

**February 2, 2016
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

Members	Andy Rodenhiser	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio
Attendance	X	X	X	X	X

ALSO PRESENT:

Susy Affleck-Childs, Planning and Economic Development Coordinator
Stephanie Mercandetti, Director of Planning and Economic Development

The Chairman opened the meeting at 7:00pm

Tri Valley Commons:

The Chairman informed the Board that there was a meeting with Michael Boynton, Stephanie Mercandetti, Jack Mee, Andy Rodenhiser and Rich Landry, the developer of Tri Valley Commons. The purpose of the meeting was to reach a resolution on the issue of the appearance of the decorative/faux windows at the Advance Auto building. It was a productive meeting. Rich Landry expressed concern about having a timeline in regards to fixing the window. A number of painting options were suggested. Mr. Landry will arrange to develop alternative treatments for several windows and will let the Board know when the work is completed so they can view. He would like a vote from the Board so that all are of the same understanding. There is a buyer for the site and Mr. Landry wants to make sure this issue is resolved. It was suggested that the Board visit the site when the painting is completed. They have permission to be on site. The Board also discussed that they will be acting on the bond agreement next week. The insurance company (Cincinnati Insurance) information has been provided to the Town Accountant and Finance Director. Mr. Landry wants this window item resolved so that it does not need to be included in the bond.

There was no official vote taken.

Zoning Bylaw Amendments:

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

- A chart listing all the items identified as possible bylaw amendments and status on each.
- Compilation of drafts of various articles (13).

Article: Editing Zoning Bylaw:

This article is to see if the Town of Medway will vote to authorize editing the Bylaw through use of bold, italics, underscores, bullets, font, font size, etc. and seeks authorization to edit headings and formatting.

Susy explained that the text, numbering or context would not change. The purpose of this would be to make it easier to read by those that use the bylaw on a regular basis along

Chairman Rodenhiser asked if this could also include highlighting key words or definitions for those that use this document only periodically. There was a question about how do you determine a regulatory term versus non-regulated term such as “open space”. This will take time and focus to differentiate between these.

Town Counsel had previously suggested that Susy make the edits under the Board’s permission.

The Board also indicated that it is not clear what is intended to be edited. It was suggested that it be limited to titles, sections, and name. The explanation of the article will need to be made clear.

Article: Zoning District Boundaries:

This article is to see if the Town will amend the Medway Zoning Bylaw by adding a new Section 4.4 Zoning District Boundaries. This explains that where a zoning district boundary line is shown on the Zoning Map as a public or private way, the center line of the way shall be the zoning district boundary line. It was suggested to use the center line of the right of way.

The Board would like to have Susy ask Town Counsel to define between right of way and layout plan.

Article: Definitions

Building Height:

The article is to amend the zoning bylaw by deleting item F. building height from Section 6.2 General Provisions and inserting it within the Definition section. This was a suggestion from the Building Inspector.

Self-Storage Facility:

There was discussion whether self-storage facility needs to be included as part of the prohibited list or only consider allowing these in the Industrial I district. After further discussion, it was recommended to consider defining self-storage facility and take out the use section. The Board wants to add Self- Storage Facilities to Section 5.2.b for Prohibited Uses. It does not need to be added to the Use Table. It was also recommended to remove from the definition the text that self-storage facilities shall not be uses for servicing, repair or fabrication of motor vehicles.

Automotive Teller Machine:

The automated teller machine would be free standing and its own little structure. The ATM is too limiting to the title. This is limiting stand-alone structures. There needs to be more language about the free standing structure. It was suggested that this be defined and then decide later where these will be located and how they will be permitted. There was a recommendation to take out the words “which allows customers to complete”. The word “varied” needs to be changed to “various” banking transactions. Delete the wording about insertion of a special card.

Residential Garage:

Stephanie suggested that language be included about use of personal items from their home. This is in general storage.

Filling:

The Board wants to put the definition of this on hold.

Complete Housekeeping Unit:

This will be held until discussion of Accessory Family Unit.

Abandonment of Use:

This was a recommendation from Judi Barrett to address abandonment of use. The Board still has many questions regarding abandonment of use. What defines no intent to resume? What is the difference if a tenant moves out and other tenant moves in? An example used was Farmer's Coop. The bylaw provides a two year period for abandonment. The Board noted that a business could be vacant for two years due to economic conditions. It was explained that if that were the case, the Zoning Board of Appeals could extend the non-conforming use. It was suggested to review the language from the Town of Reading.

NOTE - Member Gay arrived at 8:00 pm.

Recreational Vehicle:

The Board would like to table this for further discussion. There was a suggestion to change the category of this so it is not recreational vehicles.

Shopping Center:

The current language references deliveries in the back of the stores and this is not the current case with many of the deliveries taking place in the front entrances. Matt suggested eliminating the following language "includes but is not limited to"

Family:

The language regarding family was a suggestion from the Building Inspector. The new wording includes a group of up to four individuals not related by blood, marriage, foster care, legal adoption or guardianship, living together as a single housekeeping unit. It further clarifies two unrelated adults and their related children living together as a single housekeeping unit. The reason for the limiting number is so this cannot be a boarding or lodging house. This defines the types of individuals that can live in the unit. There needs to be a definition for boarding house since there is currently no definition.

Article: Accessory Family Dwelling Unit

The purpose of the accessory family dwelling unit bylaw is to establish an option for the creation of Accessory Family Dwelling units to provide suitable housing for a family member and or a caregiver for a family member who is an occupant of the premises. This is to provide opportunities to support residents who wish to age in place and maintain the residential character of neighborhoods. The Zoning Board of Appeals is the authority to grant a special permit for an accessory family dwelling unit. This unit may be located within a detached family dwelling unit

or may be an addition to a detached single-family dwelling or a separate structure on the same premises with a detached single family dwelling. There was discussion about why limit this to one bedroom. This shall not exceed 800 sq. ft. of gross floor area except that an existing detached accessory structure larger than 800 sq. ft. located on the same lot as the primary dwelling unit may be used for an accessory family dwelling unit when the Board of Appeals determines it is character with the neighborhood. There will be included a definition for caregiver. With the definition sheet it was suggested that we do not need the complete housekeeping definition, add language to the definition of “dwelling unit” that it include sanitary facilities.

Article: Site Plan Review

The article is to see if the Town will vote to amend the Medway Zoning Bylaw by deleting 3.5.1, 3.5.2, 3.5.4, and 3.5.4 of Section 3.5 Site Plan Review and replacing with the language noted in the packet. There is language added to promote and encourage desired community characteristics as expressed in the Medway Master Plan and Medway Design Guidelines. This would include major site plan review which would be for new construction involving the addition of 2,500 sq. feet or more of gross area, the addition of 15 or more new parking spaces and the installation of a ground mounted solar energy system in excess of 40,000 sq. ft. of surface area or the equivalent of 250 kw (DC) or greater of related nameplate capacity. This is from the State language. The surface area is the ground and this is an acre.

Member Tucker noted that ground mounted solar should go through major site plan review. The Chairman agreed. There are ramifications with something like this on the ground. The public needs to know that these things are going in. There are currently no regulations in regard to this. The leases on these are for 20 years. Consider that there needs to be buffering of these installations for the abutters. The medium size scale for ground mounted solar is 1,750 to 40,000 square feet. Member Tucker thinks that any ground mounted solar of any size needs to come to the Board. There is nothing which references the zoning district this applies to. There is nothing which could preclude a ground mounted solar system from being installed now since there is nothing in the bylaw to regulate it. Under MGL Chapter 40A, you cannot prohibit solar installations but you can regulate them. There was a suggestion to change the language so that the installation on any ground mounted solar is subject to site plan review. It was recommended that ground mounted solar be a special permit use. This does not seem to be an accessory use. Site plan review excludes single family homes. This would not address a vacant lot, or open area behind a house being used for a small ground mounted solar because it is a single family home. It would need to be identified in the use table if by special permit. The Board thinks that there needs to be buffering and screening and abutters need to be notified. Commercial ground mounted solar might be by special permit and residential ground mounted could be subject to site plan review. There needs to be direction on how the Board wants to proceed. It was suggested to pull the ground mounted language from the site plan section but stay with the rest of the proposed site plan revisions. Rooftop systems are completely exempt. The State law covers rooftop. After the lengthy discussion, it was recommended to pull ground mounted solar from the site plan section and revisit it later as a whole package.

The next item discussed was in regards to a change in curb/vehicular access to the site from a public way. It was recommended that a change in curb cut should be a minor site plan for

vehicular access. This could also be small scale administrative review since there is a lot of review of curb cuts by the Department of Public Services.

The small scale project/administrative site plan would include the exterior alterations of existing building, installation of awnings, exterior siding, replacement or rearrangement of windows or doors, façade renovations/reconstruction/replacement. Any of the one of those would trigger administrative site plan review. Keep “reconstruction” and remove “renovation”. Siding is a minimum replacement. Suggest language to include a change in surface materials to the façade of the building. It was suggested to think of façade as the configuration. The change of façade and material should be administrative. This would be a modification under the special permit and would need to go to the Design Review Committee. If it is subject to Special Permit, it will need to go to the Planning Board. If it has to come back for modification or change, could it be done administratively? It would depend on the substance of the change or modification. It really depends on what is written in the decision.

Member Tucker left at 10:00 pm.

Stephanie Mercandetti suggested that the language from the Town of Randolph be reviewed.

The suggestion was made:

- Under A. alteration..... use the addition of 1,000 sq. ft.
- Under D: construction and modification of an existing parking area of 5 or more spaces. Keep under minor. Take out existing.
- Under B. exempt roof mounted solar.

3.5.3 Procedures for Site Plan Review:

There was language added in the site plan review about conditions, limitations, safeguards, waivers, mitigation, measures, and review criteria.

3.5.4 Site Plan Standards:

This section will include the addition of site amenities such as trash container, fencing, benches etc. There needs to be included in site plan rules and regulations.

The review process for the major site plan would need to be completed within the 90 days. The Design Review Committee needs to work within this timeframe unless an extension is provided.

The Chairman wanted to know if the applicant could go through a technical review prior to formal filing. Susy responded that this is at times done at the staff level. There is a check list of the submittal. The Board has the ability to not start the time until the application is complete but the peer review estimates need to be approved at the first hearing.

Article: Design Review Committee General Bylaw

The Board was made aware that the language regarding the Design Review Committee is to be submitted as a general bylaw. The members of the DRC reviewed this article at their 2/1/16 meeting. The new items are noted in bold. Member Gay did inform the members that he was part of the discussions and is comfortable with the proposed language. The language references

that membership can be up to seven members. The intent is to put a cap on the size of the committee. This amendment creates a mission statement. Appointments are for two years.

Article: Charles River Lane Easement

There needs to be an action for the Neelon Lane and Charles River Lane easement to allow a snow plow to go onto the property, and also to allow public to go onto the trail. The Town needs a grant of easement to be on the Neelon Lane extension loop since they committed to do snow plowing. This was discussed in the decision. Town meeting needs to vote to accept this. It was suggested to set up a meeting with the Condo Association to address that residents are able to use the open space trails

Article: Earth Fill Bylaw

The suggestion for this article came from the Conservation Agent. The Board recommended not submitting the fill bylaw at this time as it needs more review and vetting.

Article: Expanding Industrial II.

The Board wants to only include the parcels which have frontage.

It makes sense to reach out to Mr. D’Innocenzo for 15 West Street. The Board will notify the utilities about the public hearing.

Article: Parking of Commercial and Recreational Vehicles

The Board made a recommendation to take no action in this item as this merits more attention.

Article: Setbacks

The Article would amend the zoning bylaw by adding a new item 6.2.f in Section 6 Dimensional Regulations to address what items can be located within the zoning setback areas. This is silent in regards to driveways. It was suggested to put in a definition for temporary structure. The Building Inspector wanted this article for site distance and safety. Many fences would be exempt but does this mean you cannot have a solid fence higher than 3 ft. for the first 35 ft. of your setback? The style and openness of the fence is defined as not being solid. The Board thinks this is excessive. The setback area from the edge of right of way line needs to be no taller than 3 ft. tall. After a lengthy discussion, the Board recommended to pull the whole article since it needs further discussion.

Article: Certificate of Zoning Compliance:

It was suggested to pull this article for further discussion.

Article: Land Clearing:

It was suggested to pull this article for further discussion.

Adjourn:

On motion made by Rich Di Iulio, and seconded by Matt Hayes, the Board voted unanimously to adjourn the meeting.

The meeting was adjourned at 11:15 pm.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Amy Sutherland".

Amy Sutherland
Recording Secretary
Transcribed from Tape

Reviewed and edited by,

A handwritten signature in blue ink, appearing to read "Susan E. Affleck-Childs".

Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Spring 2016 Town Meeting

	Susy's Priorities	Stephanie's Priorities	Jack's Priorities	STATUS - 1/22/16
Zoning Bylaw Amendments				
Prior Items skipped over in fall 2015. Does NOT include previously proposed signage amendments.				
Modify text to authorize edits to the ZBL for italics, bolding and other styling edits to enhance ease of reading and use.				Done
Specify that zoning district boundaries are along center line of public and private ways - <i>New Section 4.4</i>				Done
Add definition for building height in Section 2				Done - Combined with the other article below re: definitions
Other Zoning Items				
Add Definitions to <i>Section 2</i>	x	x	x (family)	Draft completed
Revise USE TABLE to specify which zoning districts these newly defined uses would be allowable in.				Discuss this as we review definitions
Redefine Major and Minor Site plans and define what smaller projects can be handled via an administrative site plan review process - <i>Section 3.5</i>	x	x		Draft completed.
Add a Certificate of Zoning Compliance - <i>New Section 3.6</i>	x	x		Draft completed. Need to discuss with Jack and Stephanie.
Create a Village Residential District in Table 1 Schedule of Uses (Section 5.4) and amend the zoning map to delineate new district boundaries	x			Draft completed. Need to add list of parcels to be rezoned. This is a huge job!
Add regulations re: garages/accessory structures		x		NOT COMPLETED
Revise accessory family dwelling units - <i>Section 8.2</i>	x	x		Good draft. Reviewed with ZBA on 1/10/16
Open display of goods for sale		x	x	NOT COMPLETED
Land Clearance - <i>New Section 7.4</i>	x			Prior draft. Ready to go.

	Susy's Priorities	Stephanie's Priorities	Jack's Priorities	STATUS - 1/22/16
Dimensional regulations <i>(some of the items on the list could be combined into one article)</i> - Section 6.2		x	x (height of fences)	
Clarification of what items can be included in the standard setback areas - Section 6.2			x	Draft completed and reviewed by Jack
% of area allowed for outside storage - Section 6.2		x	x	NOT COMPLETED
Amend zoning map to rezone certain parcels and parts of parcels from ARII to Industrial II to reflect current usage AND add Contractor's Yard to Table 1 Schedule of Uses for Industrial II	x			Draft completed.
NEW - Miscellaneous revisions to correct internal section # reference mistakes				Susy starting to compile.
General Bylaws				
Revise DRC General Bylaw	x			DRC taking lead on this. Good draft is underway.
Revise existing general bylaw and/or establish some stronger property maintenance regulations to address junk, dilapidation, blight, accumulated unregistered vehicles, collections of debris, etc.	x		x	NOT COMPLETED.
Parking and storage of commercial and recreational vehicles	x			Prior draft edited and new version reviewed with Jack.
Excavation/filling of earth. Quality of fill. Limitations on land clearing.		x	x	Prepared a draft based on Salisbury. Forwarded to Jack, Bridget and Stephanie for next steps.

ZBL Amendments - EDITING ZBL
January 22, 2016

ARTICLE : To see if the Town of Medway will vote to amend the Medway Zoning Bylaw by authorizing the Medway Planning and Economic Development Coordinator, under the auspices of the Planning and Economic Development Board, to edit the Medway Zoning Bylaw through use of bold, italics, underscores, bullets, font, font size, spacing, and other similar editing measures to improve the readability of the Bylaw without changing the text, numbering, or content in any manner.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ZONING DISTRICT BOUNDARIES

Draft – September 9, 2015

ARTICLE : To see if the Town will amend the Medway Zoning Bylaw by adding a new Section 4.4 as follows:

4.4 ZONING DISTRICT BOUNDARIES

Where a zoning district boundary line is shown on the Zoning Map as a public or private way, the center line of the way shall be the zoning district boundary line.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Definition Ideas – 1/7/16

ARTICLE : To see if the Town of Medway will vote to amend the Zoning Bylaw by deleting item F. Building Height from Section 6.2. General Provisions and inserting the following definition in alphabetical order in Section 2 Definitions.

Building Height – The vertical distance from grade plane to the average height of the highest roof surface.

And by adding the following definitions in alphabetical order in SECTION 2
DEFINITIONS:

Garage, private residential: A structure that is accessory to a residential building and used by the residents thereof for the parking and storage of motorized vehicles and other moveable items such as campers, boats and other types of recreational vehicles owned by the residents of the building, and that is not a separate commercial enterprise available to the general public.

Membrane Structure: An air-inflated, air-supported, tensioned, cable or frame-covered structure as defined by the International Building Code and not otherwise defined as a tent or canopy.

Tent: A structure, enclosure or shelter constructed of fabric or pliable material with or without sidewalls or drops, supported by any manner except by air or the contents that it protects.

Self-Storage Facility: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented for varying periods of time for personal, household, and/or business storage and which may include the storage of boats, vacant trailers, campers, and recreational vehicles. Self-storage facilities shall not be used for the servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment; the operation of power tools such as spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment; nor for any use that is noxious or offensive due to odors, dust, noise, fumes or vibrations.

Automated Teller Machine (ATM): An electronic banking outlet which houses a computerized machine which allows customers to complete varied banking transactions by insertion of a special card by the account holder without the aid of a branch representative or teller.

Abandonment of Use: To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Filling: Any deposit, placement, storage or redistribution of soil, earth, sand, gravel, rock, loam, or other similar material on any land, wetland, or in watercourses and including the conditions resulting therefrom.

Complete Housekeeping Unit – A residential dwelling unit with sleeping, sanitary and kitchen facilities with common access to, and common use of all facilities by the occupants.

Museum: A premises open to the public for the procurement, care, conservation, storage, study and display of inanimate objects of lasting historical, scientific, artistic or cultural interest or value.

Movie Theatre/Cinema: A venue, usually a building that contains an auditorium for viewing movies (films) for entertainment.

Theatre: A building, part of a building or outdoor area where plays, dramatic presentations and stage entertainment, etc., are performed.

Recreational Vehicle - A vehicle or piece of equipment intended for recreational use, including but not limited to boats, boat trailers, campers, camping or travel trailers, motor homes, all-terrain vehicles, snowmobiles, personal water crafts, and other mobile vehicular structures designed for recreational use having motor power or mounted onto and drawn by another vehicle.

And by revising certain existing definitions as follows:

Shopping Center (Current): A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site and provision for good delivery separated from customer access.

Shopping Center/Multi-Tenant Development (proposed): A group of two or more business establishments designed, planned, constructed and managed as a total entity, located in one or more buildings on one or more lots under single or multiple ownership, with customer and employee parking provided on-site. Includes but is not limited to what is commonly understood and recognized as a shopping center, office park, or industrial park.

Family (current): Any number of individuals living and cooking together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding or lodging house, motel or hotel.

Family (proposed):

- An individual or two or more persons including children, who are related by blood, marriage, foster care, legal adoption or guardianship, living together as a single housekeeping unit
- A group of up to four individuals not related by blood, marriage, foster care, legal adoption or guardianship, living together as a single housekeeping unit
- Two unrelated adults and their related children living together as a single housekeeping unit

Commercial Motor Vehicle (current): Any vehicle licensed by the Commonwealth of Massachusetts as a commercial motor vehicle (540 CMR 4.02 Special Definitions)

Commercial Motor Vehicle (proposed): Any vehicle defined as such by the Registry of Motor Vehicles in 540 CMR 2.05

Dwelling Unit (current): One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for same, and including room or rooms for living, sleeping, and food preparation.

Dwelling Unit (proposed): One or more rooms providing complete living facilities for one family, including room or rooms for living, sleeping, food preparation and sanitary facilities.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

DRAFT

SITE PLAN REVIEW

Amendment ideas (1-22-16/sac)

ARTICLE : To see if the Town will vote to amend the Medway Zoning Bylaw by deleting 3.5.1, 3.5.2, 3.5.3, and 3.5.4 of SECTION 3.5 Site Plan Review and replacing them as follows:

3.5. SITE PLAN REVIEW

3.5.1 Purposes

Site plan review is a means of managing the aesthetics and environmental impacts of land use by the regulation of permitted uses, not their prohibition. Its purpose is to:

- assure protection of the public interest consistent with a reasonable use of the site for the purposes permitted in the district and
- **promote and encourage desired community characteristics as expressed in the Medway Master Plan and Medway Design Review Guidelines**

Accordingly, no building permit shall be issued for any use, site, or building alteration, or other improvement that is subject to this Section 3.5 unless an application for site plan review has been prepared in accordance with the requirements herein and unless such application has been approved by the Planning and Economic Development Board (hereinafter referred to in this Section as the Board). **or its designee in the instance of small-scale project administrative site plan review.**

3.5.2 Applicability

A. Site plan review shall apply to the following:

1- Major Site Plan Review:

- a. New construction or any alteration, reconstruction, or renovation of any multi-family, commercial, industrial, institutional, or municipal use involving **the addition of 2,500** square feet or more of gross floor area, or
- b. New construction or any alteration, reconstruction, or renovation of an existing building, or any change in use of an existing building requiring **the addition of fifteen** or more **new** parking spaces; or
- c. Construction, expansion, redesign, or alteration of an existing parking area involving the addition of fifteen or more new parking spaces; **or**
- d. **Installation of a ground mounted solar energy system in excess of 40,000 sq. ft. of surface area or the equivalent of 250kW (DC) or greater of rated nameplate capacity.**

2- Minor Site Plan Review: Any construction, alteration, reconstruction or renovation project or change of use that is not subject to Major Site Plan Review ~~but~~ which ~~requires a building permit and~~ involves one or more of the following:

- a. New construction or any alteration, reconstruction, or renovation of any multi-family, commercial, industrial, institutional, or municipal use involving 1,000 square feet or more of gross floor area, or
- b. Exterior alteration of an existing building or premises, visible from a public or private street or way, except where such alteration is exempt under Section B below; or
- c. New construction, expansion of an existing structure, or a change in use in an existing building requiring the addition of five or more but less than fifteen parking spaces; or
- d. Construction or modification of a parking area involving the addition of five or more but less than fifteen new parking spaces; or
- e. Installation of a ground mounted solar energy system with 1,750 to 40,000 sq. ft. of surface area or the equivalent of 10 to 250kW (DC) of rated name plate capacity.
- f. A change in curb cuts/vehicular access to the site from a public way
- e. g. Any use or structure or expansion thereof exempt under Massachusetts G.L. c. 40A, § 3, if one or more of the above criteria a –d also apply, and only to the extent allowed by law.

3. Small-Scale Project/Administrative Site Plan Review pursuant to Section 3.5.3 A.

- a. Exterior alteration of an existing building or premises, visible from a public or private street or way, where such alteration includes two or more of the following construction activities:
 - i. installation of awnings
 - ii. exterior siding
 - iii. replacement or rearrangement of windows or doors
 - iv. façade renovation/ reconstruction/replacement.
- b. Installation of ground mounted solar system of 1,750 sq. ft. of surface area or less or the equivalent of up to 10 kW (DC) rated name plate capacity.
- c. Installation or alteration of sidewalks and other pedestrian access improvements
- d. Two-family homes allowed by right in the Village Residential Zone

3- 4. Relationship to Other Permits and Approvals.

- a. If an activity or use requires both site plan review and one or more special permits, the ~~Planning and Economic Development~~ Board shall serve as special permit granting authority.
- b. If both a special permit and site plan review are required, they shall be considered together under the provisions of Section 3.4.
- c. The Building Inspector shall not issue a building permit for any project subject to this Section 3.5 unless small-scale project administrative site plan review has been approved or the Board has approved a site plan therefor or allowed ninety calendar

days (in the instance of a major site plan project) or sixty calendar days (in the instance of a minor site plan project) to elapse from the site plan submission date unless the applicant has requested an extension in writing. Any work done in deviation from an approved site plan shall be a violation of these Bylaws unless such deviation is approved in writing by the Board or determined by the Building Inspector to be an insubstantial change.

B. Exemptions. The following shall be exempt from Site Plan Review under this Section 3.5:

1. Single-family and two-family homes, including additions or enlargements **and structures accessory thereto except for a two-family home allowed by special permit from the Board of Appeals in the AR-II zoning district.**
2. Residential subdivisions approved by the Board under the Medway Subdivision Rules and Regulations.
3. ~~Projects submitted to the PEDB under Section 8.5, Adult Retirement Community Planned Unit Development, Section 5.6.2 Adaptive Use Overlay District, Section 8.4 Open Space Residential Development, 5.6.4 Multifamily Housing or other special permits issued by the Board.~~
4. 3. Projects in which the only exterior change that is visible from a public or private way, requiring a building permit, pertains to **any single improvement listed below:**
 - a. Architectural barrier removal to comply with the Americans with Disabilities Act (ADA) or regulations of the Massachusetts Architectural Access Board (AAB); or
 - b. **Installation of awnings, exterior siding, or roofing, or replacement of windows or doors;**
or
 - c. **Roof mounted solar energy system**

3.5.3. Procedures for Site Plan Review

- A. The Board shall promulgate, after public notice and hearing, Site Plan Rules and Regulations to effectuate the purposes and intent of this Section 3.5, including submission requirements and procedures for major and minor site plans, modification of approved site plans, delegating administrative review to the Board's designee for review of small-scale projects without a public meeting, **conditions/limitations/safeguards, waivers, mitigation measures, review criteria** and standards of review consistent with Section 3.5.4 below.
- B. Applicants shall submit an application for site plan review to the Board.
- C. The site plan submission date shall be the date the site plan application is filed with the Town Clerk and the Board, unless the Board notifies the applicant within twenty-one days of submission that the application is incomplete. In such case, the site plan application will not be deemed to have been submitted.
- D. For Major Site Plan Review applications, the Board shall hold a public hearing on the proposed site plan. The public hearing shall conform to the requirements for public hearings and notice under G.L. c. 40A, § 11, and the Board's Site Plan Rules and Regulations. All costs of the public notice requirements shall be at the expense of the applicant.

- E. For Minor Site Plan Review applications, the Board shall review the site plan at a duly posted open meeting. Any public notice to abutters and other parties of interest shall be conducted in accordance with the Site Plan Rules and Regulations.
- F. The Board shall review and act upon the site plan, requiring such conditions as necessary to satisfy the Site Plan Review Standards under Section 3.5.4 below, and notify the applicant of its decision. The decision shall be in writing and shall be filed with the Town Clerk within ninety days of the date of application for Major Site Plan Review, or sixty days of the application date for Minor Site Plan Review. The applicant may request, and the Board may grant by majority vote of the membership, an extension of the time limit set forth herein.
- G. The Board may approve the site plan or approve it with the conditions, or deny a site plan only if the plan does not include adequate information as required by the Site Plan Rules and Regulations, or if the plan depicts a use or structure so contrary to health, safety and welfare of the public that no set of conditions would render the project tenable. The Board's decision shall be by majority vote of the membership, and the decision shall be in writing.
- H. The applicant shall satisfy or comply with all conditions of the site plan review decision prior to the issuance of a building occupancy permit. ~~except for those conditions that by their terms are intended to be satisfied during construction or later.~~
- I. Unless specifically authorized by the terms of the site plan review decision, a final certificate of occupancy shall not be issued until the applicant has complied with or satisfied all conditions of the site plan review decision.

3.5.4. Site Plan Review Standards

The Board's Site Plan Rules and Regulations shall adopt standards for site plan review that will at a minimum address the following:

- A. Siting of facilities;
- B. Design guidelines;
- C. Open space and natural features;
- D. Pedestrian, bicycle, and vehicular circulation;
- E. Water quality;
- F. Stormwater;
- G. Utilities, exterior lighting, parking, and snow removal;
- H. Trees and landscaping;
- I. Site Amenities**
 - I. Town character and historic significance;
 - J. Impacts on public services and facilities;
 - K. Signage;
 - L. Safety;

M. Energy efficient site design;

N. Potential adverse effects and mitigation thereof.

3.5.5 Appeal

Any person aggrieved by the Board's site plan decision may appeal to the court within 20 days of the date the decision is filed with the Town Clerk, as provided in G.L. c. 40A, § 17.

CERTIFICATE OF ZONING COMPLIANCE – Draft 1/22/2016 (sac)

To see if the Town will vote to amend the Zoning Bylaw by adding 3.6 Certificate of Zoning Compliance to SECTION 3 ADMINISTRATION as follows:

3.6 Certificate of Zoning Compliance

3.6.1 Purpose. The purpose of this sub-section is to establish a requirement for a Certificate of Zoning Compliance to ensure that property is used in conformance with the allowed uses specified in the Zoning Bylaw.

3.6.2 Requirement for Certificate of Zoning Compliance

A. No premises and no building or structure, or a portion thereof, may be erected, constructed, enlarged or altered, or in any way changed as to use or occupant, under a permit or otherwise, or may be occupied in whole or in part unless a Certificate of Zoning Compliance for such occupancy or use has been issued by the Building Inspector. Such certificate shall not be issued until the premises, building or structure, and the proposed use and accessory uses comply in all respects with the Zoning Bylaw in effect at the time of issuance or with any applicable written decision or permit of the Board of Appeals or the Planning and Economic Development Board including site plans approved under Section 3.5 of this Bylaw.

B. A Certificate of Zoning Compliance shall be conditional on the maintenance of full compliance with the provisions of this Bylaw in effect at the time of issuance, or with the written decision of the Board of Appeals or the Planning and Economic Development Board, and shall become void if such compliance fails.

C. A Certificate of Zoning Compliance shall not be required for single-family residential uses and exempt uses per MGL Section 40A _____.

3.6.3 Procedure for Certificate of Zoning Compliance

A. An application for a Certificate of Zoning Compliance shall be filed with the Building Inspector and if applicable, shall be accompanied by the corresponding Certificate of Occupancy as required by the State Building Code. No such application for a Certificate of Zoning Compliance which pertains to the occupancy or use of a premises for which a final as-built plan is required shall be favorably acted upon by the Building Inspector until the notification of substantial completion and said final plan have been duly submitted and the Building Inspector and if applicable, the permit granting authority, has approved said final as-built plan.

B. Within seven days of the date on which such application is filed, the Building Inspector shall either issue the Certificate of Zoning Compliance or deny such application in writing and shall set forth the reasons for his action thereon. A Certificate of Zoning Compliance shall be conditioned on the maintenance of full compliance with the provisions of this Bylaw in effect at the time of issuance, and with any applicable decision of the Board of Appeals, the Planning and Economic Development Board or other designated special permit granting authority, and such certificate shall be revoked if such compliance should fail.

3.6.4 Temporary Certificate of Zoning Compliance

Pending the issuance of a Certificate of Zoning Compliance, the Building Inspector may issue a temporary Certificate of Zoning Compliance for a period not exceeding six months during the alteration of a presently occupied building or for partial occupancy or use of a building pending its completion. No such temporary certificate shall be issued if the building and its accessory uses fail to conform to the provisions of this Bylaw to such a degree as to create a discernible inconvenience or hazard to the public or to those who propose to occupy said building. Notwithstanding the foregoing time limitation, the Building Inspector may allow, for good cause, not more than two extensions of such temporary certificate; however, such extensions shall not exceed 90 days each. Where a site plan is required by this Bylaw, such temporary Certificate of Zoning Compliance may only be issued provided the applicant produces appropriate surety in the form of a bond or other appropriate form of performance guarantee for an amount and duration approved by the Planning and Economic Development Board.

3.6.5 Completion of Plantings

All trees, landscaped open space and buffers, planting screens and other landscaping required by this Bylaw or by any applicable decision of the Zoning Board of Appeals or the Planning and Economic Development Board, shall be installed prior to occupancy or commencement of use. No Certificate of Zoning Compliance shall be issued until all required plantings have been completed. Such Certificate shall be revoked if the owner fails to maintain such plantings or landscaping. However, where such compliance is impracticable due to the season of the year, the Building Inspector may issue a temporary Certificate of Zoning Compliance as specified in Section 3.6.3 herein if appropriate surety has been provided as specified in Section 3.6.3 herein.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Milford
Ashland
Northborough
North Reading

Notes from conversation with Andy R on 1/8/15

- Intent is to give Jack a tool to prevent non-compliant uses from burgeoning. To preclude not permitted uses from cropping up.
- Would not apply to single family homes
- Would apply to - Expansion or conversion of space. Change in ownership of property???
- Ask Jack - Are we going in the right direction?? How would this work to help you?

Draft Village Residential District
1-22-2016

ARTICLE : To see if the Town of Medway will vote to amend the Medway Zoning Bylaw to establish a new Village Residential Zoning District by amending Table 1 Schedule of Uses in Section 5.4 Use Regulations to show the Village Residential zone within Parts A, B, and C with no allowance in the Village Residential zone for business and industrial uses listed in Parts D and E of Table 1.

TABLE 1: SCHEDULE OF USES											
	AR-I	AR-II	VR	C-I	C-III	C-IV	C-V	BI	I-I	I-II	I-III
A. AGRICULTURE, CONSERVATION, RECREATION USES											
Agriculture, excluding piggeries and fur farms on less than 5 acres of land, and excluding livestock and poultry on less than 44,000 sq. ft. of land.	Y	Y	N	N	N	N	N	N	N	N	N
Poultry on less than 1 acres; Minimum lot size for poultry is 5,000 sq. ft. subject to Board of Health regulations	Y	Y	Y	N	N	N	N	N	N	N	N
Greenhouse	SP	SP	N	N	N	N	Y	Y	N	N	N
Nonprofit recreational use	Y	Y	N	N	N	N	N	N	N	N	N
Sawmill	SP	N	N	N	N	N	N	N	N	N	N
Boathouse, ski tow, golf course	SP	SP	N	N	N	N	N	N	N	N	N
Livery riding stable			N								
Gravel, loam, sand, or stone removal, except that in the AR-I and AR-II districts, no special permit shall be required when removal of such materials is incidental to the construction or alteration of buildings for which a permit has been issued by the Board of Selectmen.	SP	SP	N	N	N	N	N	N	N	N	N
B. PUBLIC SERVICE											
Municipal use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public utility	SP	SP	N	SP	Y	Y	Y	Y	Y	Y	Y
C. RESIDENTIAL AND INSTITUTIONAL USES											
Detached single-family dwelling	Y	Y	Y	N	Y	Y	N	N	N	N	N
Two-family dwelling ^a provided that the exterior of the dwelling has the appearance of a single-family dwelling.	N	SP	Y	N	N	N	N	N	N	N	N
Infill dwelling unit, subject to Section 8.1.	N	SP	PB	N	N	N	N	N	N	N	N
Open space residential development, subject to Section 8.4	PB	PB	N	N	N	N	N	N	N	N	N
Assisted living residence	N	N	N	PB	N	N	N	N	N	N	N

TABLE 1: SCHEDULE OF USES											
	AR-I	AR-II	VR	C-I	C-III	C-IV	C-V	BI	I-I	I-II	I-III
Adult retirement community planned unit development, subject to Section 8.5	PB	PB	N	N	N	N	N	N	N	N	N
Multifamily units in combination with a commercial use that is permitted or allowed by special permit, subject to Section 5.4.1.	N	N	N	PB	N	N	N	N	N	N	N
Multifamily dwellings and multifamily developments subject to Section 5.6.4	N	PB	PB	N	PB	PB	N	N	N	N	N
Accessory uses:											
Accessory family dwelling unit	SP	SP	SP	N	SP	SP	N	N	N	N	N
Home-based business, subject to Section 8.3	Y	Y	Y	N	Y	Y	N	N	N	N	N

Notes to Table 1

a) The establishment of a two-family home in the AR-II and VR zoning districts is subject to administrative site plan review to ensure that the following requirements are adequately addressed:

- Suitable screening/buffering with landscaping and/or fencing is provided for abutting residences;
- A single curb cut shall be shared by both dwelling units;
- There shall be provided an off-street parking area or areas, indoor or outdoor, of sufficient size to allow two parking spaces for each dwelling unit. No parking area shall be located nearer than 10 ft. to the line of an adjoining lot and shall not be located within the front setback area except in the driveway.
- That the footprint of the house and associated driveways, parking areas, patios, etc. do not render impermeable more than 60% (2, 50%) of the lot unless appropriate mitigation measures are provided.
- That the exterior of the dwelling has the appearance of a single-family dwelling.
- That the proposed building design is compatible with neighborhood character and the Medway Design Review Guidelines

And by amending Table 2 in Section 6.1 Schedule of Dimensional Regulations as follows:

TABLE 2. DIMENSIONAL AND DENSITY REGULATIONS											
Requirement	AR-I	AR-II	VR	C-I	C-III	C-IV	C-V ^a	B-I	I-1	I-2	I-3
Minimum Lot Area (Sq. Ft.)	44,000	22,500 ^b	10,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	40,000
Minimum Lot Frontage (Ft.)	180'	150'	75'	NA	NA	NA	NA	100	NA	NA	NA
Minimum Lot Width (Ft.)	NA	NA	NA	100'	100'	100'	100'	NA	100'	100'	100'
Minimum Setbacks (Ft.)											
Front ^{c,d}	35'	35'	f	50'	35'	35'	50'	35'	30'	30'	30'
Side ^e	15'	15'	f	25'	15'	15'	15'	15'	20'	20'	20'
Rear	15'	15'	f	25'	15'	15'	15'	15'	30'	30'	30'
Maximum Building Height (Ft.)	NA	NA	40'	40'	40'	40'	40'	40'	40'	40'	60'
Maximum Lot Coverage (Pct.)	NA	NA	???	30%	30%	30%	30%	30%	40%	40%	40%

Notes to Table 2

a) In the C-V and B-I districts, when a nonresidential use abuts a residential use, the first 10 feet within the 15-ft side or rear setback along the boundary line adjoining the residential use shall be a landscaped buffer not used for parking or storing vehicles. However, when a nonresidential use in the C district abuts a residential use in a different district, the landscaped buffer shall extend at least 15 feet from the lot boundary shared with the residential use.

b) For two-family dwelling, the minimum lot area is 30,000 sq. ft. No parking shall be permitted within 10 feet of an adjoining lot line.

c) For a lot abutting existing dwellings in a residential district, the minimum front setback shall be the average front setback of the existing primary buildings within 300 feet on each side of the lot on the same side of the street and within the same zoning district.

d) Within the 50-ft. front setback on lots in the C-I, C-V, and B-I districts, the first 10 feet closest to the street shall be landscaped and not used for parking. Within the C-I district, the next 20 feet shall be used for through traffic to adjoining lots unless waived by the Planning and Economic Development Board during site plan review.

e) When a lot in any of the C or B-I districts abuts a residential use, the first 10 feet within the 15-ft side or rear setback along the boundary line adjoining the residential use shall be a landscaped buffer not used for parking or storing vehicles.

f) Front, side and rear setbacks shall be determined by calculating the average of the corresponding setbacks of the lots that abut the side lines of the subject lot plus those that are directly across the street as determined by all lines drawn perpendicular to the frontage of the subject lot. Provided, however, that no side setback shall be less than that which exists on the lot abutting that side lot line.

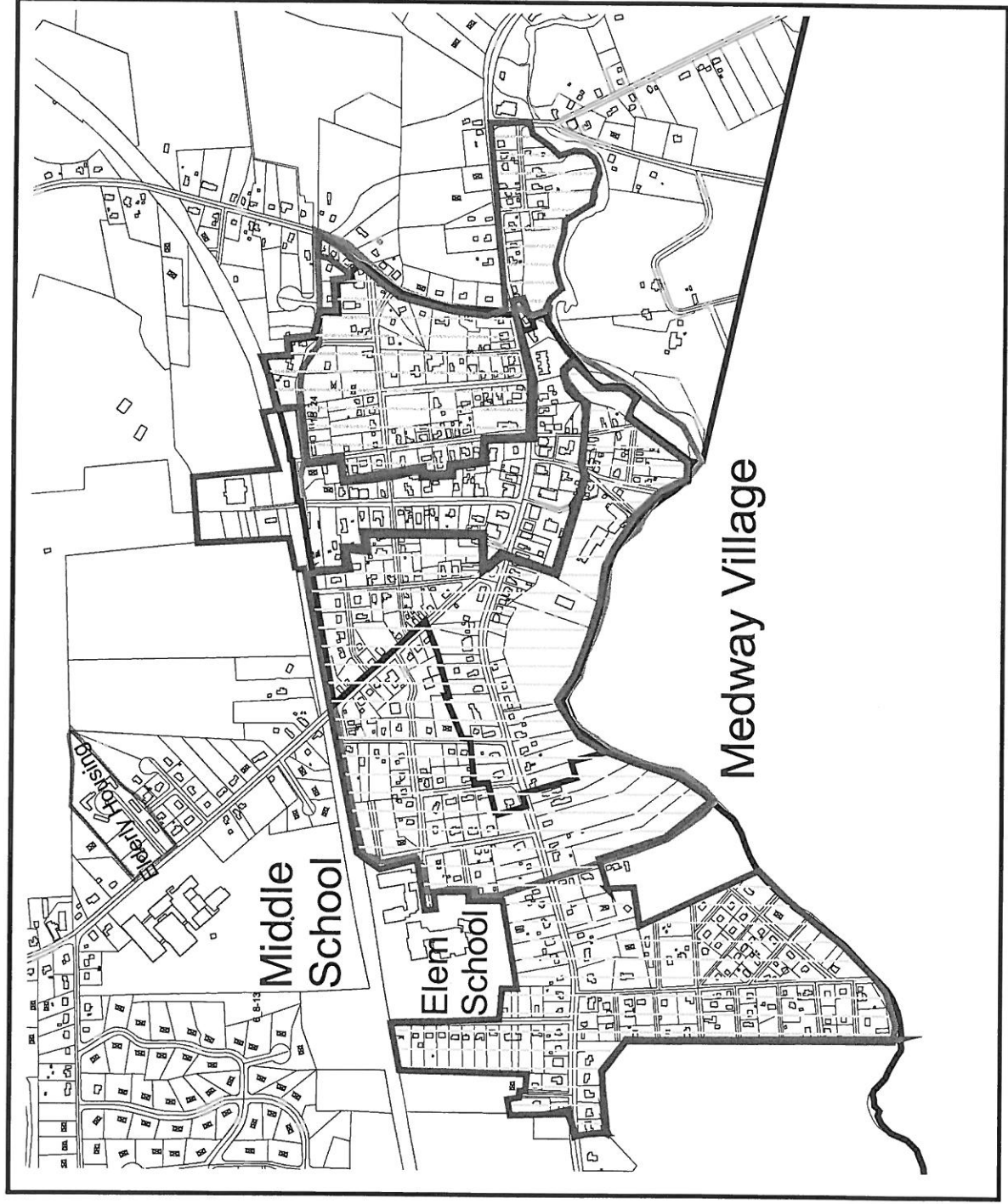
And by amending the Medway Zoning Map to rezone selected parcels to the Village Residential Zoning District as shown on a map dated _____, on file in the Town Clerk's office.

LIST ALL PARCELS!?!?!?

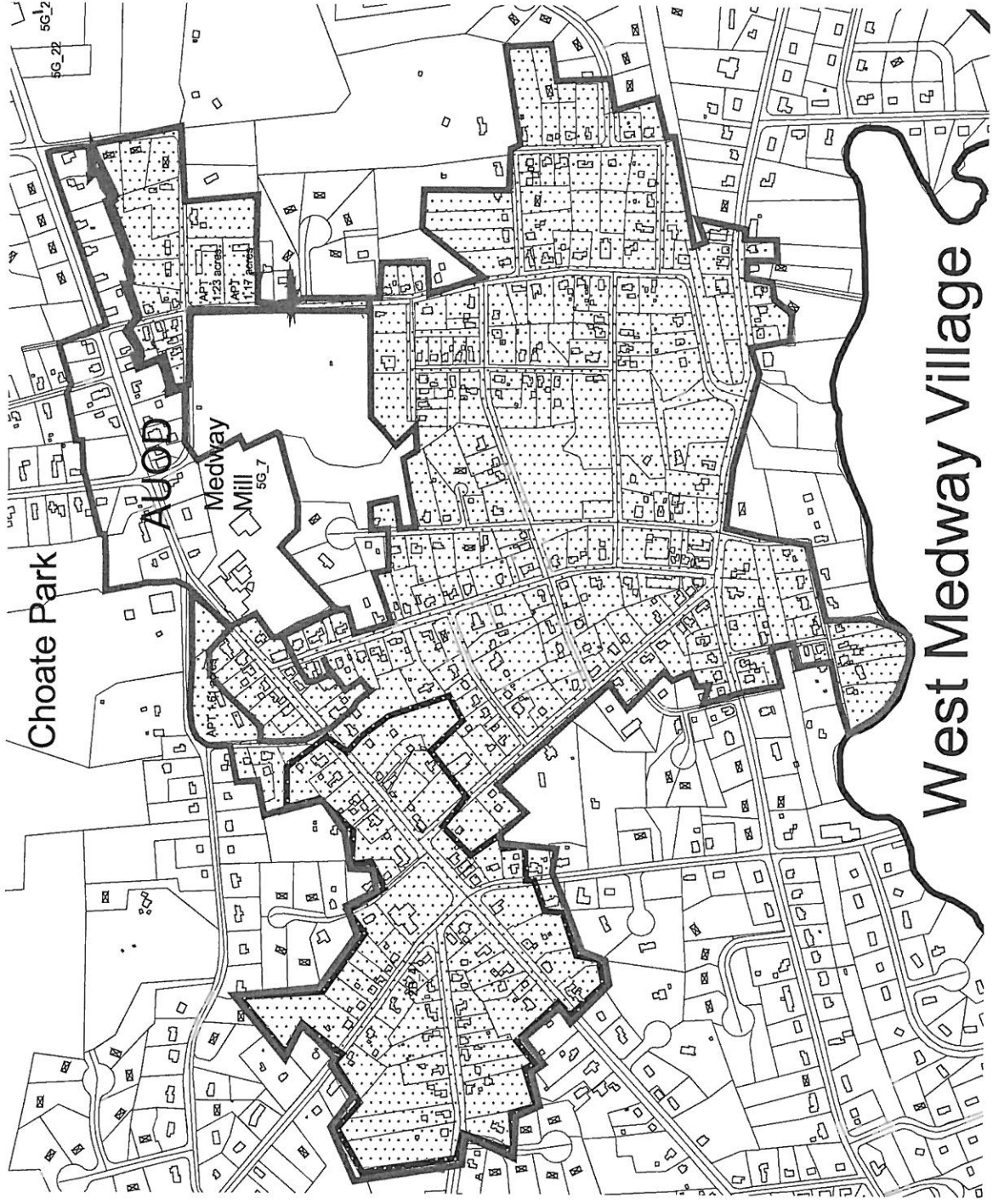
And to act in any manner relating thereto.

Planning and Economic Development Board

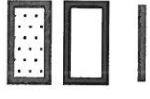
Medway Village VR District



West Medway Village VR District



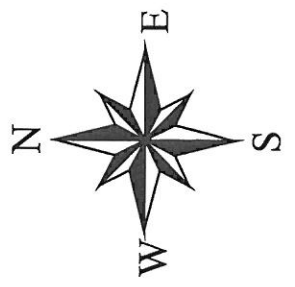
Legend



Proposed VR District

RH Historic District

Adaptive Use Overlay District



Accessory Family Dwelling Units

Possible DRAFT Amendments – 1/22/16

ARTICLE : To see if the Town of Medway will vote to amend the Zoning Bylaw, SECTION 8.2 Accessory Family Dwelling Unit as follows:

8.2 ACCESSORY FAMILY DWELLING UNIT

A. Purposes. The purposes of this ~~sub-section Accessory Family Dwelling Unit bylaw~~ are to:

1. **establish an option for the creation of Accessory Family Dwelling units to provide suitable housing** ~~assist Medway residents with creating suitable housing to accommodate for a family member and/or a caregiver for a family member who is an occupant of the premises;~~
2. **provide opportunities to support residents who wish to age in place; and**
3. **maintain the residential character of neighborhoods.**

B. Applicability. The Board of Appeals may grant a special permit for an accessory family dwelling unit in accordance with this Section 8.2 and Table 1: Schedule of Uses.

C. Basic Requirements.

1. An accessory family dwelling unit shall be located within:
 - a. ~~a detached single-family dwelling; or and designed so as to preserve the appearance of the single-family dwelling.~~
 - b. **an addition to a detached single-family dwelling; or**
 - c. **a separate structure on the same premises as a detached single-family dwelling.**
2. ~~There shall be only one accessory family dwelling unit associated with a detached single-family dwelling. per premises on a lot, and no accessory family dwelling unit shall have more than one bedroom.~~
3. **No accessory family dwelling unit shall have more than one bedroom.**
4. **An accessory family dwelling unit shall not exceed 800 sq. ft. of gross floor area except that an existing detached accessory structure larger than 800 sq. ft. located on the same lot as the primary dwelling unit may be used for an accessory family dwelling unit when the Board of Appeals determines it is in character with the neighborhood.**
- ~~5.~~ 5. **There shall be at least one designated off-street parking space for the accessory family dwelling unit in addition to parking for the occupants of the detached single-family principal dwelling. The off-street parking space shall be located in a garage or carport, or in the driveway, and shall have vehicular access to the driveway. No parking shall not be permitted within any required yard area or setback. There shall be no additional driveway or curb cut providing access to the accessory family dwelling unit.**

~~4-~~ 6. Occupancy of the single-family dwelling and accessory family dwelling unit shall be restricted as follows:

a. The owners of the property shall reside in one of the units as their primary residence, **except for bona fide temporary absences due to employment, hospitalization, medical care, vacation, military service, or other comparable absences which would not negate the primary residency standard.** For purposes of this section, "owners" shall mean one or more individuals who hold legal or beneficial title to the premises.

~~b. The unit not occupied by the owners may only be occupied by the owners' immediate family or step family members, grandparents, or in laws. A notarized statement of the owner's relationship to the occupant shall be submitted to the Building Inspector prior to the issue of a certificate of occupancy for the accessory family dwelling unit.~~

b. The accessory dwelling unit shall be occupied by:

i. the owners of the property; or

ii. the owners' family by blood, marriage, adoption, foster care or guardianship; and/or

iii. an unrelated caregiver for an occupant of the detached single-family dwelling or the accessory family dwelling unit, who is an elder, a person with a disability or chronic disease/medical condition, or a child.

A notarized statement of the property owner's relationship to the occupant of the dwelling unit not occupied by the owner shall be submitted to the Building Inspector prior to issuance of a certificate of occupancy for the accessory family dwelling unit.

7. An accessory family dwelling unit shall be designed so as to preserve the appearance of the single-family dwelling and be compatible with the residential character of the neighborhood. Any new separate outside entrance serving an accessory family dwelling unit shall be located on the side or in the rear of the building.

8. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility or a chronic medical condition, the Board of Appeals may allow reasonable deviation from the stated conditions where necessary to install features in the accessory family dwelling unit that facilitate the care of and access and mobility for disabled and handicapped individuals and persons with limited mobility or a chronic medical condition. This may include, but is not limited to authorizing a second bedroom in the accessory family dwelling unit.

~~D. — Limitations of Special Permit. The special permit for an accessory family dwelling unit shall expire not more than three years after the date of issuance unless extended by the Board of Appeals. Upon transfer or conveyance of the property, the special permit granted hereunder shall become null and void.~~

D. Decision

1. The Board of Appeals, in making its decision, shall make findings that all of the special permit criteria specified in SECTION 3.4 C. herein are met.

2. Conditions, Limitations and Safeguards – The Board of Appeals, in making its decision, shall include the following conditions:

a. Recording. The special permit shall be recorded with the Registry of Deeds prior to issuance of an occupancy permit for the accessory family dwelling unit.

b. Resale. When a structure, which has a special permit for an accessory family dwelling unit, is sold or conveyed, the new owner(s), if they wish to continue to exercise the permit, must, within thirty (30) days of the sale, submit a notarized letter to the Building Inspector stating that they will occupy one of the dwelling units on the premises as their primary residence, except for bona fide temporary absences, and that the accessory family dwelling unit is to be occupied by one of parties specified in C. 6. above.

c. Bi-Annual Certification. The owner of the property shall provide a bi-annual certification to the Building Inspector verifying that the unit not occupied by the owner is occupied by one of the parties specified in C. 6. b. or that the space is being used for another lawfully allowed use pursuant to this Bylaw.

and may require additional conditions, limitations and safeguards pursuant to Section 3.4 D. herein.

And by deleting the current definition of Accessory Family Dwelling Unit in SECTION 2 DEFINITIONS and replacing it as follows:

~~Accessory Family Dwelling Unit: A separate and complete housekeeping unit contained within, or being an extension of, a single family dwelling to accommodate additional family members of a resident of the primary dwelling.~~

Accessory Family Dwelling Unit: A separate dwelling unit contained within a detached single-family dwelling unit or in an accessory structure thereto and which is subordinate in size to the principal dwelling unit, that is designed to accommodate family members of and/or caregivers for a resident of the primary or accessory family dwelling unit and which includes its own living, sleeping, sanitary and food preparation facilities such that the occupant(s) of the accessory family dwelling unit does not need to rely on the corresponding facilities located in the primary dwelling unit.

And by adding the following definition in SECTION 2 DEFINITIONS as follows:

Caregiver: An individual who regularly looks after a child or a sick, elderly, or disabled person by providing for or assisting with the tasks of daily living such as, but not limited to activities necessary to maintain good health, meal preparation, child care, household and property maintenance, and transportation.

And to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD
ZONING BOARD OF APPEALS

Land Clearance
DRAFT - January 22, 2016

ARTICLE :

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

By adding item Section 7.4 Land Clearance in SECTION 7 GENERAL REGULATIONS as follows:

7.4 Land Clearance

- A. Land clearing, clear cutting of trees, excavation, and earth and gravel removal are prohibited in anticipation of developing a property prior to the issuance of all required land use permits, approvals, variances, licenses and authorizations from the Building Department, Planning and Economic Development Board, Conservation Commission, Board of Appeals, Board of Health, Department of Public Services, Board of Selectmen, and other permitting boards/committees as may be applicable. Very limited clearing and excavation is permitted only to the extent needed to obtain surveying, engineering, testing or other data and information required for the preparation and submittal of a plan or permit application to the aforementioned permitting entities.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Setback Details
DRAFT – January 22, 2016

To see if the Town of Medway will vote to amend the Zoning Bylaw by adding a new item 6.2.F. in SECTION 6 DIMENSIONAL REGULATIONS as follows:

F. Setbacks

1. In all districts, no open storage or display of goods, products, materials or equipment, no gasoline pumps, ATMs, vending machines or other commercial devices, pools, boats, recreational vehicles, trailers, commercial vehicles with a GVWR of 4 or higher, membrane structures, tents, decks, sports courts/facilities, or any structure of any type except as hereinafter provided, shall be located within the minimum zoning front, rear and side setback areas required for a building on the same portion of the same lot.
 2. Exemptions. Within the specified setback areas, the following items are permitted:
 - a. lawful sign
 - b. mailbox, flagpole or utility pole
 - c. retaining wall
 - d. fence or an above-ground wall provided that no such wall and no solid fence shall have a height of more than three feet at any point between the street and the required minimum setback line. For purposes of this provision, a solid fence is defined as one which presents more than a twenty-five percent obstruction to visibility from any point on the street, sidewalk or abutting lot.
 - e. bus shelter
 - f. bench(es)
 - g. patio
 - h. sheds less than one-hundred and twenty sq. ft. in size
 - i. play structure/gym
 3. Enforcement. This section may also be enforced by the Medway Police Department.
- Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

EXPAND INDUSTRIAL II
January 22, 2016 draft

ARTICLE: To see if the Town of Medway will vote to amend the Medway Zoning Map by rezoning the following parcels from ARII to Industrial II:

Address	Map/Parcel	Owner	Size	Notes
12 West Street	66 - 010	Sithe W. Medway LLC – c/o NSTAR	.2 acres	Electrical sub-station
Portion of 34 West Street	66 - 012	Sithe W. Medway LLC – c/o NSTAR	???	Electrical ROW. This parcel has split zoning – part Ind II and part ARII
30 West Street	66 - 011	New England Power Co	.7 acres	Electrical ROW
15 West Street	66 - 005	West ST. Realty Trust	6.97 acres	Mobile Excavating and American Stripping
23 West Street	65 - 028	New England Power Co	8.52 acres	Electrical ROW
27 West Street	66 - 004	New England Power Co	.37 acres	Electrical ROW
29 West Street	65 - 027	New England Power Co	12.97 acres	Electrical ROW
0 West Street	55 - 026	Boston Edison/NSTAR	6.7 acres	Electrical ROW
Portion of 0 Summer Street	66 - 013	Sithe W. Medway LLC - Excelon	???	Electricity Generation Facility. This parcel has split zoning – part Ind II and part ARII

And by revising Table 1 Schedule of Uses in Section 5.4 to add Contractor's Yard as an allowed, by right use, in the Industrial II zoning district.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Proposed Expansion of Industrial II Zoning District

ZONE CODE

C-V

AR-II

IND-II

Proposed IND-II
Expansion

IND-II

66-013
9 Summer St
36.5 acres

55-026
0 West St
6.7 acres

MILLBROOK
ROAD

65-027
29 West St
12.97 acres

66-004
27 West St
0.37 acres

66-011
30 West St
0.7 acres

66-012
34 West St
48.78 acres

WEST STREET

65-028
23 West St
8.52 acres

66-005
15 West St
1.97 acres

66-010
12 West St
0.2 acres

AMELIA DRIVE

ARDMORE CIRCLE

OLD SUMMER STREET

SUMMER STREET

MAIN STREET

VILLAGE STREET

ROB WAY

SUMMIT
VALLEY
LANE

LITTLE TREE ROAD
RUSTIC ROAD

LANTERN
LANE

PINE MEADOW DRIVE

WILLIAMSBURG
WAY

WEST STREET

HOLBROOK STREET
HIXON
ROAD

GLENBROOK
WAY

N

2,000 Feet

1,000

500

0

Map created January 28, 2014
Fran Y Jutson Lee

MEDWAY DESIGN REVIEW COMMITTEE

Medway General Bylaws - Section 2.15
Proposed amendments (12-30-15)

Medway General Bylaws - Section 2.15

- (a) Establishment - There shall be a Design Review Committee (DRC) consisting of at least five (5) ~~members and up to seven (7) voting members~~ who reside in Medway who shall be sworn to the faithful performance of their duties. The DRC may also have up to three (3) non-voting, associate members who reside and/or work in Medway.
- (b) Mission - To serve the people of Medway in a capacity that openly, creatively and appropriately addresses issues of land, site, architectural and sign design. The DRC is tasked with serving as an advocate to preserve and enhance Medway's natural, scenic and aesthetic qualities ~~aesthetics of the community~~ and to achieve the pleasing composition of places within the context of the Medway Master Plan's overall goal of maintaining Medway's traditional New England village feel and appearance. The DRC works within the broad intention of maintaining and/or improving the quality of life of Medway's citizens, the value of property and the viability of commerce through the use of thoughtful and community-appropriate design and development practices.
- (bc) Appointments - The Design Review Committee shall be appointed by the Planning and Economic Development Board. Committee members shall serve two (2) year staggered terms, ~~with the majority of the first members appointed for a two (2)-year term and the remaining initial members appointed for a one (1) year term. Thereafter, the Associate~~ members shall serve one (1) year terms.
- (ed) Composition - The Design Review Committee shall include one member of the Planning and Economic Development Board, and ~~a representative of the Medway Business Council.~~ The remaining members should have experience and/or training in architecture, landscape design, site design, graphic design, sign design, planning, or other suitable design professions that could be helpful to the Committee's work.
- (de) Responsibilities of the Design Review Committee
1. Assist and advise the Planning and Economic Development Board, its applicants, and other ~~Town~~ boards (such as the Zoning Board of Appeals), committees, and departments (including the Building Department and the Department of Public Services) as may request such assistance, with regard to applications for various land use/development permits including subdivisions, site plans, special permits, variances, sign permits, scenic road work permits, and other development proposals. The Design Review Committee's recommendations are advisory and may include suggestions for modifications to proposed designs and conditions for approval of development proposals ~~to be consistent with the Medway Design Review Guidelines.~~
 2. Assist and advise Town boards, committees and departments ~~to~~ with programs, proposals, capital projects and developments relating to site, architectural, landscape, signage and graphic designs on municipal lands and viewed in the public realm.

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3. ~~Perform other duties and responsibilities as may be specified by the Medway Zoning Bylaw, other Town bylaws, and various land use Rules and Regulations~~

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2.4. Assist and advise the Planning and Economic Development Board regarding possible amendments to the *Medway Zoning Bylaw* and various *Rules and Regulations*.

3.5. ~~Continue to p~~Promote and improve the use of the *Medway Design Review Guidelines*; recommend changes and improvements to the *Medway Design Review Guidelines*.

4. ~~Perform other duties and responsibilities as may be specified by the Medway Zoning Bylaw other Town bylaws or as requested by the Planning and Economic Development Board.~~

5. ~~Advocate for good design in municipal programs and capital projects.~~

(ef) Design Review Guidelines - In performing its work, the Design Review Committee shall be guided by the *Medway Master Plan* and by the *Medway Design Review Guidelines as approved by the Planning and Economic Development Board* - ~~to be developed by the Committee and adopted and published by the Planning and Economic Development Board after a duly called and advertised public hearing. The Planning Board may amend the Design Guidelines from time to time after a duly called and noticed public hearing in accordance with customary Planning Board practice.~~

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*Originally approved in 2003 by action of Town Meeting
Modified by the 2009 Annual Town Meeting*

ARTICLE on Parking of Commercial and Recreational Vehicles
REVISED Draft – January 22, 2016

ARTICLE : To see if the Town of Medway will vote to amend the Medway General By-laws by adding the following Section 12.26 in Article XII:

Section 12. 26 **Regulation of Parking and Storage of Recreational and Commercial Vehicles**

(a) **Purpose** - The purpose of this By-law is to regulate the outdoor parking and storage of commercial and recreational vehicles. This By-law is adopted to promote safe vehicular traffic, to preserve peace and good order, to protect the character of residential neighborhoods, to promote the aesthetic beauty of the community and hence the value of the property located therein, and to promote the health, safety and general welfare of the citizens of the Town of Medway.

(b) **Prohibitions/Limitations**

- (1) **Public Ways** - No person shall allow, permit, or cause a recreational vehicle or a commercial motor vehicle, bus or trailer having a Class 4 gross vehicle weight rating or higher to be parked at any location on any public or private way within the Town of Medway for any period in excess of four hours in any twenty-four hour period, unless said vehicle is in the process of loading, unloading, or providing some service to one or more adjacent properties.
- (2) **Private Property**
 - a. For a business use authorized by special permit or variance by the Board of Appeals or for a pre-existing non-conforming business use, commercial motor vehicles with a Class 4 gross vehicle weight rating or higher shall not be parked within the standard front, side and rear setback areas established in the Zoning Bylaw for the applicable zoning district.
 - b. No person shall allow, permit, or cause a commercial motor vehicle with a Class 4 gross vehicle weight rating or higher to be parked on private property located within a residential zoning district unless done temporarily in connection with a bona fide commercial service, sales or delivery to such property not to exceed four hours in any twenty-four hour period.
- (3) Not more than one unregistered vehicle of any kind may be parked or stored outside on any property.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD
INSPECTOR OF BUILDINGS

Medway General By-Laws

PROPOSED ARTICLE XXIX – Earth Filling

(1-15-16)

Section 19.1 Purpose – The purpose of this bylaw is to regulate earth filling operations for the protection of human health, public safety, welfare, and the integrity of the natural resources of the Town of Medway.

Section 19.2 Applicability

- (a) The filling of any lot or lots as part of a single project or series of related projects with greater than five hundred cubic yards in total of topsoil, borrow, rock, sod, loam, peat, humus, clay, sand or gravel (“earth material”) within any twenty-four month period shall be done only in accordance with this bylaw.
- (b) Filling includes transporting earth material from one location (inside or outside of the Town) and depositing the earth material in another location in the Town.
- (c) Filling does not include redistributing earth material within a single site.
- (d) No solid or hazardous waste, refuse, junk, industrial waste, volatile, explosive or flammable materials, garbage, building materials, construction and demolition debris, glass, metal, toxic, infection, radioactive, corrosive or reactive materials or waste may be used as fill in the Town.

Section 19.3 Exemptions

- (a) Five hundred cubic yards or less. Filling of any lot or lots with five hundred cubic yards or less of earth material within any twenty-four month period is permitted with an earth fill permit (but is subject to other requirements of law and other Town bylaws and regulations).
- (b) Five hundred cubic yards to two thousand cubic yards. Filling of any lot or lots with more than five hundred cubic yards and less than two thousand cubic yards in total within any twenty-four month period is permitted without any earth fill permit (but is subject to other requirements of law and other Town bylaws and regulations), if such filling is directly related and entirely incidental to:
 - (1) Work done in accordance with a valid Order of Conditions or other approval issued by the Conservation Commission or the Massachusetts Department of Environmental Protection (DEP).
 - (2) The construction of a building or structure for which a valid building permit has been issued and filling is directly related and entirely incidental to the construction, provided that site preparation filling prior to issuance of a building permit is not exempt

- (3) The construction of ways within subdivisions that have been approved by the Planning and Economic Development Board, provided that other site preparing filling within subdivisions is not exempt.
- (4) The construction or reconstruction of a septic system the design of which has been approved by the Board of Health.
- (5) Utility construction in public and private ways or incidental to municipal operations and activities.
- (6) Routine landscaping (not including significant changes in topography) of a lot with a one or two-family dwelling thereon by the resident owner thereof so long as the existing topography of the parcel in no location exceed a fifteen percent grade.

Section 19.4 Permit Requirements

- (a) Permits. The permit granting authority shall be either the Town Administrator or the Board of Selectmen, according to the volume of fill for which a permit is sought. All non-exempt filling between five hundred and two thousand cubic yards shall require a small project filling permit from the Town Administrator. Filling in excess of two thousand cubic yards shall require a large project filling permit from the Board of Selectmen.
- (b) Small project filling permit. Any person planning any filling activity requiring a small project filling permit from the Town Administrator shall submit an application, on a form to be provided by the Town Administrator. Where deemed necessary by the Town Administrator when considering issuance of a small project filling permit (of the Building Inspector when considering issuance of a building permit), an applicant may be required to submit a site plan showing the area to be filled. If the Town Administrator requires submission of a site plan, the application shall not be deemed complete until the site plan is submitted to the Town Administrator.
- (c) Large project filling permit. Any person planning any filling activity requiring a large project filling permit from the Board of Selectmen shall submit an application on a form approved by the Board of Selectmen, a soil management plan satisfying the requirements of this bylaw, and a site plan prepared and certified by a registered land surveyor or engineer.
- (d) Application submission. The applicant shall submit three copies of the application, any required soil management plan and any required site plan to the permit granting authority and shall at the same time submit one copy to each of the Building Inspector, Director of the Department of Public Services, the Conservation Commission, the Health Agent, and the Planning and Economic Development Board. Each of them may forward to the permit granting authority their comments, observations and recommendations. To allow Town officials time to comment on applications, the permit granting authority shall wait at least twenty days after submission of a complete application before issuing a permit.

- (e) Site plan requirements. Where a site plan is required by this bylaw, it shall meet the requirements of Section 19.5 (b).
- (f) Public Hearing. Before granting or materially modifying a large project filling permit, the Board of selectmen shall hold a public hearing within thirty days after receipt of a completed application. At least seven days prior to the hearing, the Town shall publish notice of the hearing in a local daily newspaper and notify, by certified sent mail, all owners of land abutting or within three hundred feet of the subject property where the filling is to occur, as to the time, place and purpose of the hearing. The notifications shall be at the applicant's expense.
- (g) Review criteria. In reviewing a completed application, the permit granting authority shall give due consideration to:
- (1) The location of the proposed earth filling
 - (2) The general character of the neighborhood surrounding the subject location
 - (3) The protection of water supplies and aquifers
 - (4) The safety of the public on the public ways in the vicinity and
 - (5) The recommendations of the Building Inspector, Director of the Department of Public Services, the Conservation Commission, the Health Agent, and the Planning and Economic Development Board.
- (h) Other approvals. If any proposed earth filling for which a permit is required under this bylaw also requires an Order of Conditions from the Conservation Commission and/or site plan review by the Planning and Economic Development Board and/or any approval by any other Town board or official, the permit granting authority may grant an earth filling permit that is conditional on receipt of the other required approval(s).
- (i) General permit terms. If the applicant is not the owner of the property to be filled, the owner of the property shall also sign the application as an applicant and shall guarantee the performance of the other applicant(s). Permits for earth filling under this bylaw shall be transferable only to a person who agrees in writing to assume all of the obligations of the permit holder and who is approved as an assignee by the permit granting authority. Permits shall be issued for a term not to exceed two years. A permit may be renewed upon reapplication. The public hearing may be waived by the permit granting authority for large project filling permit renewals.
- (j) Performance bonds. Where deemed necessary by the permit granting authority a performance bond in the amount determined and on the terms specified by the permit granting authority shall be posted in the name of the Town assuring satisfactory performance in the fulfillment of the requirements of this bylaw and such other conditions as the permit granting authority may impose as conditions to the issuance of the filling permit or any subsequent changes to such conditions. No such bond shall be released nor shall be applicant be deemed to have complied with the conditions provided

for herein until the applicant has filed with the permit granting authority a written certification from the Massachusetts licensed site professional (LSP) who approved the original soil management plan that said conditions and the soil management plan have been complied with and a final, engineering record site plan showing the finished site as required under Section 19.6 (j) of this bylaw and the permit granting authority issues a letter authorizing release of the bond. The permit granting authority shall act on a requested release of bond within 65 days after the applicant submits a written request for such release.

(k) Approval deadlines.

- (1) Small Project filling permits. The Town administrator shall act on completed applications for small project filling permits with forty-five days after the date of submission of a complete application, including any required site plan. If the Town Administrator fails to act within such forty-five day period, the application shall be deemed to be approved.
- (2) Large project filling permits. The Board of Selectmen shall act on completed applications for large project filling permits within forty-five days after the close of the public hearing on the application. If the Board of Selectmen fails to act within such forty-five day period, the application shall be deemed to be approved.

Section 19.5 Large Project Filling Permit Application Requirements

Each copy of an application for a large project filling permit to the Board of Selectmen shall be accompanied by a written statement describing the proposed regulated activity, together with the following information:

(a) Soil management plan

- (1) The soil management plan shall be signed by a Massachusetts licensed site professional (LSP). The LSP shall specifically state that "The subject plan meets the requirements of Medway's Earth Filling Bylaw and any other applicable federal or state law or regulation pertaining to the transport, use and/or disposal of earth and other materials for fill."
- (2) The soil management plan must contain sufficient detail to document that the requirements of the Earth Filling Bylaw will be met. The plan shall specifically require that bills of lading in the form specified by the Board of Selectmen and procedures approved by the Board of Selectmen will be exclusively used for the transport and acceptance of earth materials for fill.
- (3) The soil management plan shall include the following at a minimum and shall include any other information required by the Board of Selectmen
 - a. Complete descriptions of pre-fill environmental conditions and findings and sample locations:

- b. Procedures for verification of fill material origin and acceptance;
 - c. Record keeping practices;
 - d. Site security, fill operation inspection and site control;
 - e. Transport routes, times and days of operation, locations of equipment parking and storage and duration of fill activities;
 - f. Qualifications of applicant personnel responsible for adhering to the soil management plan and this bylaw;
 - g. Erosion, dust and stormwater controls and inspection and maintenance thereof;
 - h. Effects of the filling on groundwater recharge;
 - i. Quality assurance/quality control procedures;
 - j. Emergency response and notification procedures, including telephone numbers and contact individuals/firms;
 - k. total proposed earth material fill volume;
 - l. Daily personnel procedures and operation management procedures, including types, numbers, locations and hours of operation of any processing equipment on site;
 - m. Environmental monitoring plan to maintain protection of human health, public safety, welfare and the environment during and following fill operations; and
 - n. Cover material, revegetation, erosion and pollution control, and monitoring and maintenance plan.
- (b) Site plan. If the proposed filling involves more than two thousand cubic yards of fill, a registered land survey or engineer shall prepare the site plan. The site plan shall depict the following information:
- (1) Existing conditions, including grades, man-made features, elevations, property boundaries, dimensions, owners of land who are entitled to notice under Section 19.4 (g) of this bylaw, access points, water bodies and watercourses, wetlands, and environmental sample locations;
 - (2) Process diagrams indicating fill sequence, transport routes, and security measures;
 - (3) Drainage, water flow and sedimentation control before and after the proposed filling and stormwater and erosion control and groundwater recharge structures and features to be utilized during fill operations;

- (4) Final grade plans depicting proposed finish fill elevations, slopes, permanent stormwater and erosion control and groundwater recharge structures and features, the methods of final stabilization of fill material and the proposed cover material and cover vegetation;
- (5) Unless otherwise determined by the permit granting authority, maps scales shall be no more than sixty feet to the inch and elevation contour intervals shall not exceed two feet. Elevation contours are required only for areas of fill, one hundred feet beyond the permit of the fill areas, and along abutting property lines. Appropriate permanent benchmarks with elevations marked thereon and referenced to the National Geodetic Vertical Datum (NGVD) shall be placed in the field and shown on the plans.

Section 19.6 Standards for Filling

- (a) Permitted fill materials. All fill materials shall include only clean sand, gravel, clay, stone, quarried rock or other subsurface products free from solid waste, with an aggregate size of six inches or less, and have no solid waste, refuse, junk, industrial waste, or volatile, explosive or flammable materials. The fill material shall have no concentration of oil or hazardous material, toxic substance or infectious biological material greater than federal, state or local reportable or action criteria or materially greater than pre-fill conditions prevailing in the area to be filled. The fill material shall also be free from organic material such as trees, stumps, garbage, building materials, and construction and demolition debris and shall contain fifteen percent or less of total organic carbon by lab analysis.
- (b) Site preparation. The area to be filled shall be cleared of stockpiled or otherwise disposed of organic and inorganic materials, such as fallen trees and brush, tree stumps, rubbish, junk, building/construction/demolition materials, and any other accumulated debris. Topsoil shall also be removed from the area to be filled prior to filling. The area to be filled corresponds to the horizontal limits of the fill activity as represented on a plan view drawings.
- (c) Fencing and gates. Temporary fencing, where deemed appropriate by the permit granting authority for the protection of the general public during fill operations, shall be at least six feet high with suitable gates to exclude unauthorized persons from the site.
- (d) Groundwater recharge and drainage. Provision shall be made for promoting groundwater recharge, for preventing increased runoff from the site and for safe drainage of water, for preventing excessive water accumulation, and for preventing wind or water erosion from carrying material onto adjoining properties.
- (e) Cleaning of vehicles, roads and streets and covering of loads. Provisions shall be made for the cleaning of all vehicles before they leave the site and for daily

cleaning of all public roadways in the vicinity of the site that have been affected by vehicles engaged in filling activity. Provisions shall also be made for covering loads in vehicles traveling on public roadways.

- (f) Dust control. Dust shall be controlled through watering or other appropriate means.
- (g) Buffer strips. The permit granting authority may require that a twenty-foot buffer strip shall be maintained at all boundaries and not be disturbed.
- (h) Screening of processing equipment. The visibility, sound, and airborne particulates from processing equipment shall be screened from adjacent premises through the design and location of such equipment and through use of natural vegetation, planting, overburden piles, and surge piles as screening.
- (i) Final cover. All filling shall require coverage with a minimum of four inches of organic topsoil and shall be seeded and mulched to stabilize the fill material. Where filling is incidental to facilitate parking of vehicles, the fill material shall be covered by a suitable binding material to prevent airborne dust and erosion.
- (j) Finish elevations and grading. The permit granting authority may specify finished grades, elevations and contour intervals which filling will conform to. Final fill material grades shall conform in contour, slope, and elevation to the natural topography of the surround area or preexisting contours as evidenced by historical maps or photographs. Final grading shall incorporate stabilization measures and slopes of no more than fifteen percent to prevent erosion, structure failure of fill materials, ponding of water, or excessive stormwater drainage onto abutting properties.
- (k) Addition conditions. The permit granting authority may set reasonable conditions in addition to the above, including but not limited to duration of the permit, hours of the day during which filling may take place, maximum load sizes, truck routes to be used to access the site, and grasses, shrubs and trees to be planted.
- (l) Permit terms, inspection, suspension and revocation. No permit shall be issued under the provisions of this bylaw to extend for a term of more than two years. Prior to filling and at any time during a permitted filling activity, inspection of the premises may be made by the permit granting authority or its agents on reasonable advance notice to determine whether or not the provisions of the Town bylaws and any permit are being complied with. If the permit granting authority determines that the provisions of the bylaw or the provisions of any permit are being violated, the permit granting authority may issue a temporary cease and desist order which shall remain in effect until terminated in writing by the permit granting authority. If, after notice to the permit holder(s) and a public hearing, the permit granting authority determines that the conditions of any large or small project filling permit are not being complied with, the permit granting authority

may revoke the permit, after which the operation shall be discontinued and the area restored in accordance with the orders of the permit granting authority.

- (m) Inspections, certifications, reports and tests. While considering an application and/or as a condition of issuing a permit, the permit granting authority may require such borings and test pits, inspections, monitoring, certifications, reports and tests by licensed site professionals, engineers, laboratories and/or other qualified persons as are deemed by the permit granting authority to be needed to evaluate the application and/or to monitor performance under a permit and/or to establish compliance with the conditions of a permit and this bylaw. It shall be a condition of all permits that the applicant pay for all such borings and test pits, inspections, monitoring, certifications, reports and tests and that they be conducted by persons selected by and responsible to the permit granting authority. Payments received from applicants for such borings and test pits, inspections, monitoring, certifications, reports and tests shall be deposited into a revolving fund authorized annually by Town Meeting pursuant to MGL c. 44, 53D ½. Failure of any applicant or permit holder to make timely payment of any application fee or of any fees for any borings and test pits, inspection, certification, monitoring, report or test or to carry out any step or to submit any information required by the permit granting authority shall be grounds for denial of a permit and/or for issuance of a cease and desist order and/or revocation of the permit.

Section 19.7 Documentation Requirements

- (a) Permit required to commence filling operations. No fill operations are to commence until a letter indicating the granting of a permit and, if required, receipt and acceptance of the soil management plan and the site plan has been issued to the applicant by the permit granting authority.
- (b) Bills of lading and LSP letters. Each permit holder shall file a bill of lading with the Town Administrator for each load of fill placed within the Town. Each bill of lading document shall be accompanied by a signed and dated letter from an LSP which specifies:
- (1) The point of origin of the material and the receiving location for the material;
 - (2) That the material is not otherwise prohibited from use as fill material in accordance with this bylaw or other applicable federal or state laws, regulations standards or guidelines; and
 - (3) That the LSP has compared analytical results of testing of the fill materials to be existing, pre-fill conditions at the fill location and determined:
 - a. That the concentration of the substances in the materials intended for use as fill are not significantly greater than existing, pre-fill conditions for that locations; and

- b. That the fill material complies with the requirements of Section 19.6 (a) of this bylaw.
- (c) Weekly documentation requirements. Copies of bill of lading documents and required LSP letters covering all fill placed during each week of filling operations are to be provided to the Town Administrator by the end of business on the fifth business day following each week of active operation. Failure to provide these records on a weekly basis will result in suspension of fill activities.

Section 19.8 Enforcement, Violation and Penalties, and Fees

- (a) Enforcement action. The Town Administrator is hereby designated as the officer charged with the enforcement of this bylaw. The Town Administrator, upon a written complain of any Town citizen or property owner or upon such officer's own initiative (in either case after consultation with the Board of Selectmen), shall institute any appropriate action or proceedings in the name of the Town to prevent, correct, restrain or above violation of this bylaw. In the case where the Town Administrator is requested in writing to enforce this bylaw against any person allegedly in violation of the same and the Town Administrator declines to act, the officer shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefor.
- (b) Fines. Violation of this bylaw shall be punishable by a fine of \$100 for each offense. Each day that such violation continues shall constitute a separate offense. Fines shall be recovered by indictment or on complaint before the district court initiated by the Town Administrator, or, as an alternative to initiating criminal proceedings, the Town Administrator may give the offender a written notice to appear before the clerk of the district court not later than 21 days after the date of such notice for a noncriminal disposition in accordance with MGL c. 40, 21D.
- (c) Other laws or regulations. This bylaw shall not be construed to authorize the use of any land or structure for any purpose that is prohibited by any other provision of the General Laws or by any other bylaw, rule or regulation of the Town, nor shall compliance with any such provision authorize the use of any land in any manner inconsistent with this bylaw, except as required by the General Laws.
- (d) Validity and severability. The invalidity of one or more sections, sub-sections, clauses or provisions of this bylaw shall not invalidate or impair the bylaw as a whole or any other part thereof.
- (e) Fees. The following fees shall apply to applications under this Bylaw:
 - (1) for permits allowing filling of from 500 to 2,000 cubic yards in any twenty-four month period, the application fee shall be established by the Town Administrator and approved by the Board of Selectmen.
 - (2) For permits allowing filling over 2,000 cubic yards, the application fee shall be established by the Board of Selectmen.

Section 19.9 Transitional Rules. All earth filling that takes place after the effective date of this bylaw shall be subject to the requirements of this bylaw. All persons engaged in non-exempt earth filling of any lot in this Town when this bylaw becomes effective shall file an application for a permit under this bylaw within thirty days thereafter. If the Town Administrator determines in his reasonable discretion that such a person has not filed a required application on time, the Town Administrator may issue a temporary order to suspend or limit such operations. Any such temporary order shall remain in effect until terminated or modified by the Town Administrator or a permit is granted by the Town Administrator or Board of Selectmen. Any fill placed in the Town pending the granting of a permit under this bylaw shall be subject to the documentation requirements of Section 19.7 (b) and (c) of this bylaw and to the fees provided for under Section 19.8. (e).

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