

May 31, 2016
Medway Planning and Economic Development Board Meeting
155 Village Street
Medway, MA 02053

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

ALSO PRESENT:

Gino Carlucci, PGC Associates
Susan Affleck-Childs, Planning and Economic Development Coordinator
Stephanie Mercandetti, Director of Community and Economic Development
Jack Mee, Building Commissioner

Chairman Rodenhiser opened the meeting at 7:04 pm.

There were no Citizen Comments.

Chairman Rodenhiser welcomed Chris Gavin, the new *Milford Daily News* reporter. He also congratulated Matt Hayes and Rich Di Iulio on being elected to serve on the Board for another three years and thanked them for stepping up to continue their involvement.

Due to the absence of member Bob Tucker, the election of officers will be delayed to the June 14th meeting.

ZONING DISCUSSION for Fall 2016 Town Meeting

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

- Ideas for Future Zoning Work After Recodification dated 5-19-16, compiled by Susy Affleck-Childs

The Board reviewed the compiled list of ideas. Items highlighted in peach are those the Board had previously discussed and determined to be priorities but could not be accomplished for the May 2016 Town Meeting. The items highlighted in blue are new items/ideas since January 2016.

The Board agreed to pursue the establishment of the Village Residential Zoning District.

Chairman Rodenhiser asked Building Commissioner Jack Mee what items are of most interest to him. Mr. Mee responded that the clearer things are in the zoning bylaw, the better.

The Board discussed building height limitations in residential districts. Should we establish some? Member Gay advocated for flexibility and not setting any maximum height. Mr. Mee mentioned the Belmont Mormon Church court case. There was no height limitation in that bylaw.

Member Hayes noted that the existing 40 ft. height limit on multi-family development in the Commercial I district via special permit should be included in the notes with the Use and/or Dimensional Tables.

It was noted that ARCPUDs should be allowed to have a taller height.

The Board discussed “tiny houses”. Fixed or mobile. Mr. Mee reported that the building code was recently modified to establish minimum sized rooms. If a “tiny house” has wheels, is it a trailer/recreational vehicle?? How to get utilities tie in?? What are tax assessment practices? When do you have a trailer park?? Mr. Mee indicated he has received a few inquiries about “tiny houses”.

The Board discussed the idea of a “quality of fill bylaw”. Mr. Mee spoke in support of this. Who is responsible now when crummy fill is brought into Medway? How much fill would trigger a permit and what about incremental filling? Mr. Mee mentioned the Walpole bylaw. A homeowner is allowed 100 cubic yards per year, and commercial operators 150 cubic yards per year without a permit, plus there are some restrictions on how much the land elevation can change. Chairman Rodenhiser thought that member Tucker might want to work on this one. Susy Affleck-Childs noted that we have a draft already based on a bylaw from Salisbury that Conservation Agent Bridget Graziano liked very much.

Mr. Mee spoke in support of a Land Disturbance Bylaw. It could apply to vacant, undeveloped land. The purpose would be to address the clear cutting of timber. Would this apply to homeowner activity on an individual house lot vs. a larger tract of land?? Issue of selective cutting vs. clear cutting. Stephanie Mercandetti noted that certain activities could be exempt from the bylaw. What would be the triggers?

Planning Consultant Gino Carlucci informed the Board he is working on updating Medway’s stormwater bylaw to meet new MS4 requirements. This is a special project with the Conservation Commission and DPS.

The Board agreed to no longer pursue the item on page 1 – *Create a new limited business type zone for the area adjacent to the Commercial V district*. This has been attempted several times and not been supported by Town Meeting. This will no longer be carried on the Board’s zoning TO DO list.

There was a lengthy discussion about how to regulate/limit the size of garages and other accessory structures in residential districts. Ideas were to look at a way to link the size of an accessory structure to the size of the principal dwelling and/or lot size. Or determine that if an accessory structure is over a certain size then it would need a special permit or site plan review to address issues like screening. Member Gay expressed that he would have difficulty with the idea of trying to regulate the size of accessory structures. Stephanie Mercandetti suggested that she, Jack and Susy look at this some more and come back with some options. Member Hayes indicated he was OK with the idea to research this some more.

Commercial and industrial outside storage – how to define? Display of products, pallets, waste. Do we want to try to regulate it?? Do we want things to be cleaner and neater? Mr. Mee suggested looking at

the total ground area that is available for display and tie it back to the size of the building. What % is OK? When does outdoor storage become a problem? When it starts to take over parking spaces. The outdoor storage should be only for products related to the primary use. There is a need for suitable screening/fencing at eye level. How to define screening. The real issue is one of visibility from the street. Mr. Mee offered to take a look at this some more. Such regulations could also apply to residential neighborhoods and home based businesses as well.

Mr. Mee was asked about the regulation of membrane structures. He reported that he enforces for setbacks and requires a building permit.

Chairman Rodenhiser asked whether those rules apply to temporary “rat pack storage” containers. Is the length of time a factor? Next to Liquor World at Medway Commons are several large storage containers. It is believed these are used by the shopping center manager to store equipment. Do these kinds of containers need to get a building permit??

Another topic discussed is how to distinguish between agriculture and commercial uses. When does agricultural become retail? Stephanie Mercandetti mentioned the state law definition for agriculture which Medway uses. It is tied to the amount of sales and whether the sales are based on products grown or produced on site. It was suggested that the Board have a discussion about this with the new Agricultural Commission.

Definitions – A number of new definitions were suggested - wholesale, warehouse, and brewery. Stephanie Mercandetti shared some information about different brewery classifications in Massachusetts. It was also agreed that all uses included in the Use Table should be defined. Susy will review that and provide a list of uses in need of definitions and then begin to develop those definitions.

The Board discussed the idea of establishing provisions for a Certificate of Zoning Compliance. Jack Mee indicated he is not familiar with communities that do this. He said many building owners are now checking with him on allowed uses before they lease their property. Stephanie Mercandetti noted that Needham may use certificates of zoning compliance. She indicated that Milford, Northborough, North Reading and Westborough could also be researched. Chairman Rodenhiser relayed information about his experience in another community where a builder goes in for a building or plumbing permit but finds out that the use is not allowed.

Adjusting the zoning on the west side of West Street was reviewed. This is something the Economic Development Committee wants to work on.

Next discussed was the possibility of reducing the required front setback in the Commercial I zoning district. Presently it is fifty feet. Perhaps we should allow buildings closer to Main Street to entice more interesting retail uses and to have more of a village feel. The Board agreed this should be pursued.

The Board briefly discussed items that should be allowed in setback areas. Mr. Hayes noted that some items should be allowed in the Town right of way as well. It was agreed to proceed with this.

Dimensional regulations – The Board agreed that the bylaw should include standards for full lot coverage ratios that would include buildings and impervious surfaces.

ARCPUD Buffer – How does the Board want to consider the ARCPUD buffer? Is it a building buffer? What can be in the buffer area?? Chairman Rodenhiser indicated he is OK with roads being in a buffer area. Buffer area should be landscaped in some fashion. Member Hayes suggested a natural or landscaped buffer of at least 30 feet with no road improvements allowed. It was agreed that the OSRD buffer provisions should be looked at as well and that there might be some value in being consistent between the two.

Partial Release of Covenant – Millstone ARCPUD

Susy Affleck-Childs informed the Board that the release the Board signed on 5-24-16 for Millstone Village included an incorrect address. The dwelling that had originally been given a 16 Cobblestone Drive address has been changed to 14 Cobblestone by the Assessor's office. So, the Board needs to sign a new release. (**See Attached**) The Board signed the corrected Release.

Other Business

Member Gay noted that he needed to complete a Mullin's Rule certification for missing the public hearing on May 24, 2016 for the 2 Marc Road Site Plan.

Susy Affleck-Childs will email the Mullin's Rule form to Mr. Gay.

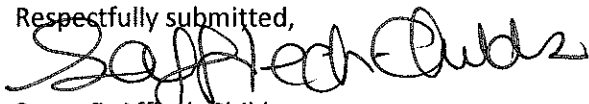
Member Hayes asked that the web site be updated with new information on the 2 Marc Road site plan.

ADJOURN

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

The meeting was adjourned at 9:36 pm.

Respectfully submitted,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator

Ideas for Future Zoning Work after Recodification (5-19-16)

Comments			Notes	November 2016 Town Meeting?
	RESIDENTIAL USES			
	Allow 2 family by special permit in ARI	Further discussion needed	Yes per 7/20/15 meeting	
	Allow 2 family by right in ARII	Further discussion needed	Yes per 7/20/15 meeting	
	Regulate/limit use and size of garages and other accessory buildings in residential districts.	Maintain residential feel. Tie size of garage/accessory building to size of house	Yes per 7/20/15 meeting. Not a consensus on this per 12/8/15 mtg.	
	Regulate/limit use of membrane storage structures in residential districts	Limit to a certain size and location on parcel. Require screening?		
	Kennel - Differentiate between personal use vs. more of a commercial operation (home based business?)	Further discussion needed with Animal Control Officer and Board of Health	Low priority per 7/20/15 PEDB mtg	
	Allow for larger scale (over 250kw) ground mounted solar farms on undevelopable back lands in ARI. Special Permit.	Energy Committee is interested in this.	Low priority per 7/20/15 PEDB mtg	
	Back lot zoning - Establish special permit option to allow larger parcels with insufficient frontage to have 1 house.	We have a draft of this already.	Yes per 7/20/15 meeting	
	Clarify/specify what and how much on-site outside storage is allowed or not.	Perhaps tie to a % of building footprint. Jack to look at this. Require shielding from public view.	Yes per 7/20/15 meeting.	

Comments			Notes	November 2016 Town Meeting
	COMMERCIAL USES			
	Outdoor dining	Question of whether on private property or public way. What amount of outdoor dining triggers additional parking? Special permit needed if beyond x number of seats?		
	Clarification on what type of restaurant uses are by right. Should some be by special permit?	A definition for Restaurant was added at 11/16/15 town meeting. This will involve establishing definitions for various types of restaurants.		
	Kennel - home occupation vs. commercial operation	Further discussion needed with Animal Control Officer and Board of Health	Low priority per 7/20/15 PEDB mtg	
	Clarify/specify what and how much on-site outside storage is allowed or not	Perhaps tie to a % of building footprint. Require shielding from public view.	Yes per 7/20/15 meeting.	
	Change adult uses to be by special permit vs. by right	Yes.		
	Add newly defined uses (from 5-9-16 town meeting) to Use Table	Revise Use Table - Some by right, others by special permit	Yes, per 7/20/15 meeting	
	Add provisions to limit use of tractor trailers, etc. for outside storage of permanent or seasonal products			
	Hold further discussion on agricultural uses.	Recommended per AG's letter	Definition added on 11/16/15. Perhaps meet with new Agricultural Commission	

Comments			Notes	November 2016 Town Meeting
INDUSTRIAL USES				
	What might be needed to achieve Mass Bio Ready community status?			
	Add regs re: use of tractor trailers, etc. for outside storage of permanent or seasonal products	Stephanie M will check		
	Clarify/specify what and how much on-site outside storage is allowed or not in Industrial III. Add language to Industrial I and II which are presently silent.	PEDB is interested in this. Perhaps tie to a % of building footprint. Jack to look at this. Require screening from public view		
DEFINITIONS - Section 2				
	Add definitions for various types of restaurants			
	Add definition for off-premises parking			
	Add definition for wholesale			
	Add definition for warehouse			
	Add definition for brewery??			
	Review Schedule of Uses and develop definitions for any uses that are not yet defined			
ADMINISTRATION - Section 3				
	Establish a Certificate of Zoning Compliance			
	Specify items that need to be included in zoning variance and special permit decisions	Discuss pros/cons of this with PEDB and Jack Mee	Yes per 7/20/15 meeting.	
	Add section on DRC & reference Design Review Guidelines	Stephanie M to look at this		

Comments			Notes	November 2016 Town Meeting??
ZBA - Section 3.2				
Do we want to continue to allow USE Variances?		Probably Not. Discuss with ZBA.		
SPECIAL PERMIT - Section 3.4				
Revisit the default special permit decision criteria		Stephanie M to look at this		
ESTABLISHMENT OF DISTRICTS - Section 4		Any new districts that are established need to be added to this master list		
SCHEDULE OF USES - Section 5.4				
Regulate off-premises parking				
Revise areas where warehouse/distribution is allowed				
Revise areas where wholesale trade is allowed				
Determine what zoning districts any newly defined uses should be allowed in.				
Review entire Schedule of Uses in terms of uses allowed by right vs. special permit in the various zoning districts and propose changes where appropriate.				
NON-CONFORMING USES & STRUCTURES - Section 5.5				
Allow Zoning Enforcement Officer to authorize frontage setback adjustments for additions to pre-existing non- conforming structures.		Recommended by Jack Mee. Pattern after Walpole's bylaw.		

Comments			Notes	November 2016 Town Meeting??
ADAPTIVE USE OVERLAY DISTRICT (AUOD) - Section 5.6.2				
	What do we mean by residential scale lighting??	Height limitations, style, no risers		
	Discuss comments from AG's letter re: legality of sidewalk fund			
DIMENSIONAL REGULATIONS - Section 6.2				
	Reduce setback in Commercial I zoning district	To encourage new construction closer to the roadway.		
	Establish a minimum distance between similar uses			
	Establish different lot shape factors for commercial/ industrial zoned property vs. residential			
	Establish a true lot coverage ratio, not just a building coverage ratio. This would include impervious surfaces (parking). Also, should we establish a lot coverage ratio for residential properties?	Yes. Yes, per 7/20/15 meeting.		
	Limit height of fences in front yards and a portion of side yards back to the front setback line	Suggested by Jack Mee. Discussed at 12/8 PEDB mtg.		
	Clarify what items can be included in the standard setback areas.	Items to be considered - fences, bus shelters, mailboxes, light posts, flagpoles, driveways, etc.		

Comments			Notes	November 2016 Town Meeting??
	Revisit requirement included in recodified bylaw - "An owner shall provide a means of access for vehicles from the frontage to a principal building for emergency services, for deliveries and for off-street parking."	Do you want to require that access to a parcel has to be from its frontage??		
	Allow sheds less than 10' by 12' to be closer than 15' to side and back property lines if set back at least 100' from front lot line	Suggested by Jack Mee. See Walpole bylaw.		
	Take a comprehensive look at all dimensional regulations particularly maximum building height in ARI/ARII, setbacks, etc.			
	SITE DEVELOPMENT STANDARDS - Section 7.1			
	Add requirements for open space	Keep in Site Plan and Subdivision Rules and Regs		
	Add section on landscaping	Keep in Site Plan and Subdivision Rules and Regs		
	Revisit buffering requirements and standards	See Table 2 - Dimensional Regulations		
	Fences - Require shorter fence height (3') in front to at least the front setback line	Recommended by Jack Mee		
	Add regulations for Common Driveways. Allow by right or special permit? NOTE - Common driveways are NOT private roadways.	We already have a definition. This would address where and how they could be used and construction basics.		
	Establish regulations on location of accessory membrane structures	Limit thru setbacks; permanent vs. temporary		

Comments			Notes	November 2016 Town Meeting??
	Specify minimum distance of edge of driveway to property line.			
	Establish regulations re: outside display of goods for sale	Suggested by Jack Mee		
	Establish bylaw text to promote universal accessibility and visitability of dwelling units	Suggested by Sue Rorke at 7/20/15 meeting	IS this a zoning matter or more of a general bylaw?	
	OFF STREET PARKING and LOADING REGULATIONS - Section 7.1.1			
	Update parking standards especially for industrial uses	Stephanie M can help with this.		
	Add parking provisions for future reserve parking	Stephanie M can help with this.		
	Require that sheds and stored boats, trailers, swimming pools, etc. cannot be located within the front setback area of any lot	Suggested by Jack Mee. Zoning or General Bylaw?		
	SIGN REGULATIONS - Section 7.2			
	Revise Sign Regulations	Simplify and convert to a general bylaw to establish timeline to sunset pre-existing, non-conforming signs. Look at window signs, temporary signs, signs required by state law - Lottery, Auto Inspection, etc. Adjust amount of allowed sign surface area for wall signs to correspond to distance from street	Sign Bylaw Review Task Force has been established	

Comments			Notes	November 2016 Town Meeting??
	AFFORDABLE HOUSING - Section 8.6			
	Revisit Affordable Housing requirements - How to calculate amount of payment in lieu of construction; review density bonus formula; etc.	Judi Barrett recommends increasing the density bonus to encourage actual production of affordable units. Link required % of affordable dwelling units to size of development. Research other ways to incentivize. Goal is to discourage payment in lieu of option. Add requirement for a recommendation from the Affordable Housing Trust re: payment in lieu of option.	Medway will be working on this with MAPC through a District Local Technical Assistance grant	
	Miscellaneous revisions to correct internal section # referral inconsistencies	Resulting from recodification		
	ZONING MAP REVISIONS			
	Clean up district boundary lines at many locations to coincide with parcel lines			
	Rezone a portion of the west side of West Street north of Route 126 from AR11 to some form of industrial.	EDC does not want ground mounted solar to be allowed in this area.		
	Expand boundaries of Industrial I district (east side industrial park)			
	Amend zoning map to reflect new Village Commercial Zoning District when/if such a district is established			

Comments			Notes	November 2016 Town Meeting??
	Establish another Village Commercial Zoning district on Main Street/Route 109 from Medway Mill west toward Medway Community Church			
	GENERAL BYLAW IDEAS			
	Revise existing generally bylaw and/or establish some stronger some property maintenance regulations to address junk, dilapidation, blight, accumulated unregistered vehicles, collections of debris, etc.	Definitely need to consider something. Need input from Jack. Property maintenance is an optional part of the Building Code but it pertains to structures, not sites.		
	Establish start and stop times for construction work		We have a draft. Needs work.	
	Establish a land disturbance bylaw to address land excavation/clear cutting	Yes. Don't allow until permits are issued.	We have a draft of this from 2013.	
	Regulate the amount of and quality of fill being brought onto development sites.	Of interest to Bridget Graziano and Jack Mee	We have a draft based on the Salisbury bylaw. Needs thorough discussion and vetting.	
	Revise general bylaw to increase required fence height around pools to 5'	Suggested by Jack Mee	Discussed at 12/8/15 PEDB mtg. Jack to take lead on this.	
KEY				
	Previously identified priorities that could not be tackled for spring 2016 town meeting			
	New ideas			
	updated 5/19/16 - sac			

***Partial Release of Covenant
Planning & Economic Development Board – Town of Medway, MA***

We, the undersigned members, being a majority of the Planning & Economic Development Board of the Town of Medway, Norfolk County, Massachusetts, hereby certify on this date that the dwellings with the following addresses:

- 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 Fieldstone Drive
- 1, 2, 3, 4, 5 and 6 Steppingstone Drive
- 1, 3, 5, 7, 9 and 11 Riverstone Drive
- 1, 2, 3, 4, 5 and 6 Flagstone Drive
- 4, 6, 8, 10, 11, 12, 13, 15 and 14 Cobblestone Drive (shown on plan as 16 Cobblestone Drive)

to be constructed in the Millstone Village condominium, to be created by Master Deed and recorded at the Norfolk County Registry of Deeds, and being a portion of Parcel A as shown on a plan entitle *Adult Retirement Community Planned Unit Development, Millstone Village, Medway, MA* dated October 15, 2013, last revised July 22, 2014, drawn by GLM Engineering of Holliston, MA which was recorded with the Norfolk County Registry of Deeds on August 7, 2014 as pages 77 – 79 in Plan Book 632 of 2014, to which reference may be made for a more particular description, are hereby released from the terms, provisions and conditions as to sale and building thereon as set forth in an Adult Retirement Community Planned Unit Development Covenant between the Medway Planning and Economic Development Board and Millstone Builders LLC dated July 29, 2014 and recorded on August 7, 2014 with the Norfolk County Registry of Deeds in Book 32460, Pages 326 - 331. The above noted addresses comprise only a portion of all buildings to be constructed.

Executed under seal this _____ day of _____, 20____.

Signatures of a majority of the members of the Planning & Economic Development Board of the Town of Medway:

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, SS. _____

On this _____ day of _____, before me, the undersigned notary public, personally appeared _____

members of the Medway Planning and Economic Development Board, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the above document, and acknowledged to me that they signed it voluntarily and for its stated purpose.

Notary Public
My commission expires:

5/31/16