and ~~considered in determining~~ ***was used to determine*** the proposed layout of ~~proposed~~ streets, house lots and/or dwelling units and open space. ***A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.***

a) *Identify Conservation & Potential Development Areas*

1) Identify and delineate *Conservation Areas*: This includes:

a. *Primary Conservation Areas* such as wetlands, riverfront areas, and floodplains regulated by state or federal law, and verified by the Medway Conservation Commission through an Abbreviated Notice of Resource Area Delineation (ANRAD)

b. *Secondary Conservation Areas* including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views)

2) Identify and delineate ~~*Potentially Developable*~~ ***Potential Development*** *Area(s)*. To the maximum extent feasible, the ~~*Potentially* **Developable***~~ ***Potential Development*** *Area(s)* shall consist of land outside identified *Primary and Secondary Conservation Areas*.

The specific features of the parcel that are proposed to be preserved shall be identified. The Planning and Economic Development Board may require that certain features (including but not limited to specimen trees, stone walls, etc.) within the Potential Development Area be preserved.

b) *Locate Dwelling Unit Sites* - Locate the approximate sites of individual houses and/or attached dwelling units within the *Potentially Developable Area(s)* and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.

c) *Align the Streets and Trails* - Align streets in order to access the house lots or dwelling units. Additionally, 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.

d)*Draw in Lot Lines*

~~A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.~~

(Paragraph 5 was replaced in its entirely – June 13, 2011)

6.OSRD ***Special Permit*** Application

a) Contents – An application for an OSRD Special Permit shall include:

1) ***Conventional Subdivision Sketch Plan showing the maximum number of lots into which the parcel could reasonably be expected to be divided pursuant to the existing by-right zoning, conventional subdivision rules and regulations and other land use restrictions such as but not limited to wetlands protection, etc.***

~~1)~~ ***2)*** *Site Context and Analysis* ~~*Plan*~~ ***Map –*** The Site Context and Analysis ~~Plan~~ ***Map*** shall illustrate the tract's existing conditions and its relationship with adjoining parcels and the surrounding neighborhood. Using existing data sources and field inspections, it should indicate the important natural resources or features within the site as well as on adjoining lands. Such resources include, but are not limited to, wetlands, streams and riparian areas, floodplains, steep slopes, ledge outcroppings, woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (including old structures and stone walls), unusual geologic formations and scenic views.

~~2)~~ ***3)*** ***OSRD*** *Concept Plan* - The **OSRD** *Concept Plan* shall be prepared by a Registered Landscape Architect, or by a multi-disciplinary team of which one member must be a Registered Landscape Architect. The ***OSRD*** *Concept Plan* shall show the Proposed Development Area (s) and the proposed Open Space Parcels and shall address the general features of the land, give approximate configurations of the lots, building footprints, open space, stormwater management facilities, utilities and roadways, pedestrian ways, ***guest parking areas***, ***community center and convenience retail*** and include the information listed in Preliminary Plan section of the *Subdivision Rules and Regulations*. The *Concept Plan* shall incorporate the results of the Four-Step Design Process, according to Paragraph 5 above, and the Design Standards according to Paragraph 10 below, ~~when determining a proposed design for the development.~~ ***A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.***

~~3)~~ ***4)*** *Yield Plan* - See Paragraph 7 herein.

~~4)~~ ***5)****Design Plan* - The Design Plan shall include a preliminary design scheme for the development including, at a minimum, sample façade designs for the buildings and a preliminary landscaping ***design*** identifying typical features such as fences, stone walls, light posts, or other items in addition to vegetation that are being considered.

6) Open Space Documents

a) ***The Open Space Plan shall indicate areas planned in the required Open Space parcel(s) for passive open space and for active open space including but not limited to trails, trail structures, bike paths, associated parking, sports fields, playgrounds, seating, docks, launches, piers, etc.***

b) ***The Open Space Plan shall also indicate open areas within the Development Parcel that would benefit the residents of the development.***

c) ***A narrative describing the proposed management plan for the ownership and on-going maintenance, care and upkeep of the Open Space parcel(s).***

d) ***A narrative that describes how the proposed open space parcel(s) fits into Medway's Open Space and Recreation Plan and/or serves to extend an existing open space area.***

~~5)~~ ***7)****Mitigation Plan* – Proposed mitigation measures in compliance with Sub-Section 13 (b) ~~shall be included as part of the application.~~

~~6)~~ ***8)***Narrative Statement that describes how the proposed OSRD meets the general purposes and evaluation criteria of this bylaw and why it is in the best interest of the Town to grant the OSRD Special permit rather than approve a conventional subdivision plan.

9) Neighborhood Density Analysis - Calculation of the density of existing residential dwellings within 2500 feet of the site's perimeter and the density of all existing subdivisions which are adjacent to the subject property

10) List of Anticipated Waivers from the Subdivision Rules and Regulations

~~7)~~ ***11)****Other Information* – The submittals and permits of this section shall be in addition to any other applicable requirements of the Subdivision Control law or
any other provisions of this Zoning Bylaw, including, but not limited to the Affordable Housing provisions of Section X.

(Paragraph 6 replaced in its entirety – June 13, 2011)

b) Application Review Process – Upon receipt of an application for an OSRD Special Permit, the Planning and Economic Development Board shall, within fourteen (14) days of the filing of the completed application, distribute copies of the application, accompanying plans, and other documentation, to the Board of Health, Conservation Commission, Open Space Committee, Building Inspector, Department of

Public Services, Police Chief, Fire Chief, Design Review committee, and the Town's consulting engineer and consulting planner for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning and Economic Development Board within thirty-five (35) days of receipt of the reviewing party of all the required materials. Failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning and Economic Development Board is held prior to the expiration of the 35-day period, the Planning and Economic Development Board shall continue the public hearing to permit the formal submission of reports and recommendations within the 35-day period.

7. Maximum Number of Dwelling Units/Yield Plan

a) The maximum possible number of OSRD dwelling units shall be derived after preparation of a *Yield Plan*. The *Yield Plan* shall indicate the tract's total area (TA), ***its easement area (EA), its potential development area (PDA)*** and its wetland and riverfront area (W***R***A). W***R***A shall include those portions of the tract that are classified as wetland and/or are located within the 200' riparian zone of a perennial stream as determined by the Medway Conservation Commission. ***EA shall include those portions of the tract that are already subject to utility easements but shall not include any pedestrian access easements. WRAs located within the EA shall not be counted twice. PDA equals TA – EA.***
(Revised June 15, 2009)

The following formula shall be used to determine the maximum possible number of OSRD dwelling units that may be permitted. The resulting amount shall be rounded
down to the nearest whole number.

~~Maximum # of OSRD Dwelling Units = TA – (0.5 x WA) – (0.1 x TA) / Zoning District Minimum Lot Area~~

Maximum # of OSRD Dwelling Units = PDA – (.5 x WRA) – (.1 x PDA) / Zoning District Minimum Lot Area

~~b) The maximum number of OSRD dwelling units may not necessarily be the number of units the Planning Board approves in the OSRD Special Permit.~~

b) The Board, in issuing the OSRD Special Permit, is not required to authorize the maximum possible number of OSRD dwelling units as derived from the Yield Plan calculations.

8. *Adjustment of Dimensional Requirements* - The Planning and Economic Development Board may authorize modification of ***the applicable zoning district requirements including but not limited to*** lot size, shape, ***frontage*** and other bulk requirements for lots within an OSRD, subject to the following limitations:

a) Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning and Economic Development Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.

b) Lot frontage shall not be less than fifty feet (50').

c) Each lot shall have a front setback of at least twenty-five feet (25') unless a reduction is otherwise authorized by the Planning and Economic Development Board.

d) Each lot shall have a minimum of fifty percent (50%) of the minimum required lot area for the zoning district in which it is located.

e) In order to allow flexibility and creativity in siting building locations while also promoting privacy, buildings shall be separated as follows:

Type/Size of Building	**<u>Average</u> Separation Distance (feet)**
Single family detached dwelling units with 2500 ft^2 or less of habitable space	20
Two or three attached dwelling units with an average of 2500 ft^2 or less of habitable space each	
Single family detached dwelling units with more than 2500 ft^2 of habitable space	30
Four or five attached dwelling units with an average of 2500 ft^2 or less of habitable space each	
Four or five attached dwelling units with an average of more than 2500 ft^2 of habitable space each	35

The average separation distances shall be calculated based on the buildings that can be connected with an imaginary line that does not cross a roadway. Thus, 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 2 bays and 1 story sheds of a size not requiring a building permit shall not be

considered in calculating the distances between buildings.

f) Garage doors facing the street shall be set back a minimum of five feet (5') more than the front wall of the principle building. No more than fifty percent (50%) of the garage doors within an entire OSRD shall face the street from which it is accessed. These requirements may be waived by the Planning and Economic Development Board for corner lots where the garage door faces a different street than the front of the dwelling unit or for other extraordinary circumstances that the Planning and Economic Development Board deems to be in the Town's best interests**.**

(Paragraph 8 replaced in its entirety – June 13, 2011)

9. *Open Space Requirements* - A minimum of fifty percent (50%) of the tract shown on the development plan for ***parcels of 25 acres or less*** shall be open space. ***For parcels of more than 25 acres, a minimum of sixty percent (60%) of the tract shown on the development plan shall be open space.*** For purposes of this section, open space shall be considered to be land left in its natural state and/or land used for any of the purposes described in item (c) below. Open space is to be owned and managed as outlined in item (e) below. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

a) In the minimum required open space area (equal to 50% ***or 60%*** of the total area of the proposed OSRD parcel), the percentage of land that is a *resource area* (as defined and regulated by the Medway General Wetlands Protection Bylaw (ARTICLE XXII) shall not exceed the percentage of the total tract that is a *resource area*; provided, however, that in any proposed open space beyond the minimum required, the applicant may include a greater percentage of *resource area.*
(Revised May 14, 2007 & June 15, 2009)

b) The open space shall be contiguous. Open Space will be considered as contiguous if it is separated by a roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect the identified Primary and Secondary Conservation Areas. ***In either case, the open space shall be integrated into the development and/or abutting areas in a manner that maximizes its visibility and function to residents and the general public.***

c) The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, parks, agriculture, horticulture, forestry, a

combination of these uses, and shall be served by suitable access for such purposes. ***For developments in which 60% of the tract is open space,*** the Planning Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space *(i.e., ~~pedestrian walks and~~ bike paths, playgrounds, or other recreation facilities).* ***For developments with less than 60% of open space, use of the space shall be limited to pedestrian trails, picnic areas or other passive uses. Open space along the water may be used for water-based recreation purposes such as canoe launches, fishing piers, etc.*** The open space shall be accessible to the public, unless the Planning Board waives this requirement because it deems that it is in the best interests of the Town to do so. The Planning Board may require a minimum number of off-street parking spaces to facilitate such public access ***depending on the nature and use of the open space area.***

(Revised June 15, 2009)

d) While protecting resources and leaving land in its natural state is a primary goal, the Planning Board also encourages the use of open space to provide active and passive recreation in the form of commons, parks and playgrounds to serve the needs of the development and surrounding neighborhoods.

e) The following shall not qualify toward the required minimum open space area:

1) Surface stormwater management systems serving the OSRD such as retention and detention ponds.
2) Sub-surface drainage, septic and leaching systems per Title 5
3) Seventy-five percent (75%) of the land area subject to any type of utility easement
4) Land within thirty feet (30') of any dwelling unit
5) Local Convenience Retail buildings or Community buildings or other buildings housing common facilities and any associated parking.
6) Median strips, landscaped areas within parking lots or landscaped areas on individual home lots.
7) Strips of land equal to or less than fifteen feet (15') wide, unless, in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.
8) Buffer areas in the Development Area as required in Subsection 10 (i)

(Revised June 13, 2011)

f) Ownership of the Open Space - The open space shall, at the Planning Board's discretion, be conveyed to:

1) The Town or its Conservation Commission, upon its agreement;
2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open

space set forth above, upon its agreement;

3) A corporation or trust owned jointly or in common by all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed of trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

g) The Planning and Economic Development Board shall make the final determination regarding the open space parcels. This shall include the location, size, shape, configuration and use of all proposed open space. Following such a determination, the Board may consider this to be an inappropriate contribution of open space and may require additional land to satisfy this requirement.

(Item 9. g) revised June 13, 2011)

10. *General Design Standards* – The following General Design Standards shall apply to all OSRDs and shall govern the development and design process:

a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways should be treated as fixed determinants of road and lot configuration.

b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.

c) Dwelling units and associated accessory buildings, parking, drainage facilities, landscaping, lighting, etc. shall be located to maximize views

of the open space for residents of the development, abutting properties and passersby to the fullest extent practicable.

~~c)~~ ***d)*** 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. Proposed buildings shall relate to their surroundings in a positive manner.

~~d)~~ ***e)*** All open space *(landscaped and usable)* shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

~~e)~~ ***f)*** The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

~~f)~~ ***g)*** Mix of Housing Types - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.

~~g)~~ ***h)*** Common/Shared Driveways - Common or shared driveways may be allowed at the discretion of the Planning Board.

~~h)~~ ***i)*** Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space.

(Added May 14, 2007)

~~i)~~ ***j)*** A minimum fifteen foot (15') wide buffer area consisting of natural vegetation, earthen materials and/or additional landscaping and/or fencing, acceptable to the Planning and Economic Development Board, shall be located on the perimeter of the Development Area where it abuts existing neighborhoods unless a reduction is otherwise authorized by the Planning and Economic Development Board. A determination to reduce the size of the buffer area shall be based on the proximity or lack thereof of abutting residences, the extent and screening effectiveness of any existing vegetation which may serve to buffer abutting properties, and/or the need to use the buffer area for access or utility easements. *(Revised June 13, 2011)*

~~j)~~ ***k)*** Parking – A minimum of three (3) off-street parking spaces shall be required for each dwelling unit. 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.

(Revised June 13, 2011)

~~k)~~ ***l)*** 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. In those instances where sidewalk construction is not feasible or practical, the Planning Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning Board at the recommendation of the Town's Consulting Engineer.

(Added June 15, 2009)

~~l)~~ ***m)*** Pedestrian circulation measures shall be provided to facilitate movement within the Development Area as well as between it and the Open Space and the abutting existing neighborhood(s). *(Added June 13, 2011)*

~~m)~~ ***n)*** Trails shall be provided to facilitate public access to the Open Space unless the Planning and Economic Development Board finds that it is not in the best interests of the Town to locate a trail on a particular parcel.

(Added June 13, 2011)

o)Dead-end streets may be permitted in an OSRD but shall not exceed 1,000 feet in length unless a secondary emergency access/egress is included that provides acceptable access and egress for police, fire, ambulance, and other emergency vehicles.

11. *Decision of the Planning Board* - The Planning Board may grant an OSRD Special Permit if it determines that a proposed OSRD has less detrimental impact on the tract than a conventional subdivision development proposed for the tract, after considering the following factors:

a) Whether the OSRD achieves greater flexibility and creativity in the design of residential development than a conventional plan;

b) Whether the OSRD promotes ***the*** permanent preservation ***and where possible, enhancement*** of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, ***significant natural features and scenic views,*** and historical and archeological resources;

c) Whether the OSRD promotes ~~less sprawl and~~ a more efficient form of development that consumes less open land and better conforms to existing topography and natural features than a conventional subdivision;

d) Whether the OSRD reduces the total amount of disturbance on the site;

e) Whether the OSRD furthers the goals and policies of Medway's Open Space and/or Master Plan;

f) Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public services, in a more economical and efficient manner; and

g) Whether the ***OSRD*** *Concept Plan* and its supporting narrative documentation complies with all sections of this Zoning By-Law.

h)Whether the design of buildings within the OSRD is consistent or compatible with traditional New England architectural styles as further described in the Planning Board's *Design Review Guidelines*.

i)Whether the OSRD is compatible or in harmony with the character of adjacent residential neighborhoods.

j) Whether the OSRD will have a detrimental impact on abutting properties and residential neighborhoods.

k) Whether the impact of the OSRD on abutting properties and residential neighborhoods has been adequately mitigated.

l) Whether the OSRD protects and enhances community character

(Items 11 (h) – 11 (l) added May 14, 2007)

m)Whether the development will provide for and maintain convenient and safe emergency access to all buildings, structures and open space facilities.

n) Whether the development will not cause unreasonable traffic congestion or unsafe conditions within and outside the development.

An OSRD Special Permit decision shall include the approved ***OSRD*** *Concept Plan*. The OSRD Special Permit Decision shall specifically state that the OSRD Definitive Plan shall substantially comply with the approved ***OSRD*** *Concept Plan*. The applicant shall record the OSRD Special Permit Decision/*Concept Plan* at the Norfolk County Registry of Deeds.

(Added June 2, 2008)

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 45: (Amend Zoning Bylaw: Section V, Sub-Section Y)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section Y. Business/Industrial District as follows:

1. l) Special Permits from Zoning Board of Appeals

   1)Delete *Automobile Service Station.* Replace with *Vehicle Repair*

   o) Add *Outdoor Retail Sales*

   p)Add *Kennel*

2. c) Delete *Minimum lot width* and replace it with *Minimum continuous frontage*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 46: (Amend Zoning Bylaw: Section V, Sub-Section A)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw by deleting the seventh paragraph in Sub-Section A. General Requirements in SECTION V. USE REGULATIONS which reads:

"No kennel is allowed in any district unless permitted by a special permit granted by the Zoning Board of Appeals.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 47: (Amend Zoning Bylaw, Section V, Sub-Section X)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, by deleting the sub-section in its entirety and replacing it as follows:

(NOTE – New text is shown is ***italic bold***. Deleted text is shown as ~~strikethrough~~)

X. AFFORDABLE HOUSING

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

a) increase the supply of housing in the Town of Medway that is available to and affordable by low and moderate income households;

b) encourage the construction or renovation of a diversity of housing types in Medway to meet the needs of low and moderate income households;

c) promote a reasonable mix and geographic distribution of affordable housing units throughout the community;

d) produce housing units eligible for listing as Local Initiative Units on the *Subsidized Housing Inventory* under M.G.L. c. 40B, Sections 20-23;

e) provide more opportunities to enable Town of Medway employees to live in the community;

f) ~~help maintain a stable economy.~~ ***Provide a mechanism to offset the decreases in the Town's percentage of affordable housing that are directly caused by increases in the Town's overall housing stock.***

2. *Definitions*

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

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

Affordable Housing Trust Fund – An account established and operated by the Town for the exclusive purpose of creating or preserving affordable housing units in the Town of Medway.

Equivalent Affordable Housing Unit Value – An amount equal to the difference between the median sale price for market rate single family homes sold in Medway during the thirty six ~~(36)~~ months preceding the date of application, as determined by the Medway Board of Assessors based on deeds recorded at the Norfolk Registry of Deeds for arms-length transactions, and the purchase price of a home that is affordable to a qualified purchaser as determined by DHCD, assuming a household size of ***four*** ~~4,~~ or one person per bedroom plus one additional person with the number of bedrooms being the average number in the development, whichever is less. For developments other than single-family detached structures (e.g. duplexes or multifamily condominiums) the Planning Board may substitute the median sale price of the applicable type of market rate dwelling unit for the median sale price of single family homes in the preceding formula.

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

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

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

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

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

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

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

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

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

   a) ~~b)Multiple Units –~~ Any residential or mixed-use development project, ***for which a Town permit is applied for after the effective date of this sub-***

section, ~~except for developments approved pursuant to an ARCPUD Special Permit under Section V. Use Regulations, Sub-Section U.,~~ that results in a net increase of ~~3~~ **six** or more dwelling units whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space, whether on one or more contiguous parcels. Such may be developed pursuant but not limited to the following:

1) ***The development of lots shown on a subdivision plan approved under the General Laws chapter 41 section 81U.***
2) ***The development of lots on a plan endorsed as not requiring approval under the subdivision control law under the General Laws chapter 41 Section 81P (ANR)***
3) ~~1)~~Sub-Section T. (OSRD) of SECTION V. USE REGULATIONS of the Medway Zoning Bylaw.
4) ~~2)~~Sub-Section W. (AUOD) of SECTION V. USE REGULATIONS of the ~~3)~~Medway Zoning Bylaw.
5) Any other Residential or Mixed-Use Development which may be allowed by right or authorized by special permit in the future under the Medway Zoning Bylaw pursuant to M.G.L., c. 40A, sec 9.

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

c) These provisions shall not apply to:

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

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

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

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

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

~~a) The Planning Board shall, as a condition of approval of any development referred to in paragraph 3 herein, require that the applicant comply with the obligation to provide affordable housing pursuant to this sub-section of the Zoning Bylaw.~~

~~b) The Planning Board shall deny any application for a special permit for any development subject to the provisions of paragraph 3 herein, if the applicant does not provide, at a minimum, at least fifteen percent (15%) of the lots in a division of land or fifteen percent (15%) of the dwelling units in a multiple unit residential or mixed use development as affordable housing units using one or more of the options specified in paragraph 9 herein.~~

a) In each development project subject to the provisions of paragraph 3 herein, at least ten percent (10%) of the lots or dwelling units shall be established as affordable housing units.

b) In the instance when the provision of affordable units produces a requirement for a percentage of an affordable lot or unit, the percentage shall be rounded up to the next whole number. For example, a development proposing a total of eight lots or units requires .8 affordable housing units; accordingly, the number of required affordable housing units is rounded up from .8 to 1. A development proposing a total of fourteen lots or units requires 1.4 affordable housing units; therefore the number of required affordable housing units is rounded up from 1.4 to 2. See Figure 1.

c) In those housing developments using an Affordable Housing Special Permit to meet this requirement, the affordable housing units will be provided using one or more of the methods specified in paragraph 7 herein.

d) ***In those developments where there is no Affordable Housing Special Permit sought to meet this requirement, the affordable housing units shall be constructed or rehabilitated on the locus of the development as provided in paragraph 7 a) herein.***

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

a) To facilitate meeting the objectives of this sub-section, the Planning Board shall have the authority to ***issue an Affordable Housing Special Permit to adjust*** ~~reduce the minimum~~ ***any zoning*** requirements ~~in any zoning district~~ for any development subject to these provisions as follows, but only to the extent needed to increase the total number of ***market rate*** lots or dwelling units on-site by a number equal to ***one-half of*** the number of affordable ***housing*** units required, pursuant to paragraph ~~8~~ 7 a) or ~~8~~ 7 c) below. For example, if two ~~(2)~~ affordable ***housing*** units are required, an additional ~~two (2)~~ ***one*** ~~(1)~~ market rate unit~~s~~ may be constructed. ***In the instance when the density bonus allows for a percentage of a market rate unit, the percentage shall be rounded up to the next whole number. For example, if the density bonus provides for +1.5 market rate units, the actual number of bonus market rate units is rounded up from 1.5 to 2. See Figure 1.***

b) *Dimensional Requirements* - The minimum lot area and frontage per dwelling unit and the standard front, rear and side setbacks normally required in the applicable zoning district may be adjusted by the amount necessary to allow for the increase in the total number of dwelling units. ***Provided, however, that the layout of lots shall meet one of the following requirements:***

1) ***No individual lot shall be reduced in area or frontage to less than 80% of the required minimum in the applicable zoning district, and the lot(s) on which an affordable dwelling unit are located shall represent the median lot(s) in area and frontage; or***

2) ***The area and frontage of all lots within the subdivision shall not vary from each by more than 10%.***

c) *Type of dwelling unit* – The type of dwelling unit normally required in the applicable zoning district may be varied to allow for the increase in the total number of dwelling units. ***This may include:***

1) single family dwellings
2) duplexes
3) three-family dwelling units
4) multi-family dwelling units
5) mixed-use development dwelling units

6)such other types of dwelling units as may be allowed and approved pursuant to the Zoning Bylaw

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

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

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

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

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

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

b) *Off-Site* - Affordable housing units may be provided on a locus different than that of the development. ~~subject to the special permit~~. The Planning Board, in its discretion, may allow a developer of non-rental dwelling units to develop, construct or otherwise provide affordable ***housing*** units equivalent to those required by this sub-section in an off-site location(s) in

the Town of Medway, provided the applicant demonstrates to the satisfaction of the Planning Board that the alternative location(s) better meets the needs of the Town with respect to the provision of affordable housing. The location(s) of the off-site affordable housing units shall be approved by the Planning Board and specified in the special permit decision.

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

1)Whether the off-site ***affordable housing*** unit(s) help preserve existing housing stock;

2) Whether the off-site location promotes geographic diversity of affordable housing units within the community.

3)Whether the off-site ***affordable housing*** unit(s) are compatible with the neighborhood where such would be located.

4)The proximity, concentration and zoning of other affordable housing units within the immediate vicinity of the proposed location.

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

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

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

1) the land is suitable for the construction of at least the number of affordable housing units necessary to meet the requirements of this sub-section, either by itself or in combination with the other methods herein; and

2) its value is equal to or greater than the number of affordable housing units required times the *Equivalent Affordable Housing Unit Value*,

The Planning Board may require, prior to accepting land as satisfaction of the requirements of this sub-section, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. The appraiser shall be mutually agreed upon by the Planning Board and the applicant. The expense of the appraisal shall be borne by the developer/applicant.
Any such land donation shall be made prior to the issuance of any building permit for the development or prior to the sale of any lots, if applicable.

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

1) For each affordable ***housing*** unit not provided through one or a combination of the methods specified in paragraph **7** a) through c), the payment shall be an amount equal to the number of affordable ***housing*** units required by this sub-section multiplied by the calculated *Equivalent Affordable Housing Unit Value* for that development.

2) The methodology used to determine an affordable purchase price shall comply with the *Local Initiative Program* guidelines in effect at the time an application for ***the Affordable Housing*** special permit is filed.

3) The assumptions used to determine an affordable purchase price, including but not limited to minimum down payment, mortgage interest rate, term, closing and other costs shall be consistent with first-time homebuyer mortgage products available from commercial lending institutions located in or serving Medway at the time of application for ~~a~~ ***the Affordable Housing*** special permit, all in accordance with the *Rules and Regulations* adopted by the Planning Board and filed with the Town Clerk, and the requirements of *DHCD.*

4) Schedule for payment in lieu of – Payments in lieu of shall be made according to the schedule set forth in paragraph ~~11~~ **9** herein.

e) ***Combination of Alternatives - The applicant may offer, and the Board may approve the acceptance of any combination of the alternatives of providing affordable housing units provided that in no event shall the net result of the combination provided be less than the equivalent number or value of affordable housing units required by this sub-section.***

~~e)~~ ***f)*** Donations of land and/or buildings or cash contributions made to pursuant to paragraph **7** c. and d. herein shall be used only for purposes of providing affordable housing in Medway for low or moderate income households. Using these contributions and donations, affordable housing may be provided through a variety of means, including but not limited to the provision of favorable financing terms, subsidized prices for purchase of sites, or affordable units within larger developments.

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

~~a) *Partial Units* - In the instance when the provision of affordable units required by paragraph 6. b) (1) produces a requirement for a percentage of an affordable lot or unit, the partial affordable lot or unit shall be provided as follows:~~

~~1) For any development of seven (7) or more lots or units, any percentage of a lot or dwelling unit shall be rounded up to the nearest whole number. For example, a development proposing a total of nine (9) lots or units requires 1.35 affordables; accordingly, the number of required affordables is rounded up to two (2). A development proposing a total of eighteen (18) lots or units requires 2.7 affordables; therefore the number of affordables is rounded up to three (3).~~

~~For any development of 3-6 lots or units, the affordable lots or units shall be provided by:~~

~~a. rounding up to one (1); or~~

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

~~b)~~ ***a)*** *Siting of affordable housing units* – All affordable housing units constructed or rehabilitated under the provisions of this sub-section shall be:

1) situated throughout the development or the building(s) in a development so as to not be in less desirable locations than market-rate units; and

2) shall on average, be no less accessible to public amenities, such as open space, as the market-rate units.

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

~~c)~~ ***b)*** *Minimum design and construction standards for affordable housing units* – Affordable housing units within market rate developments shall:

1) be integrated with the rest of the development and the exterior shall be of compatible design, appearance, character, construction and quality of materials with the market rate units; ***this shall include a garage for each affordable housing unit if the market rate units have a garage.***

2) be designed so as to not be obviously identifiable by a visitor as being affordable by their exterior appearance;

3) comply in all respects to the minimum design and constructions standards set forth in the Local Initiative Guidelines by DHCD, July 1996, or as amended pertaining to the interior features of affordable dwelling units; and

4) have a minimum size of 1500 square feet ***of living area*** and ***at least*** three ~~(3)~~ bedrooms for single family detached houses and ***a minimum size of*** 1200 square feet ***of living area*** and ***at least*** two ~~(2)~~ bedrooms for attached or multifamily units, excluding basement space. Notwithstanding the preceding, in no case shall the affordable ***housing*** units be required to be larger or have more bedrooms than the market rate units of the development. Existing units that are purchased and resold or rented as affordable ***housing***

units with an appropriate deed restriction to satisfy the affordable housing requirement may be smaller.

~~d)~~ ***c)*** *Rights and Privileges* – The owners and tenants of market-rate dwelling units and the owners and tenants of the affordable housing units shall have the same rights and privileges to access any amenities available in the development.

~~e)~~ ***d)*** *Marketing Plan for Affordable Housing Units* - The selection of qualified purchasers or qualified renters shall be carried out under a marketing plan submitted by the applicant and approved by the Planning Board after consultation with the Medway Affordable Housing Committee ***and/or the Medway Affordable Housing Trust***. The duration and design of the marketing plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units. The marketing plan shall include a description of the lottery or other process to be used for selecting buyers or tenants. The marketing plan must describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen, in a manner that complies with the nondiscrimination in tenant or buyer selection guidelines of the program qualifying dwelling units for inclusion on the *Subsidized Housing Inventory*.

~~f)~~ ***e)*** Developers may sell affordable units to the Town of Medway, the Medway Housing Authority, ***the Medway Affordable Housing Trust*** or to any non-profit housing development organization identified by the Medway Affordable Housing Committee as serving the Town of Medway, in order that such entity may carry out the steps needed to market the affordable housing units and manage the choice of buyers.

~~g)~~ ***f)*** In no event shall the sales price or monthly rent of an affordable housing unit exceed the sales price or monthly rent of a unit that would be eligible for listing on the Subsidized Housing Inventory and each ***affordable housing*** unit shall be subject to an *Affordable Housing Restriction.*

~~11~~. ***9.*** *Timing of Construction*

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

MARKET-RATE UNIT %	***AFFORDABLE HOUSING UNIT %***
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%

MARKET-RATE UNIT %	***AFFORDABLE HOUSING UNIT %***
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

b) Certificates of occupancy for any market-rate housing units shall be issued at a ratio of certificates of occupancy for required affordable housing units or fees paid in lieu of units in accordance with the schedule above.

~~c) Pertaining to the donation of a parcel(s) of land in lieu of providing affordable units in accordance with the schedule above, the Planning Board shall determine the timing of the donation in relation to the issuance of certificates of occupancy for the market-rate housing units.~~

~~d)~~ ***c)*** In the case of cash payments being made in lieu of providing affordable units, the following methods of payment may be used at the option of the applicant:

1) the total amount due shall be paid upon the release of any lots or, in the case of a development other than a subdivision, upon the issuance of the first building permit; or,
2) the total amount due shall be divided by the total number of market rate units in the development. The resulting quotient shall be payable at, or prior to, the closing of each market rate unit. or,
3) a combination of the above methods as may be approved by the Planning Board.

~~e)~~ ***d)*** In no case shall a building permit for the last market rate dwelling unit in the development be issued prior to the issuance of the building permit for the last affordable ~~dwelling~~ ***housing*** unit.

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

a)whether the applicant has conformed to the provisions of paragraph ~~10~~ 8 herein and will deliver the affordable housing units;

b) whether the proposed development site plan is designed in its site allocation, proportions, orientation, materials, landscaping and other features as to provide a stable and desirable character complementary to and integral with the site's natural features; and

c)whether the development, density increase or relaxation of zoning standards has a material, detrimental effect on the character of the neighborhood or the Town.

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

a) Each Affordable Housing Unit created in accordance with this sub-section shall be subject to an *Affordable Housing Restriction* or regulatory agreement that contains limitations on use, resale and rents. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for income qualified households in the future. The affordable housing restriction or regulatory agreement shall:

1) meet the requirements of the Town of Medway and the program (s) qualifying the affordable dwelling units for inclusion on the *Subsidized Housing Inventory;*

2) be enforceable under the provisions of M.G.L. c.184 and shall be in force in perpetuity, or for the maximum period allowed by law. The affordable housing restriction shall meet the requirements of the *Local Initiative Program*; and

3) be recorded at the Norfolk County Registry of Deeds.

b) The applicant shall comply with the mandatory provision of Affordable Housing Units and accompanying restrictions on affordability, including the execution of the *Affordable Housing Restriction* or regulatory agreement. The Building Inspector shall not issue an occupancy permit until the deed restriction is recorded.

c) All documents necessary to ensure compliance with this sub-section shall be subject to the review and approval of the Planning Board and Town Counsel. ~~Such documents shall be executed and recorded simultaneous to the recording of the definitive subdivision plan or special permit.~~

d) *Resale price* – Sales beyond the initial sale to a qualified income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the affordable housing restriction or regulatory agreement. For example, if a unit appraised for $300,000 is sold for $225,000 because of these provisions, it has sold for seventy-five percent (75%) of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is $325,000, the unit may be sold for no more than $243,750, or seventy-five percent (75%) of the current appraised value. Notwithstanding the foregoing, the resale price of an affordable unit shall in no event exceed that amount which will require a household earning eighty percent (80%) of the most recent area median income number, as published by the U.S. Department of Housing and Urban Development and adjusted for the household size that corresponds

with the number of bedrooms in the affordable unit, to spend a maximum of thirty percent (30%) of the household's annual income on housing costs. Housing costs shall include principal, interest, property tax, insurance payments, and association or condominium fees.

e) *Right of first refusal to purchase* - The purchaser of an Affordable Housing Unit produced as a result of this sub-section shall agree to execute a deed rider prepared by the Town, granting, among other things, the municipality's right of first refusal for a period not less than the maximum period allowable under guidelines set by *DHCD* for Local Initiative Units, to purchase the property or assignment thereof, in the event that, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.

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

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

1~~6.~~ **14.** *Severability* – If any provision of this sub-section of the Zoning Bylaw is declared to be invalid by a court of competent jurisdiction, the remainder of the Zoning Bylaw shall not be affected thereby and shall continue to be in full force and effect.

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

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

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

FIGURE 1 - The Chart Below is for Informational Purposes Only and pertains to affordable housing units constructed on-site pursuant to SECTION V. Sub-Section X. Affordable Housing, Paragraph 7 a) only.

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

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 48: (Amend Zoning Bylaw, Section V, Sub-Section AA)
To see if the Town of Medway will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section AA. Home Based Businesses as follows:

Delete the first sentence in Paragraph 1 - Purpose in its entirety and replace as follows:

1. *Purpose – The purpose of these standards is to allow limited conduct of a home-based business in a residential or mixed-use zoning district while ensuring that the residential character of the premises is preserved.*

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 49: (Corporate Personhood Resolution)
To see if the Town will vote to enact the following corporate personhood resolution, or act in any manner relating thereto.

Whereas in 2010 the Unite States Supreme Court issued its decision in Citizens United v Federal Election Commission, holding that independent spending on elections by corporations and other groups could not be limited by government regulations; and
Whereas this decision rolled back the legal restrictions on corporate spending in the electoral process, allowing for unlimited corporate spending to influence elections, candidate selection, and policy decision; and
Whereas in reaching its decision, a majority of the Supreme Court, relying on prior decision, interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons; and
Whereas in his eloquent dissent, Justice John Paul Stevens rightly recognized that "corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their 'personhood' often serves as a useful legal fiction. But they are not themselves members of 'We the People' by whom and for whom our Constitution was established"; and
Whereas the Court's decision in Citizens United severely hampers the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity; and
Whereas corporations should not be afforded the entirety of protections or "rights" of natural persons, such that the expenditure of corporate money to influence the electoral process is a form of constitutionally protected speech; and

Whereas several proposed amendments to the Constitution have been introduced in Congress that would allow governments to regulate the raising and spending of money by corporations to influence elections; **Now Therefore Be It**
Resolved that at the Annual Town Meeting in May of 2012, the citizens of Medway attending do hereby oppose the Supreme Court's interpretation of the Constitution in Citizens United regarding the constitutional rights of corporations, and support amending the Constitution to provide that corporations are not entitled to the entirety of protections or "rights" of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, and calls on Congress to begin the process of amending the Constitution.
And Further Be It
Resolved that the Annual Town Meeting in May of 2012, the citizens of Medway attending do hereby encourage the Massachusetts General Court to adopt Senate Bill 772, A Resolution Restoring Free Speech, sponsored by Senator Jamie Eldridge.
And Further Be It
Resolved that the vote taken regarding this resolution shall be communicated by the Board of Selectmen of the Town of Medway to all the members of the Massachusetts General Court within ten days following the Annual Town Meeting.

CITIZENS' PETITION

BOARD OF SELECTMEN RECOMMENDATION: **Not recommended**

FINANCE COMMITTEE RECOMMENDATION: **No position**

And you are hereby directed to serve this warrant by posting printed attested copies thereof at two (2) locations in each precinct at least SEVEN (7) days before the day of said meeting. Hereof fail not and make due return of this warrant with your doings thereon to the Clerk of said Town at or before the time of said meeting.

Given under our hands in Medway, this 11th day of April 2012.

A TRUE COPY:

SELECTMEN OF THE TOWN OF MEDWAY

_____
John Foresto, Chairman

_____
Glenn Trindade, Vice Chairman

_____
Dennis Crowley, Clerk

_____
Andrew Espinosa, Member

_____
Richard Dunne, Member

ATTEST: _____
Paul Trufant, Constable