

Tuesday, October 13, 2020
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053

REMOTE MEETING

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

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor's Orders imposing strict limitations on the number of people that may gather inside in one place, no in-person attendance of members of the public will be permitted at this meeting. Board members will participate remotely via ZOOM. Meeting access via ZOOM is provided for the opportunity for public participation; information for participating via ZOOM is included at the end of this Agenda. Members of the public who wish to watch the meeting may do so on Medway Cable Access: channel 11 on Comcast Cable, or channel 35 on Verizon Cable; or on Medway Cable's Facebook page @medwaycable.

PRESENT VIA ZOOM MEETING:

- Susy Affleck-Childs, Planning and Economic Development Coordinator
- Amy Sutherland Recording Secretary
- Steve Bouley, Tetra Tech
- Barbara Saint Andre, Director of Community and Economic Development
- Jack Mee, Building Commissioner

The Chairman opened the meeting at 7:00 pm. He read a statement about the meeting being held remotely via ZOOM.

CONSTRUCTION REPORTS:

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

- Salmon Senior Living Community – TT Report #53 (9-14-20)
- Salmon Senior Living Community – TT Report #54 (9-17-20)
- Salmon Senior Living Community – TT Report #55 (9-25-20)

Consulting Engineer Steve Bouley of Tetra Tech reviewed the various construction reports with the Board.

MEDWAY MILL SITE PLAN PUBLIC HEARING CONTINUATION

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

- Public Hearing Continuation Notice dated 10-13-20.
- Request dated 9-23-20 from project engineer Amanda Cavaliere to continue the hearing to 10-27-20.

- Request dated 10-13-20 from project engineer Amanda Cavaliere to continue the hearing to 11-10-20.

On a motion made by Matt Hayes, and seconded by Rich Di Iulio, the Board voted by Roll Call vote to continue the hearing for Medway Mill Site Plan to November 10, 2020 at 7:15 pm.

Roll Call Vote:

Matthew Hayes	aye
Rich Di Iulio	aye
Bob Tucker	aye
Andy Rodenhiser	aye
Tom Gay	aye

PUBLIC HEARING - ZONING BYLAW AMENDMENTS FOR FALL TOWN MEETING:

The Chairman opened the public hearing on proposed amendments to the Zoning Bylaw for the Fall Town Meeting.

On a motion made by Rich Di Iulio and seconded by Bob Tucker, the Board voted by Roll Call vote to waive the reading of the public hearing notice.

Roll Call Vote:

Matthew Hayes	aye
Rich Di Iulio	aye
Bob Tucker	aye
Andy Rodenhiser	aye
Tom Gay	aye

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

- Public Hearing Notice
- Collection of 11 Articles (A-K)
- Collection of review comments and requested edits
- Edited version of warrant articles by Town Counsel, Carolyn Murray, of KP Law

Article B- Energy Resources:

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

- Email from Barbara Saint Andre re: Use Table terminology
- Email from Paul Yorkis re: definition of renewable energy

Article F – Environmental Standards:

- Email and attachment from John Lally re: draft environmental standards dated 9-14-20
- Comments from Town Counsel Carolyn Murray re: draft environmental standards dated 9-14-20
- Email from Paul Yorkis re: construction hours
- Email from noise consultant Jeff Komrower about definition for measurement of vibration

Article K – Special Permits in the Central Business District:

- Email from Paul Yorkis re: limitation on including multi-family residential units on the ground floor of a mixed used building.

The Board took the Articles out of order and began discussing Article F. Resident, John Lally was part of the Zoom meeting for this article.

Article F:

The Board began discussing Article F regarding the update to the environmental standards. The changes to this article include new definitions. It also establishes procedures for investigation of complaints. John Lally wanted to add language that “compliance is required at all property lines of the noise source and at sensitive receptors located within one thousand feet of a property line of the noise source. Noncompliance at any property line of the noise source and at any sensitive receptor located within one-thousand feet of a property line of the noise source is a violation.” John recommended changing the word from “or” to “and”. The next item was regarding the word “disturbing” in the noise section. There does not seem to be a reliable and accurate instrument only measurement method to assess for impacts. It is reasonable to set the limit for odor at the detection threshold. It was also suggested that under the continuous noise on page 2 to split this into two sentences.

The Board next discussed the comments supplied by Mr. Paul Yorkis in an email dated October 8, 2020. It is his recommendation that the construction noise language should be revised to “No **outside** construction shall take place on Sundays, federal holidays or state legal holidays without the advance written approval of the Building Commissioner.” The Board did not concur with his recommendation.

The next item discussed was the included language for farming exemptions. The language added is impacts from agricultural, farm related, or forestry-related activities that are potentially hazardous, harmful to the environment, disturbing, offensive, or objectionable, or constitute a nuisance may be subject to alternative rules, regulations, and enforcement procedures. This language protects farming.

Article B – Energy Resources:

The Board is in receipt of an email from Barbara Saint Andre dated October 5, 2020. It was recommended to change the wording in the Schedule of Uses from “other Renewable Energy generating facilities” to “other Renewable Energy **Sources**”.

Article E – Setbacks (Sight Triangle)

Mr. Yorkis also provided an email dated October 8, 2020 with recommendations about this article. He noted that this should take into consideration that grass is a planting so the language should include a height limitation. Also, there is no reference to the utility poles, street signs, traffic signs, existing trees on scenic ways, existing stone walls, and retaining walls. There was a suggestion to have Safety Officer Jeff Watson provide input. Barbara Saint Andre noted that the new language would apply to items going forward; existing items in the sight triangle would be allowed. She also suggested changing the wording “located” to “placed or constructed”.

Article K – Special Permits in the Central Business District:

Mr. Yorkis provided another email dated October 8, 2020. This is regarding the multi-family dwelling units may not be located on the ground floor of a mixed-use building or development.

He suggested that the restriction may be a violation of the Architectural Access Board or the ADA. It was recommended to consider an additional provision specifically permitting first floor residential units that are constructed to meet the needs of those with a physical disability.

The recommendations will be incorporated the document. It was recommended that this document be further revised. It was suggested to hold another meeting to finalize the discussions.

On a motion made by Rich Di Iulio, seconded by Bob Tucker, the Board voted by roll call to continue the hearing for the Zoning Bylaw amendments to October 20, 2020 at 7:00 pm.

Roll Call Vote:

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

PROPOSED MEETING SCHEDULE 2021:

The Board is in receipt of the proposed meeting schedule for 2021: (See Attached)

- Proposed Meeting scheduled 2021.

On a motion made by Rich Di Iulio, seconded by Bob Tucker, the Board voted by roll call to accept the proposed meeting schedule for 2021.

Roll Call Vote:

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

REFUNDS OF BALANCES OF PLAN REVIEW AND CONSTRUCTION OBSERVATION FUNDS:

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

- Plan Review Account Refunds
- Construction Observation Account Refunds

On a motion made by Tom Gay and seconded by Rich Di Iulio, the Board voted by Roll Call to refund the plan review and construction account balances for the noted projects from their respective revolving funds.

Roll Call Vote:

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

PEDB MEETING MINUTES:

September 22, 2020:

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted by Roll Call to approve the minutes of the September 22, 2020 PEDB meeting with revisions.

Roll Call Vote:

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

OTHER BUSINESS:

- There will be a community forum about the Central Business District with Mr. Browvitz via zoom week of November 17, 2020.
- Town meeting is scheduled for November 16, 2020 at Medway High School

FUTURE MEETINGS:

- Tuesday, October 20, 2020 – Special
- Tuesday, October 27, 2020 – Regular

ADJOURN:

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

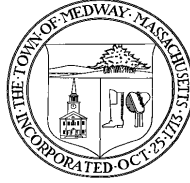
Roll Call Vote:

Andy Rodenhiser	aye
Bob Tucker	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

The meeting was adjourned at 8:46 pm.

Prepared by,
Amy Sutherland
Recording Secretary

Reviewed and edited by,
Susan E. Affleck-Childs
Planning and Economic Development Coordinator



October 13, 2020
Medway Planning & Economic Development Board
Meeting

Construction Reports

- **Salmon Field Report #53 (9-14-20)**
- **Salmon Field Report #54 (9-17-20)**
- **Salmon Field Report #55 (9-25-20)**

FIELD REPORT

Project Salmon Health and Retirement Community (The Willows)	Date 9/14/2020	Report No. 53
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 1 of 2
Contractor Rubicon Builders (General Contractor) Marois Brothers, Inc. (Site Contractor)	Weather A.M. P.M. SUNNY	Temperature A.M. P.M. 75°F

FIELD OBSERVATIONS

On Monday, September 14, 2020, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: The western portion of the site along Willow Pond Circle is firm. Stockpiled construction materials, crushed stone, and soil are present throughout the main open portion of the site but appear to be properly protected from erosion. Straw wattles are placed at the base of the large loam pile at the entrance to Willow Pond Circle from Village Street. Water truck on-site to reduce dust migration during dry conditions. Silt fence barrier (SFB) throughout the site appears to be in good condition. Catch basins within and adjacent to Waterside Run have silt sacks installed. CB-29 and CB-30 have silt sacks installed that appear to have been recently maintained. Slope adjacent to CB-30 has is stabilized with vegetation from erosion control blankets. Erosion control blankets along the east side of Waterside Run continue to establish vegetation, hydroseeded areas adjacent to Waterside Run are establishing vegetation as well. Rip rap around DCBs, SFB protecting rip rap, and compost filter tube check dams along Waterside Run remain in place and are in good condition.
- B. Upon arrival, Tango Construction on site bringing castings up from below the binder course within the paved section of Willow Pond Circle. Contractor is excavating manholes to the top of the risers, adjusting frame heights with a bed of brick and mortar, and excavations are filled with cement. Manhole rims are set to proposed top course elevations, gas and water valve boxes and catch basins are set flush to binder course. Contractor to ensure these structures are brought up once top course placement is completed to ensure access to all utilities is maintained. As catch basins are brought up to existing binder elevations, silt sacks are to be installed. Thompson & Lichtner on-site performing compaction testing within unpaved areas of Willow Pond Circle, representative has not identified any concerns at the

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer		Asphalt Paver	1	Dept. or Company	Description of Work
Foreman	2	Backhoe		Asphalt Reclaimer		Tango Construction, Inc.	Raising Castings
Laborers	5+	Loader	1	Vib. Roller	1	Thompson & Lichtner Co.	Compaction Testing
Drivers	5+	Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	3	Skid Steer		Vib. Walk Comp.	1		
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	5+	Water Truck	1		
		Tri-Axle Dump Truck	5+	Crane Truck			
		Trailer Dump Truck		Lull			
		Art. Dump Truck	1	BOMAG Remote Comp.	1		
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 3:30 P.M.						Name	Time on-site
						Bradley M. Picard, EIT	12:30 P.M. – 1:30 P.M.

Project Salmon Health and Retirement Community	Date 9/14/2020	Report No. 53
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

time of testing. Compaction tests are being performed every 100 feet within the roadway.

- C. Contractor continues construction of canoe put in. Loam has been placed at either side of the proposed roadway from Willow Pond Circle and towards the manholes within the Charles River Pollution Control District's sewer easement. Grading of roadway is ongoing, filter fabric has been laid out within the turnaround area adjacent to the Charles River and is kept in place with crushed stone. Contractor has also graded slope entering the Charles, maintaining the proposed limit of disturbance as discussed with Medway Conservation Commission. Erosion controls around the limit of disturbance remain in place and are in good condition.
- D. Landscaping has been installed along the outbound side of Waterside Run between the privacy fence and the project's abutters. Landscaping has also been installed at the entrance to Waterside Run on the inbound side. Privacy fencing has been completed on the outbound side of Waterside Run.

2. SCHEDULE

- A. Contractor to install binder course at remaining portions of Willow Pond Circle and Lilac Path.
- B. Contractor to perform CCTV inspections of drainage infrastructure within Waterside Run.
- C. Contractor to begin construction of bridge at the Willow Pond Circle Wetland Crossing.
- D. TT will maintain communication with contractor and will inspect the site as construction progresses.

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. N/A

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

FIELD REPORT

Project Salmon Health and Retirement Community (The Willows)	Date 9/17/2020	Report No. 54
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 1 of 2
Contractor Rubicon Builders (General Contractor) Marois Brothers, Inc. (Site Contractor)	Weather A.M. P.M. SUNNY	Temperature A.M. P.M. 75°F

FIELD OBSERVATIONS

On Thursday, September 17, 2020, Bradley M. Picard, EIT from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: The western portion of the site along Willow Pond Circle is firm. Stockpiled construction materials, crushed stone, and soil are present throughout the main open portion of the site but appear to be properly protected from erosion. Straw wattles are placed at the base of the large loam pile at the entrance to Willow Pond Circle from Village Street. Water truck on-site to reduce dust migration during dry conditions. Silt fence barrier (SFB) throughout the site appears to be in good condition. Catch basins within and adjacent to Waterside Run have silt sacks installed. CB-29 and CB-30 have silt sacks installed that appear to have been recently maintained. Slope adjacent to CB-30 has is stabilized with vegetation from erosion control blankets. Erosion control blankets along the east side of Waterside Run continue to establish vegetation, hydroseeded areas adjacent to Waterside Run are establishing vegetation as well. Rip rap around DCBs, SFB protecting rip rap, and compost filter tube check dams along Waterside Run remain in place and are in good condition.
- B. Contractor has completed raising structures from under the binder course. Excavations are filled to binder course elevations with concrete. Manhole rims are set to proposed top course elevations, gas and water valve boxes and catch basins are set flush to binder course. Contractor to ensure these structures are brought up once top course placement is completed to ensure access to all utilities is maintained.
- C. TT discussed with Contractor that Aggregate Industries will be on-site either end of this week or beginning of next week (week of 9/21) for fine grading of unpaved sections of Willow Pond Circle and Lilac Path. Aggregate will follow fine grading with binder course installation next week, Contractor to confirm schedule with TT.

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer		Asphalt Paver	1	Dept. or Company	Description of Work
Foreman	2	Backhoe		Asphalt Reclaimer			
Laborers	5+	Loader	1	Vib. Roller	1		
Drivers	5+	Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	3	Skid Steer		Vib. Walk Comp.	1		
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	5+	Water Truck	1		
		Tri-Axle Dump Truck	5+	Crane Truck			
		Trailer Dump Truck		Lull			
		Art. Dump Truck	1	BOMAG Remote Comp.	1		
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 3:30 P.M.						Name	Time on-site
						Bradley M. Picard, EIT	12:00 P.M. – 1:30 P.M.

Project Salmon Health and Retirement Community	Date 9/17/2020	Report No. 54
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

2. SCHEDULE

- A. Contractor to install binder course at remaining portions of Willow Pond Circle and Lilac Path.
- B. Contractor to perform CCTV inspections of drainage infrastructure within Waterside Run.
- C. Contractor to begin construction of bridge at the Willow Pond Circle Wetland Crossing.
- D. TT will maintain communication with contractor and will inspect the site as construction progresses.

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. N/A

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A

FIELD REPORT

Project Salmon Health and Retirement Community (The Willows)	Date 9/25/2020	Report No. 55
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 1 of 2
Contractor Rubicon Builders (General Contractor) Marois Brothers, Inc. (Site Contractor)	Weather A.M. CLOUDY P.M.	Temperature A.M. 76°F P.M.

FIELD OBSERVATIONS

On Friday, September 25, 2020, Marcos DoCanto from Tetra Tech (TT) visited the project location to inspect the current condition of the site and monitor construction progress. The report outlines observations made during the site visit.

1. OBSERVATIONS

- A. Site Conditions/Erosion Controls: The western portion of the site along Willow Pond Circle is firm. Stockpiled construction materials, crushed stone, and soil are present throughout the main open portion of the site but appear to be properly protected from erosion. Straw wattles are placed at the base of the large loam pile at the entrance to Willow Pond Circle from Village Street. Water truck on-site to reduce dust migration during dry conditions. Silt fence barrier (SFB) throughout the site appears to be in good condition. Catch basins within and adjacent to Waterside Run have silt sacks installed. CB-29 and CB-30 have silt sacks installed that appear to have been recently maintained. Slope adjacent to CB-30 has is stabilized with vegetation from erosion control blankets. Erosion control blankets along the east side of Waterside Run continue to establish vegetation, hydroseeded areas adjacent to Waterside Run are establishing vegetation as well. Rip rap around DCBs, SFB protecting rip rap, and compost filter tube check dams along Waterside Run remain in place and are in good condition.
- B. Upon arrival, Aggregate Industries on-site preparing to place binder course starting at the southwest portion of Willow Pond Circle at approximate STA 33+50, traveling west around Willow Pond Circle in a counterclockwise direction and towards Lilac Path. Contractor placed 3 1/4" (loose) of bituminous concrete asphalt to achieve and final compacted depth of 2 1/2". Binder course temperatures range from 255°F - 300°F out of the paver screed. TT identified at these following stations and offsets soft spots were identified in the subbase that had been paved over: station 31+82 and offset 10 ft right, station 30+50 and offset 5 ft left, and station 29+60 and offset 10 ft right. Contractor to monitor these locations for asphalt settlement and deterioration and will repair as necessary prior to top course installation. Upon

CONTRACTOR'S FORCE AND EQUIPMENT						WORK DONE BY OTHERS	
Sup't	1	Bulldozer		Asphalt Paver	1	Dept. or Company	Description of Work
Foreman	2	Backhoe		Asphalt Reclaimer		Aggregate Industries	
Laborers	5+	Loader	1	Vib. Roller	1		
Drivers	5+	Rubber Tire Backhoe/Loader		Static Roller			
Oper. Engr.	3	Skid Steer		Vib. Walk Comp.	1		
Carpenters		Hoeram		Compressor			
Masons		Excavator	1	Jack Hammer			
Iron Workers		Grader		Power Saw			
Electricians		Crane		Conc. Vib.			
Flagpersons		Scraper		Tack Truck			
Surveyors		Conc. Mixer		Man Lift			
		Conc. Truck		Skidder		OFFICIAL VISITORS TO JOB	
		Conc. Pump Truck		Compact Track Loader			
		Pickup Truck	5+	Water Truck	1		
		Tri-Axle Dump Truck	5+	Crane Truck			
		Trailer Dump Truck		Lull			
		Art. Dump Truck	1	BOMAG Remote Comp.	1		
Police Details: N/A						RESIDENT REPRESENTATIVE FORCE	
Contractor's Hours of Work: 7:00 A.M. to 3:30 P.M.						Name	Time on-site
						Marcos DoCanto	7:00 A.M. – 12:00 P.M.

Project Salmon Health and Retirement Community	Date 9/25/2020	Report No. 55
Location Village Street, Medway, MA	Project No. 143-21583-15011	Sheet 2 of 2

FIELD OBSERVATIONS CONTINUED

departure, Aggregate has paved both lanes of Willow Pond Circle from approximate STA 33+50 to STA 27+00 (Willow Pond Circle) and Lilac Path. Contractor reported 521 tons of binder course placed, quantity determined from final paving slip delivered by driver.

- C. TT to discuss with Contractor, Aggregate Industries, when will be on-site again to re-start grading of unpaved sections. Contractor to confirm schedule with TT.

2. SCHEDULE

- A. Contractor to perform CCTV inspections of drainage infrastructure within Waterside Run.
- B. Contractor to begin construction of bridge at the Willow Pond Circle Wetland Crossing.
- C. TT will maintain communication with contractor and will inspect the site as construction progresses.

3. NEW ACTION ITEMS

- A. N/A

4. PREVIOUS OPEN ACTION ITEMS

- A. N/A

5. MATERIALS DELIVERED TO SITE SINCE LAST INSPECTION

- A. N/A



October 13, 2020

**Medway Planning & Economic Development Board
Meeting**

**Medway Mill Site Plan - Public Hearing
Continuation**

- Notice filed with Town Clerk to continue the public hearing to 10-13-20
- Request dated 9-23-20 from project engineer Amanda Cavaliere to continue the hearing to 10-27-20

Board Members

Andy Rodenhiser, Chair
Robert Tucker, Vice Chair
Thomas Gay, Clerk
Matthew Hayes, P.E.,
Member
Richard Di Iulio, Member
Jessica Chabot, Associate
Member

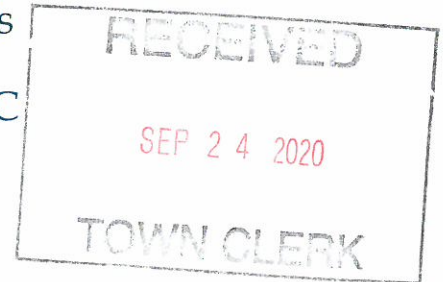


Medway Town Hall
155 Village Street
Medway, MA 02053
Phone (508) 533-3291
Fax (508) 321-4987
Email: planningboard@townofmedway.org
www.townofmedway.org

TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD



MEMORANDUM

September 23, 2020

TO: Maryjane White, Town Clerk
Town of Medway Departments, Boards and Committees

FROM: Susy Affleck-Childs, Planning and Economic Development Coordinator

RE: Public Hearing Continuation for Medway Mill Site Plan – 165 Main Street
Continuation Date – Tuesday, October 13, 2020 at 7:15 p.m.



At its September 22, 2020 meeting, the Planning and Economic Development Board voted to continue the public hearing on the application of 165 Main Street Realty Trust of Medway, MA for site plan approval for proposed site improvements at Medway Mill at 165 Main Street to the next meeting on October 13, 2020 at 7:15 p.m.

Proposed are a series of site improvements to the 7.28 acre property located at 165 Main Street in the Agricultural-Residential II zoning district. These include creating a 41-space surface parking area with electrical vehicle charging stations and bike racks; installation of stormwater management facilities for the parking area; landscaping and lighting; and expansion of the bridge across Chicken Brook for approximately 25 linear feet on each side. As the site includes riverfront areas under the jurisdiction of the Conservation Commission, the project is also subject to its review for an Order of Conditions and a Land Disturbance Permit.

The application, site plan, and supporting documentation were filed with the Town on February 18, 2020. The *Site Plan – Medway Mills* originally dated February 14, 2020, last revised May 13, 2020, was prepared by Guerriere and Halnon of Franklin, MA. The documents are on file with the Medway Town Clerk and the Community and Economic Development Department at Medway Town Hall, 155 Village Street, Medway, MA. Project information has been posted to the Planning and Economic Development Board's page at the Town's web site at: <https://www.townofmedway.org/planning-economic-development-board/pages/medway-mills-major-site-plan-review>.

Please review the plan and forward your comments to me by October 9th. Please don't hesitate to contact me if you have any questions.

Susan Affleck-Childs

From: Amanda Cavaliere <ACavaliere@gandhengineering.com>
Sent: Wednesday, September 23, 2020 1:39 PM
To: Susan Affleck-Childs
Cc: John Greene; Diane Burlingame; Jim Sullivan; Dale MacKinnon; Michael Hassett
Subject: Medway Mills Planning Board Continuance

Good afternoon Susy

On behalf of the Applicant, we respectfully request a continuance for the upcoming Planning Board meeting to October 27th.

Should you have any questions or require additional information, please contact our office.

Thank you in advance for your consideration.

Amanda K. Cavaliere, Office Manager



55 West Central Street
Franklin, MA 02038
Ph. 508.528.3221
Fx. 508.528.7921
Email: acavaliere@gandhengineering.com
Website: www.gandhengineering.com



October 13, 2020

**Medway Planning & Economic Development Board
Meeting**

**Public Hearing – Zoning Bylaw
Amendments**

- **Public Hearing Notice**
- **Collection of 11 Articles (A-K)**
- **Collection of Review Comments and Requested Edits**

Article B – Energy Resources

- Email from Barbara Saint Andre re: Use Table
- Email from Paul Yorkis re: definition of Renewable Energy

Article F – Environmental Standards

- Email and attachment from John Lally re: draft environmental standards dated 9-14-20
- Comments from Town Counsel Carolyn Murray re: draft environmental standards dated 9-14-20
- Email from Paul Yorkis re: construction hours
- Email from noise consultant Jeff Komrower about definition for measurement of vibration

Article K – Special Permits in the Central Business District

- Email from Paul Yorkis re: limitation on including multi-family residential units on the ground floor of a mixed use building.

Board Members

Andy Rodenhiser, Chair
Robert Tucker, Vice Chair
Thomas Gay, Clerk
Matthew Hayes, P.E.,
Member
Richard Di Iulio, Member
Jessica Chabot, Associate
Member



Medway Town Hall
155 Village Street
Medway, MA 02053
Phone (508) 533-3291
Fax (508) 321-4987
Email: planningboard@townofmedway.org
www.townofmedway.org

TOWN OF MEDWAY COMMONWEALTH OF MASSACHUSETTS PLANNING AND ECONOMIC DEVELOPMENT BOARD

September 23, 2020

NOTICE OF PUBLIC HEARING Proposed Amendments to Medway Zoning Bylaw Tuesday, October 13, 2020

RECEIVED

SEP 24 2020

TOWN CLERK

Pursuant to the *Medway Zoning Bylaw* and G.L. ch. 40A, §5, the Planning and Economic Development Board will conduct a public hearing on Tuesday, October 13, 2020 at 7:15 p.m. to receive comments on proposed amendments to the *Medway Zoning Bylaw*. The hearing will be held remotely via the ZOOM online platform. Instructions on how the public may access the hearing will be included on the agenda for the October 13th meeting which will be posted at: <https://www.townofmedway.org>.

The proposed amendments have been prepared for inclusion on the warrant for consideration at the November 16, 2020 Town Meeting. The subject matter of the proposed amendments is summarized below. The specific article identifiers will be revised as the Board of Selectmen finalizes the warrant and assigns warrant article numbers.

ARTICLE A – Outdoor Lighting, Section 7.1.2

- Add a new paragraph G. to authorize the Planning and Economic Development Board, when acting as a special permit or site plan review authority, to adjust lighting standards under limited circumstances

ARTICLE B – Energy

- Modify definitions for “Electric Power Generation” and “Renewable Energy” and delete the definition of “Alternative Energy” in SECTION 2. DEFINITIONS
- Amend Use Table in Section 5.4 to simplify the listing for “Electric Power Generation”

ARTICLE C – Schedule of Use Table, Section 5.4

- Separate Motel and Hotel into separate use categories
- Prohibit certain specified Indoor Sale uses in the Central Business District
- Add “Parking Lot” to the Use Table in Section 5.4 and specify it is not allowed as a principal use
- Make other minor corrections

ARTICLE D – Multi-Family Housing, Section 5.6.4

- Revise Section 5.6.4 to add language that an applicant is not entitled to the maximum possible number of multi-family dwelling units

ARTICLE E – Setbacks, Section 6.2.F

- Add a new Section 6.2.F.4 to establish a clear sight triangle for corner lots and setbacks for corner lots

ARTICLE F – Environmental Standards, Section 9.3

- Replace Section 9.3 Environmental Standards, which governs noise, odor, vibration, dust, and other environmental concerns, in its entirety
- Inserts new definitions
- Sets updated standards for continuous noise, temporary noise, and construction noise
- Sets updated standards for disturbing, offensive or objectionable odors
- Sets updated standards for vibrations
- Establishes procedures for investigation of complaints
- Establishes certain exemptions for farming, residential uses, repairs, and public works

ARTICLE G – Miscellaneous Housekeeping

- Add a definition for “Parking Lot”
- Revisions to update and make corrections to section 4.2.A, Section 8.9, and Section 9 of the Zoning Bylaws
- Revise Section 6.1 TABLE 2 Dimensional and Density Regulations to require a minimum lot frontage of 50 feet in the Central Business, Village Commercial, and Neighborhood Commercial zoning districts

ARTICLE H – Adaptive Use Overlay District, Section 5.6.2

- Revise Section 5.6.2 to amend the list of allowed and prohibited uses to be consistent with terms that are defined in the Zoning Bylaw
- Clarify that adaptive use projects are allowed on properties located in the Adaptive Use Overlay District with at least 50’ of frontage on a street

ARTICLE I – Accessory Uses and Incidental Accessory Objects

- Add a definition of “Incidental Accessory Object” in Section 2 DEFINITIONS for visible, functional ornamental objects or man-made features subordinate to a principal building or structure or use
- Revise Paragraph H in Section 6.3 Accessory Buildings and Structures to prohibit a list of certain incidental accessory objects (e.g. animal hutch or pen, fire pit, etc.) within the required zoning setbacks

ARTICLE J – Building Size Limitation, Section 6.2

- Add a new paragraph G. Building Size to require a special permit for buildings larger than 100,00 sq. ft. for Business and Industrial and Related Uses listed in Sections D and E in the Table of Uses

ARTICLE K – Special Permits in the Central Business District, Section 5.4.1

- Add language regarding purpose, applicability and definitions
- Specify that the provisions of Section 8.6 Affordable Housing apply to mixed-use developments
- Allow some buildings comprised of all residential units in a mixed-use development under certain circumstances
- Add text regarding the composition of uses in a mixed-use development and mixed-use buildings
- Revise criteria for issuing a special permit for a mixed-use development

Drafts of the proposed amendments are on file at the offices of the Town Clerk and the Community and Economic Development Department at Medway Town Hall, 155 Village Street, Medway, MA and may be reviewed during regular business hours. The proposed amendments are posted online at the Planning and Economic Development Board’s web

page at the Town's web site at <https://www.townofmedway.org>. For further information or questions, please contact the Medway Planning office at 508-533-3291.

Interested persons or parties are invited to review the draft proposed amendments, and participate in the public hearing via ZOOM. Written comments are encouraged and may be sent to the Medway Planning and Economic Development Board, 155 Village Street, Medway, MA 02053 or emailed to: planningboard@townofmedway.org. All written comments will be entered into the record during the hearing.

Andy Rodenhiser

Planning & Economic Development Board Chairman

To be published in the Milford Daily News:

Monday, September 28, 2020 and Tuesday, October 6, 2020

ARTICLE A

LIGHTING STANDARDS

Revised – September 24, 2020

Article __: To see if the Town will vote to amend portions of Section 7.1.2 of the Zoning Bylaw, Outdoor Lighting, by adding a new Subsection G as set forth below:

G. The Planning and Economic Development Board, when acting as special permit granting authority, or when performing site plan review under Section 3.5, may grant minor relief from the provisions of this Section 7.1.2 where it finds that the relief is in the public interest and will not have a substantially detrimental effect on abutting properties.

Or take any other action relative thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE B

ENERGY Resources

Revised 9-24-20

Article ____: To see if the Town will vote to amend the Zoning Bylaw, by amending Section 2, Definitions as follows (new language in **bold**, deleted language in ~~strike through~~):

Electric Power Generation: The process of generating electric power from other sources of primary energy such as electromechanical generators, ~~heat engines fueled by~~ chemical combustion, **and Renewable Energy** ~~kinetic energy such as flowing water and wind, and other energy sources such as solar photovoltaic and geothermal power.~~

Alternative Energy: ~~Energy derived from combined heat and power; and electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations.~~

Renewable Energy: Energy derived from natural resources which are regenerated over time through natural processes. Such energy sources include the sun (solar); wind; moving water (hydro and wave); organic plant materials (biomass); and the earth's heat (geothermal).

Renewable energy resources may be used directly, or used indirectly to create more convenient forms of energy. Renewable Energy sources also include landfill gas, fuel cells, **battery energy storage facilities, recharging stations for electric and hydrogen powered vehicles,** and ~~advanced~~ biofuels.

And by amending the Schedule of Uses 5.4.E by amending the following:

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form Based Districts		
											OGVC	OGBP	OGN
Research and development and/or manufacturing of renewable or alternative energy products	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N
Electric power generation, which includes including but not limited to renewable or alternative energy generating facilities such as the construction and operation of large-scale ground-mounted solar photovoltaic installations with a rated name plate capacity of 250 kW (DC)-or more and other Renewable Energy generating facilities	N	N	N	N	N	N	N	N	Y	N	N	N	N

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE C

USE TABLE - Proposed Amendments September 24, 2020

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw, Section 5.4, Table 1, Schedule of Uses, as follows (new text in **bold**, deleted text in ~~strikethrough~~):

1. By adding a new Section G. Marijuana Related Uses, and moving the following marijuana related uses now found in Section D. Business Uses, and Section E. Industrial and Related Uses to the new **Section G. Marijuana Related Uses**, without any changes to the uses that are allowed, prohibited, or require a special permit:

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN

G. MARIJUANA RELATED USES

Recreational Marijuana Establishment <i>(Added 3-19-18 and amended 5-21-18)</i>	N	N	N	N	N	N	N	PB	N	PB	N	N	N
Recreational Marijuana Retailer <i>(Added 3-19-18 and amended 5-21-18)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N
Recreational Marijuana Social Consumption Establishment <i>(Added 5-21-18)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N
Registered Medical Marijuana Facility (Retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	PB	N	N	N	N	N	N
Registered Medical Marijuana Facility (Non-retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	N	PB	N	PB	N	N	N

2. And further to amend said Table 1 by deleting the use category “Motel or hotel” and inserting two new use categories, “motel” and “hotel”, and provide for whether such uses are allowed, prohibited, or require a special permit:

Motel or hotel	N	N	N	SP	N	N	N	N	N	N	Y			
Motel	N	N	N	SP	N	N	N	N	N	Y	PB	PB	N	
Hotel	N	N	N	SP	N	N	N	N	N	Y	Y	Y	N	

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGVC	OGBP	OGN

3. And further to amend said Table 1 related to “Drive-through facility” to provide for whether such uses are allowed, prohibited, or require a special permit in the Oak Grove Zoning districts:

Drive-through facility	N	N	N	N	N	PB	PB	N	N	N	PB	PB	N
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4. And further to amend said Table 1 as follows:

Indoor sales of motor vehicles, trailers, boats, farm equipment, with accessory repair services and storage, but excluding auto body, welding, or soldering shop	N	N	N	Y N	N	N	N	N	N	N	N	PB	N
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5. And further to amend said Table 1 by deleting “Multi-family units in combination with a commercial use that is permitted or allowed by special permit, subject to Section 5.4.1” from Section C. Residential Uses and inserting “Mixed-Use Development subject to Section 5.4.1” in its place and by adding the same language in Section D. Business Uses, Other Business Uses Unclassified.

C. RESIDENTIAL USES

Multi-family units in combination with a commercial use that is permitted or allowed by special permit, subject to Section 5.4.1 Mixed-Use Development subject to Section 5.4.1	N	N	N	PB	N	N	N	N	N	N	Y	Y	N
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D. BUSINESS USES

<i>Other Business Uses: Unclassified</i> Mixed-Use Development subject to Section 5.4.1	N	N	N	PB	N	N	N	N	N	N	Y	Y	N
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6. And further to amend said Table 1 by inserting “Parking Lot” in Section D. Business Uses, Automotive Uses.

D. BUSINESS USES

Parking Lot	N	N	N	N	N	N	N	N	N	N	N	N	N
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Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE D

MULTI-FAMILY HOUSING

Proposed Amendments

February 14, 2020

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw, Section 5.6.4 Multi-Family Housing, D. Density Regulations, as follows (new text in **bold**):

D. Density Regulations:

1. For lots of one acre or more:
 - a. The density of a Multi-Family Building or a Multi-Family Development without an Apartment Building shall not exceed 8 dwelling units per whole acre. For example, the maximum density of a 1.8 acre lot shall not exceed 8 dwelling units.
 - b. The density of an Apartment Building or a Multi-Family Development which includes an Apartment Building shall not exceed 12 dwelling units per whole acre.
2. For lots under one acre, the density of a Multi-Family Building and a Multi-Family Development shall not exceed its relative portion of an acre. For example, the maximum density of a 0.5 acre lot shall not exceed 4 dwelling units. *(Amended 11-19-18 and 11-18-19)*
3. **An Applicant is not entitled to the maximum possible number of dwelling units described herein. The number of dwelling units for a Multi-Family Development and/or Multi-Family Building shall be determined by the Planning and Economic Development Board in accordance with the criteria specified in Paragraph I. Decision herein.**

Or to act in any manner relating thereto:

PLANNING AND ECONOMIC DEVELOPMENT BOARD

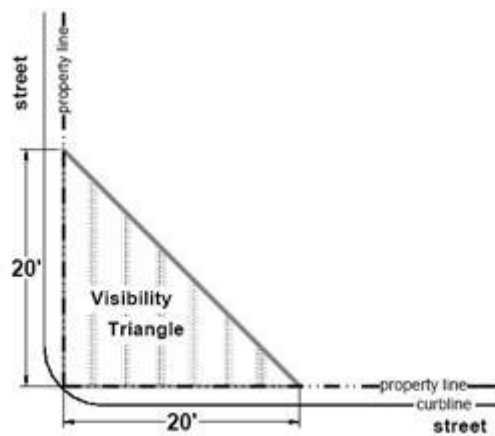
ARTICLE E

ZONING SETBACKS

September 14, 2020

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw, Section 6.2.F, Setbacks, by adding new Section 6.2.F.4 and 6.2.F.5 as follows (new text in **bold**):

4. **On a corner lot, no fence, wall, sign, landscaping or plantings shall be located within the clear sight triangle so as to obstruct visibility at the intersection for motorists. The clear sight triangle is that area formed by the intersecting street right of way lines and a straight line joining said street lines at a point twenty feet distant from the point of intersection of street lines.**



Clear Sight Triangle

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE F

ENVIRONMENTAL STANDARDS

Revised 9-24-20

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw, Section 7.3 Environmental Standards, by deleting it in its entirety and replacing it as follows:

7.3. ENVIRONMENTAL STANDARDS

- A. **Purpose.** The intent of this section is to provide standards for uses which, by their operation, may generate impacts that are potentially hazardous, harmful to the environment, disturbing, offensive or objectionable.
- B. **Enforcement:** The Zoning Bylaw, § 3.1, Enforcement, Violations, and Penalties authorizes the Building Commissioner, or designee, to interpret and enforce the Bylaw. At the discretion of the Building Commissioner, a technical consultant may be engaged by the Town of Medway to investigate and document violations pursuant to this section.
- C. **Definitions:** For purposes of this section of the Bylaw, the following terms shall be defined as follows:

Ambient Noise: The sound pressure level at a given location produced by everything else excluding the source of sound being monitored, analyzed, or evaluated. Also referred to as background noise. Ambient noise includes environmental noises from sources such as traffic, aircraft, waves, alarms, animals or noise from existing mechanical devices such as air conditioning, power supplies, or motors that are present prior to introduction of a new intrusive sound source that is being evaluated.

(Hz)Hertz: A unit of frequency of change in the cycle of a sound wave

(dB)Decibel: A unit of measurement of the intensity of sound

(dBA)A weighted decibel: An expression of the relative loudness of sound in the air as perceived by the human ear.

Detection Threshold – The lowest concentration or intensity of noise, odor, vibration, or other environmental hazard regulated by this bylaw that is noticeable to a reasonable person with normal sensory sensitivities.

Disturbing, offensive or objectionable odors: Those which are at or above the detection threshold of a person with normal olfactory sensitivity.

Octave Band: A frequency band where the highest frequency is twice the lowest frequency.

Odor Plume: The cloud of odor created when odor molecules are released from their source and are expanded through air movement.

Sensitive Receptor: An occupied residence or facility whose occupants are more susceptible to the adverse effects of noise and odor including but not limited to hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.

D. **Standards.** The following standards shall apply to all zoning districts.

1. **Smoke, Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution:** All activities involving smoke, fly ash, dust, fumes, vapors, gases, other forms of air pollution, as defined in [CMR 310, § 7](#), Air Pollution Control Regulations, as amended, which can cause damage to human health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point are prohibited.
2. **Noise Disturbance:** The Building Commissioner may determine that a noise source is subject to investigation, and if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties.
 - a. **Standards.** No person or persons owning, leasing, or controlling the operation of any source or sources of noise shall permit the establishment of a condition of noise pollution. Disturbing, offensive or objectionable noises shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property.
 - 1) **Continuous Noise.** For the purposes of this bylaw, continuous noise restrictions apply to permanent non-residential uses and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line of the noise source shall not exceed the values specified in the table below. In addition, maximum permissible sound levels measured at sensitive receptors located within one-thousand feet of the property line of the noise source for noise radiated continuously from the noise source shall not exceed the values in the table below. Daytime is defined as between the hours of 7:00 a.m. and 9:00 p.m. and Nighttime is defined as between the hours of 9:00 p.m. and 7:00 a.m.

Octave Band Center Frequency (Hz)	Daytime (dB) 7:00 a.m. – 9:00 p.m.	Nighttime (dB) 9:00 p.m. – 7:00 a.m.
63	72	55
125	60	48
250	53	42

500	47	39
1000	43	36
2000	40	33
4000	37	30
8000	33	27
Overall Level (dBA)	52	42

Compliance with all octave band limits is required. If the Building Commissioner determines that the noise source contributes significantly to ambient noise levels at any distance from the property, sound levels may be measured in those locations beyond the source property line.

- 2) **Temporary Noise.** For the purposes of this bylaw, non-continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is periodically produced. No person shall use or cause the use of any noise-producing equipment or tool (such as for construction, repair, or demolition operations) between the hours of 9:00 p.m. and 7:00 a.m.
- 3) **Construction Noise.** Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7:00 a.m. and shall cease no later than 6:00 p.m., Monday through Saturday. No construction shall take place on Sundays, federal holidays or state legal holidays without the advance written approval of the Building Commissioner.

Advisory Note – State regulations authorize municipal police departments, fire departments, and board of health officials to enforce noise standards that are based on certain sections of [310 Code of Massachusetts Regulations \(CMR\), § 7](#), Air Pollution Control Regulations. Such regulations are distinct and separate from the Town’s zoning regulations for noise.

b. **Investigation.** The Building Commissioner may determine that a noise source is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties. If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake a noise study to determine if a non-compliant noise condition exists. The Building Commissioner may enlist the assistance of other Town personnel for the investigation. At the discretion of the Building Commissioner, a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience may be engaged by the Town to assist in the investigation including measurements and

documentation of violations. Depending on the particular site and its noise generators, the noise study shall include, at a minimum, measurements of:

- Ambient noise (Daytime and Nighttime) and
- Operational noise levels (Daytime and Nighttime) at the facility property line and at Sensitive Receptors located within one thousand feet of the facility property line.

c. **Noise Control Plan.** If the Building Commissioner determines that there is a violation, he or she shall order the owner or operator to come into compliance. The owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience.

d. **Corrective Measures** - Non-residential uses that produce non-compliant noise must install and maintain noise reducing equipment in accordance with the approved noise control plan to meet the requirements of this section. The Building Commissioner may require the provision of reports to document ongoing noise compliance.

3. **Vibration:** No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for thirty seconds or more in any one hour from 9:00 p.m. to 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range on the most recent edition of Table 7, U.S. Bureau of Mines Bulletin NO. 442 (U.S. Department of the Interior).

4. **Odors:** The Building Commissioner may determine that an odor is disturbing, offensive or objectionable and is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or the imposition of fines and non-criminal penalties.

a. **Standards** – Disturbing, offensive or objectionable odors as defined in Paragraph C. shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property. Failure to meet either the Reasonableness Standard or the Measurement Standard listed below shall constitute a violation of this section.

- 1) **Sensorial Reasonableness Standard** –The Building Commissioner, or designee, may determine, using only her or his sense of smell, that an odor is one which is disturbing, offensive or objectionable to a reasonable person with normal olfactory sensitivity.
 - 2) **Measurement Standards** – No disturbing, offensive or objectionable odor greater than that caused by the lowest odor detection thresholds as listed in the most recent edition of the [American Industrial Hygiene Association \(AIHA\) Odor Thresholds for Chemicals with Established Occupational Health Standards, Reported Odor Thresholds \(EG Table 6.3 in 2nd Edition\)](#) shall be permitted. Due to the potential of odorant mixtures causing more intense odors than individual odorant compounds in isolation, nothing in this Bylaw shall be interpreted as allowing for any disturbing, offensive or objectionable odors at or above the cited detection thresholds.
- b. **Investigation.** The Building Commissioner or designee shall investigate odor complaints until determined to be without merit or resolved to the satisfaction of the Building Commissioner.
- 1) **Assessment Area** – The Building Commissioner or designee shall investigate odor complaints for odors emanating from:
 - a) **Immediate Impact Zone** - Any resident, occupant, or owner of property located within 1,000 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor, as measured from property line to property line.
 - b) **Secondary Impact Zone** - A collection of complaints from five or more residents, occupants, or owners of property located within 2,500 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor as measured from property line to property line.
 - 2) The Building Commissioner or designee may investigate possible odor violations upon their own initiative or at the request of Town officials or staff and shall investigate public complaints about an odor of a suspicious or dangerous nature.
 - 3) If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake an odor observation to determine if a disturbing, objectionable or offensive odor exists. At the discretion of the Building Commissioner, a technical odor consultant may be engaged by the Town to assist in the investigation including odor observation and documentation of violations. The odor consultant shall be trained in the practices of ASTM (American Society for Testing Materials) - E679 and meet the selection criteria of EN13725 (international olfactometry standard). As a component of such investigation, measurements may be done in the field by using:

- a) Undiluted odor field observations (i.e. sniffing) or odor sampling to be performed at a frequency, duration, and locations appropriate for the odor source under investigation and the locations of odor complaints that have been received by the Town including those beyond the source property lines. The purpose is to detect and assess the presence of recognizable odors linkable to a specific source in ambient air. This may be accomplished by:
 - i. Grid method of analysis - Odor hours for a geographic area of evaluation to establish an odor hour frequency measurement.
 - ii. Plume method of analysis – Measurement of extent of the area where an odor plume originating from a specific odor source can be perceived and recognized under specific meteorological and operating conditions.

The following other forms of measurement may be used only as supplemental methods to evaluate persistent problems or higher intensity odors as a way to determine the severity of the situation.

- b) Field Olfactometry - A method to quantify odors in ambient air by means of a portable odor detecting and measuring device known as a field olfactometer. A field olfactometer measures odor strength and persistence using a Dilution-to-Threshold (D/T) ratio. The Dilution-to-Threshold ratio is a measure of odor concentration by determining the number of carbon filtered air dilutions needed to make the odorous ambient air non-detectable. The formula for calculating D/T with a field olfactometer is:

$$D/T = \frac{\text{Volume of Carbon Filtered Air}}{\text{Volume of Odorous Air}}$$

- c) Chemical Analysis – Instrumental methods of characterizing odor involving the identification and quantification of chemical compounds in an odor sample by means of gas chromatography coupled with mass spectrometry, analysis of hydrocarbon molecules, and analysis of single gases such as ammonia and hydrogen sulfide.
 - d) Instrumental Odor Monitoring – Instruments designed to mimic human olfaction in the detection and characterization of simple or complex odors. Also referred to as electronic (E) - noses.
 - e) Any other method or best practice determined to be appropriate by the Building Commissioner.
- c. **Odor Control Plan** – If, based on the investigation, the Building Commissioner determines that there is a violation, the owner and/or operator of the odor-producing use

shall be required to provide an odor control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant and specify suitable corrective measures. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a certified environmental engineer, certified environmental professional, or certified industrial hygienist with experience in odor management, abatement and mitigation technologies. The Building Commissioner may also require the plan to include the provision of reports of ongoing odor monitoring and compliance.

- d. **Corrective Measures** - Non-residential uses that produce non-compliant odors shall be required to install and maintain odor-eliminating equipment in accordance with the approved odor control plan to meet the requirements of this section.

E. Exemptions

- 1) **Farming.** Impacts resulting from agricultural, farm-related, or forestry-related activities as defined by [G.L., c 128, Agriculture, § 1A](#), as amended, and Medway General Bylaws, ARTICLE XXXI, §2 Right to Farm, are exempt from these restrictions when such activities follow generally accepted practices ([G.L., c 111, §125A](#)).
- 2) **Residential Uses.** Impacts resulting from residential activities such as but not limited to barbecues, wood stove exhaust, driveway paving, gardening, and house painting are exempt from these restrictions.
- 3) **Repair and infrequent maintenance activities.** Repair and infrequent maintenance activities such as but not limited to those for septic and sewer systems are exempt from these restrictions.
- 4) **Construction.** Impacts resulting from construction, demolition, or repair work that occurs between 7:00 a.m. and 6:00 p.m. on public improvements authorized by a governmental body or agency, utility work and repairs, and other similar work on private property pursuant to an order by a governmental body or agency for safety purposes are exempt from these restrictions.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE G

MISCELLANEOUS ZONING HOUSEKEEPING

September 14, 2020

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw, SECTION 2 DEFINITIONS by adding the following definition for “Parking Lot”. New text in **bold**.

Parking Lot: An area used for the parking of motor vehicles.

And amend the Zoning Bylaw, Section 4.2.A, Zoning Map, as follows (new text in **bold**, deleted text in ~~striketrough~~):

A. Except for the Flood Plain District and Groundwater Protection District, the boundaries of these districts are defined and bounded on the map entitled, “Town of Medway Zoning Map,” dated December 4, 2014 **27, 2019**, as may be amended and revised, ~~with a list of the names of the members of the Planning and Economic Development Board~~ and filed with the Town Clerk, which map, ~~together with all explanatory matter thereon~~, is hereby incorporated in and made a part of this Zoning Bylaw.

And amend the Zoning Bylaw, Section 8.9 Registered Medical Marijuana Facilities, specifically Section 8.9.J.5.b.i. as follows (deleted text in ~~striketrough~~):

5. Procedures.

- a. The special permit application and public hearing procedure for a RMMF shall be in accordance with Section 3.4 and G.L. c. 40A, § 9.
- b. Mandatory Findings. The Planning and Economic Development Board shall not grant a special permit for a RMMF unless it finds that:
 - i. The RMMF is designed to minimize any adverse visual or economic impacts ~~on abutters and other parties in interest, as defined in G.L. c. 40A, § 11;~~
 - ii. The RMMF demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
 - iii. The applicant has satisfied all of the conditions and requirements of this Section and Section 3.4 of this Zoning Bylaw.

And amend Section 8.9 Registered Medical Marijuana Facilities to change the words “Massachusetts Department of Public Health” to “Massachusetts Cannabis Control Commission” wherever it appears in Section 8.9.

And amend the Zoning Bylaw, Section 6.1, TABLE 2, Dimensional and Density Regulations, to require a minimum lot frontage of 50 feet in the Central Business, Village Commercial, and Neighborhood Commercial zoning districts.

And amend the Zoning Bylaw, SECTION 9 Oak Grove Park Districts, Table 9.4.C.1.A, by correcting the reference in Section 4.3 in the column under “Cottage” to read “See Section 9.5.B.25 for Pocket Neighborhood Development Standards”.

Or act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE H

ADAPTIVE USE OVERLAY DISTRICT

February 14, 2020

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw, Section 5.6.2 Adaptive Use Overlay District, specifically Section 5.6.2.D.2. a. through h., and Section 5.6.2.D.3. c, as follows (new text in **bold**, deleted text in ~~strike through~~):

1. Uses Allowed As of Right: All uses permitted in the underlying zoning district shall be permitted within the Adaptive Use Overlay District unless prohibited under sub-section D.3 hereof.
2. Uses Allowed by Special Permit: In approving an Adaptive Use Special Permit, the Planning and Economic Development Board may provide for the following uses or combination of uses and no others. The Adaptive Use special permit shall identify the uses that are specifically allowed, and may impose any conditions, safeguards and limitations deemed necessary by the Planning and Economic Development Board.
 - a. **Professional or business offices** ~~for business or professional uses.~~
 - b. ~~Studios for artists, photographers, interior decorators, and similar design related uses.~~
 - c. Retail sales for handcrafted merchandise, original arts and crafts or copies thereof, antiques, second-hand goods, gifts, clothing, accessories, and decorative home furnishings. *(Amended 11-16-15)*
 - d. Food services including, but not limited to bakeries, cafes, coffee shops, delicatessens, frozen dessert shops, pastry shops, sandwich shops and other specialty food items, not to exceed 3,000 sq. ft. *(Amended 11-16-15)*
 - e. ~~Repair shops for small electronic equipment, appliances or tools.~~
 - f. Personal care services **establishments** ~~such as barber shops, beauty parlors and nail salons.~~
 - g. Florists
 - h. **Service establishments** ~~Individual consumer services including but not limited to opticians, personal fitness, tailor, shoe repair, music lessons and travel agency.~~ *(Added 11-1-15)*
 - i. Museum *(Added 11-19-18)*
 - j. The alteration of, addition to, and/or conversion of an existing building to one or two residential dwelling units and one or more business uses listed in items a-i above, provided that the appearance of the building is characteristic of a single-family dwelling.

3. Prohibited Uses: The following uses are prohibited in the Adaptive Use Overlay District:

- a. Motor vehicle sales, repair, or sales of parts
- b. Manufacturing
- c. Drive-through **facilities** ~~windows of any kind~~
- d. Exterior storage of equipment or materials

And to amend Section 5.6.2.C, Applicability, as follows (new text in **bold**, deleted text in ~~striketthrough~~):

C. Applicability. The Planning and Economic Development Board may grant an Adaptive Use Special Permit for any property with at least 50 feet of frontage on a ~~Town-way~~ **street** in the Adaptive Use Overlay District, provided that each lot in the development includes at least one building constructed prior to June 28, 2004.

Or act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE I

ACCESSORY USES AND INCIDENTAL ACCESSORY OBJECTS

September 14, 2020

ARTICLE : To see if the Town of Medway will vote to amend the Zoning Bylaw, SECTION 2 DEFINITIONS by inserting the following definition in alphabetical order: (new text in **bold**, deleted text in ~~strikethrough~~)

Incidental Accessory Object – A visible, functional or ornamental object or a man-made site feature that is subordinate to a principal building or structure or use and is located on the same lot as the principal building or structure or use or on an adjoining lot under the same ownership and in the same zoning district.

And to amend Paragraph H. in Section 6.3 Accessory Building and Structures as follows:

H. Incidental Accessory Objects.

1. The setback requirements specified in Table 2 DIMENSIONAL AND DENSITY REGULATIONS shall not apply to public bus stop shelters.
2. The standard setback requirements specified in Table 2 DIMENSIONAL AND DENSITY REGULATIONS shall apply to the following Incidental Accessory Objects:
 - a. Animal hutch or pen exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height
 - b. Athletic or sports court
 - c. Bathhouse or cabana
 - d. Gazebo or pavilion exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height.
 - e. Ground mounted solar photovoltaic panel
 - f. Hot tub
 - g. Membrane structure exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height
 - h. Patio or free-standing deck
 - i. Outdoor fireplace or fire pit
 - j. Outdoor kitchen, bar or dining area
 - k. Outdoor play gym or structure or playhouse
 - l. Man-made pond or water feature
 - m. Shed exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height
 - n. Swimming pool
 - o. Trash dumpster and/or enclosure
 - p. Wind turbine

Or to act in any manner relating thereto.

ARTICLE J

Limitation on Building Size

September 24, 2020

ARTICLE : To see if the Town of Medway will vote to amend the Zoning Bylaw, Section 6.2 General Provisions, by adding a new Paragraph G. Building Size.

G. **Building Size.** No building for Business or Industrial and Related Uses specified in Sections D and E of Table 1 – Schedule of Uses, shall be larger than 100,000 square feet of gross floor area without a special permit from the Planning and Economic Development Board.

Or to act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE K

SPECIAL PERMITS IN THE CENTRAL BUSINESS DISTRICT

REVISED DRAFT - September 23, 2020

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw, Section 5.4.1 Special Permits in the Central Business District (new text in **bold**, deleted text in ~~striketrough~~) as follows:

5.4.1 Special Permits in the Central Business District

~~In the Central Business district, the following provisions shall apply to uses allowed by special permit and are also available for applicants for uses permitted by right in order to propose a flexible site design.~~

A. Purposes

1. To further the goals of the Medway Master Plan
2. To encourage mixed-use development in the Central Business District with a balanced and vibrant mix of compatible business uses and multi-family residential development.
3. To encourage revitalization and economic investment in the Central Business District in a manner which represents the qualities of a traditional New England town center.
4. To encourage greater variety of housing to meet the needs of a diverse population with respect to income, ability, household types, and stage of life.
5. To improve walkability within the district and provide better access between housing, shops, services, and employment.

B. Applicability

1. A Mixed-Use Development may be allowed in the Central Business District by special permit from the Planning and Economic Development Board to include a combination of uses allowed by right and uses allowed by special permit as specified in Table 1 – Schedule of Uses.
2. The provisions of this Section are available by special permit from the Planning and Economic Development Board for uses permitted by right in order to achieve a flexible site design.
3. All development projects considered under this Section are subject to site plan review pursuant to Section 3.5 herein and the Medway Design Review Guidelines.

C. Definitions:

Mixed-Use Development: See definition in SECTION 2 DEFINITIONS

Multi-Family Building: See definition in SECTION 2 DEFINITIONS

A. D. Dimensional Requirements.

1. Minimum lot size: 10,000 square feet
2. Minimum continuous frontage: 50 feet
3. Minimum front-yard setback: Principal buildings shall be set back a minimum of 10 feet from the front lot line. Architectural features such as bay windows, porches, balconies, porticos, canopies, etc. shall not be subject to the 10-foot minimum setback.
4. Minimum side-yard and rear-yard setback: For lot lines abutting a residential zoning district, 25 feet of which the first 10 feet nearest each lot line shall not be used for the parking or storage of vehicles and shall be suitably landscaped. There is no side-yard or rear-yard setback for properties abutting other properties within the Central Business district.
5. Maximum building height: 60 feet

B. E. Residential Uses in a Mixed-Use Development.

1. ~~Except for assisted living residence facilities, a building comprised of multi-family dwelling units only shall not be permitted.~~ **A mixed-use building shall include multi-family residential units and retail, service, office, commercial or other business uses allowed in the zoning district (hereinafter referred to as “business uses”) in at least the minimum percentage set forth in Subsection E.2 below.**
2. ~~In a three-story building, no more than 67 percent of the gross floor area shall be comprised of multi-family dwelling units. In a two-story building, no more than 50 percent of the gross floor area shall be comprised of multi-family dwelling units.~~

Except as provided in Section E.4 below, in a two-story building at least 50% of the gross floor area shall be comprised of business uses, and no more than 50% of the gross floor area shall comprise multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units. In a three-story building, at least 33% of the gross floor area shall be comprised of business uses, and no more than 67% of the gross floor area shall be comprised of multi-family dwelling units and common areas and support facilities associated with those multi-family units. In a building of four stories or more, at least 25% of the gross floor area shall be comprised of business uses, and no more than 75% of the gross floor area shall be comprised of multi-family dwelling units and common areas and support facilities associated with those multi-family units. The gross floor area comprised of business uses may include hallways, lobbies, maintenance areas, security areas, closets, and other areas which serve exclusively the business uses in that building.

3. Multi-family dwelling units may not be located on the ground floor of a mixed-use building or development unless:
 - a. The building with the multi-family dwelling units is set behind another building which has business uses on the ground floor and a front façade that faces a public way or primary access drive; or

- b. The residential portion of the ground floor is set behind the business uses within the same building which has a front façade that faces a public way or primary access drive.
- 4. **A mixed-use development may include a building comprised of only multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units under the following conditions:**
 - a) **A building comprised of only multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units shall be set back at least one hundred feet from the Main Street right-of way; and**
 - b) **The amount of gross floor area of the building comprised of only multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units which would otherwise be required by Section E.2 above to include business uses shall be added to the required business uses gross floor area of the other building(s) of the mixed-use development as additional business use space, so that the total amount of gross floor area for business uses in the mixed-use development will equal or exceed the total gross floor area for business uses which would result if no building were devoted solely to multi-family dwelling units.**
- 4.5. No more than 10 percent of the total number of a mixed-use development's residential dwelling units shall have more than two bedrooms.
- 6. **The provisions of Section 8.6 Affordable Housing shall apply to Mixed-Use Developments.**
- € F. A minimum of 15 percent of the site shall function as landscaped or public space. The landscaped or public space shall be architecturally integral to the site or, as appropriate and practical, to abutting sites. No space that is used for vehicular parking or circulation, or loading shall be included as landscaped and/or public space.
- Ð.G. Special Permit Review Criteria.
 - 1. Special permits granted under this Section 5.4.1 are not subject to the special permit criteria under Section 3.4.
 - 2. Before granting a special permit for a ~~special permit~~ **mixed-use development** or flexible site design of a permitted use in the Central Business district, the ~~special permit granting authority~~ **Planning and Economic Development Board** shall find that all of the following criteria are met:
 - a. The proposed uses **and site design** represents the qualities of a traditional New England town center;
 - b. The proposed site design is environmentally sound and is readily accessible to and useable by pedestrians;
 - c. The proposed site design reflects and advances the goals and objectives of the Medway Master Plan as updated;

- d. Adequate pedestrian and (where applicable) vehicular linkages are provided within the site and connecting to abutting properties;
 - e. Streets, driveways, sidewalks, landscaped areas and public services are laid out in a safe manner;
 - f. Any detrimental impacts of the use on abutting properties and/or residential neighborhoods have been adequately mitigated; and
 - g. The site design incorporates the site's existing topography and protects natural features to the maximum extent possible.
- E. H.** Design Requirements – The Planning and Economic Development Board shall adopt Central Business District Special Permit rules and regulations to administer this Section 5.4.1 including submission requirements and procedures and Central Business District design guidelines. Such guidelines may include any or all of the following:
- 1. Façade design for buildings visible from public ways
 - 2. Vehicular or pedestrian connections to abutting commercial or residential areas;
 - 3. Provision of pedestrian amenities; and
 - 4. Sustainability, i.e., efficient resource use throughout a building's life cycle from siting to design, construction, operation, maintenance, renovation and deconstruction.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Zoning Bylaw Public Hearing

Collection of Review Comments and Requested Edits

Article B – Energy Resources

- Email from Barbara Saint Andre re: Use Table
- Email from Paul Yorkis re: definition of Renewable Energy

Article F – Environmental Standards

- Email and attachment from John Lally re: draft environmental standards dated 9-14-20
- Comments from Town Counsel Carolyn Murray re: draft environmental standards dated 9-14-20
- Email from Paul Yorkis re: construction hours
- Email from noise consultant Jeff Komrower about definition for measurement of vibration

Article K – Special Permits in the Central Business District

- Email from Paul Yorkis re: limitation on including multi-family residential units on the ground floor of a mixed use building.

Susan Affleck-Childs

From: Barbara Saint Andre
Sent: Monday, October 5, 2020 6:10 PM
To: Susan Affleck-Childs
Subject: Article 10 FTM

Susy, as I mentioned, I would like to change the wording for the Schedule of Uses at the end from "other Renewable Energy generating facilities" to "other Renewable Energy sources", see below, thanks.

Article ____: To see if the Town will vote to amend the Zoning Bylaw, by amending Section 2, Definitions as follows (new language in **bold**, deleted language in ~~strikethrough~~):

Electric Power Generation: The process of generating electric power from other sources of primary energy such as electromechanical generators, ~~heat engines fueled by chemical combustion, and Renewable Energy kinetic energy such as flowing water and wind, and other energy sources such as solar photovoltaic and geothermal power.~~

Alternative Energy: ~~Energy derived from combined heat and power; and electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations.~~

Renewable Energy: Energy derived from natural resources which are regenerated over time through natural processes. Such energy sources include the sun (solar); wind; moving water (hydro and wave); organic plant materials (biomass); and the earth's heat (geothermal). Renewable energy resources may be used directly, or used indirectly to create more convenient forms of energy. Renewable Energy sources also include landfill gas, fuel cells, **battery energy storage facilities, recharging stations for electric and hydrogen powered vehicles,** and ~~advanced~~ biofuels.

And by amending the Schedule of Uses 5.4.E by amending the following:

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form Based Districts		
											OGVC	OGBP	OGN
Research and development and/or manufacturing of renewable or alternative energy products	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N
Electric power generation, which includes including but not limited to renewable or alternative energy generating facilities such as the construction and operation of large-scale ground-mounted solar photovoltaic installations with a	N	N	N	N	N	N	N	N	Y	N	N	N	N

rated name plate
capacity of 250 kW
(DC)-or more **and**
other Renewable
Energy sources



Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Barbara J. Saint Andre
Director, Community and Economic Development
Town of Medway
155 Village Street
Medway, MA 02053
(508) 321-4918

Susan Affleck-Childs

From: Paul Yorkis <pgyorkis@gmail.com>
Sent: Thursday, October 8, 2020 8:55 AM
To: Susan Affleck-Childs
Subject: Re: Agenda for 10-13-20 PEDB meeting

Thank you for sharing the agenda and proposed amendments to the Zoning Bylaw.

I suggest the PEDB review the following:

On a corner lot, no fence, wall, sign, landscaping or plantings shall be located within the clear sight triangle so as to obstruct visibility at the intersection for motorists. The clear sight triangle is that area formed by the intersecting street right of way lines and a straight line joining said street lines at a point twenty feet distant from the point of intersection of street lines.

The above does not take into consideration the following:

1. grass is a planting, some decorative grasses can reach more than five feet tall. The PEDB may want to insert a maximum height for plantings.
2. utility poles
3. street signs
4. traffic signs
5. existing trees on scenic ways
6. existing stone walls on scenic ways
7. Is it OK to obstruct the visibility at the intersection for cyclists and walkers? It may be that a period can be placed after the word "intersection".
8. How will this be enforced for existing fences, walls, signs, utility poles, landscaping, and plantings?

Paul G. Yorkis, EdD

President

Patriot Real Estate, Inc.

Cell 508-509-7860

2020 President Realtor Commercial Alliance of Massachusetts

2017 President Massachusetts Association of Realtors

2014 Andrew F. Hickey Distinguished Service Award

2011 Massachusetts Realtor of the Year

National Association of Realtors Federal Political Coordinator for Congressman Joe Kennedy

Massachusetts Association of Realtors SPC for Senate President Karen Spilka and State Representative Jeff

Roy

On Oct 8, 2020, at 8:01 AM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Good morning,

Attached is the agenda for next Tuesday's PEDB meeting.

Please let me know if you have any questions.

Cheers!

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

<10-13-2020 PEDB mtg agenda (TC date stamped).pdf>

Susan Affleck-Childs

From: Lally, John - 0666 - MITLL <jlally@ll.mit.edu>
Sent: Monday, September 28, 2020 7:02 AM
To: Susan Affleck-Childs
Subject: Final Check of Env Std Updates.
Attachments: Environmental_Standards_(9-14-20 edits) - v.2_JLAnnos28Sep2020.docx

Good morning Susy,

Hope it's not too late to offer an update for consideration, think it's an important one. It is as follows:

“Compliance is required at all property lines of the noise source and at sensitive receptors located within one-thousand feet of a property line of the noise source. Noncompliance at any property line of the noise source or at any sensitive receptor located within one-thousand feet of a property line of the noise source is a violation.”

The attached has this language added in green to the compliance language just below the Noise Table in section D.2.a.1, everything else is as sent Wednesday (23Sep).

Please note: Because in this suggested update “AND” clearly applies to compliance, whereas “OR” clearly applies to violations, the “AND” versus “OR” confusion remains prevented.

As usual, I ask that you please share this email and attachment with those involved in the discussions and anyone else as you see fit.

Again Susy, I apologize for this late update offering.

Was reluctant to send something this late, nevertheless because these updates could be in the MZBL for years, if not decades to come, figured better to send and possibly have it considered, than not send and live to regret it.

Here's the details on what lead me to offer this update:

During final checking of the Environmental Updates over the weekend, as a sanity check I went through the exercise of thinking through how they might have been applied during the 2 Marc Rd special permit process had they been in place.

As part of that, I reread the emails & letters from Acentech the 2 Marc Rd noise consultant, they can really make one's head spin...

Ultimately reached the conclusion that even with the clarifications I offered on Wednesday (23Sep), it's likely only a matter of time until a savvy applicant or violator, with a sophisticated noise consultant will attempt to convince the PEDB or Building Commissioner that the intent of the Bylaw is to comply either at the property line or at sensitive receptors, not both. I seriously doubt this would gain any traction with the current PEDB & Town Staff, but in years to come when you folks aren't present it's not hard to see happening.

They'll likely appeal to folk's common sense and argue: “If we comply at all our source property lines it's not possible to then not comply at a remote sensitive receptor, so the intent of the Bylaw must have been that it's adequate to demonstrate compliance at either our sources property lines or at remote sensitive receptors but not both.”

It's only when you've been through the experiences we have, that one sees the fallacy in this argument, and know why it's so important to comply both at the noise source property lines and sensitive receptors.

Think clearly specifying what's required for compliance and what causes a violation will go a long way towards expressing the current PEDB's intent and help prevent confusion and headaches for future PEDB's, and Town Staff.

Respectfully submitted,
John Lally, Resident
35 Coffee Street
Medway, MA 02053

ENVIRONMENTAL STANDARDS

Revised 9-14-20

With edits offered by John Lally 9-28-20

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw, Section 7.3 Environmental Standards, by deleting it in its entirety and replacing it as follows:

7.3. ENVIRONMENTAL STANDARDS

- A. **Purpose.** The intent of this section is to provide standards for uses which, by their operation, may generate impacts that are potentially hazardous, harmful to the environment, disturbing, offensive or objectionable. The Zoning Bylaw, § 5.2, Prohibited Uses, expressly prohibits all uses in any zoning district that pose a present or potential hazard to human health, safety, welfare, or the environment through the emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or light and shadow flicker. Furthermore, the Zoning Bylaw, § 5.2, Prohibited Uses, B.14 prohibits any use that produces “disturbing or offensive” noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features.
- B. **Enforcement:** The Zoning Bylaw, § 3.1, Enforcement, Violations, and Penalties authorizes the Building Commissioner, or designee, to interpret and enforce the Bylaw. At the discretion of the Building Commissioner, a technical consultant may be engaged by the Town of Medway to investigate and document violations pursuant to this section.
- C. **Definitions:** For purposes of this section of the Bylaw, the following terms shall be defined as follows:

Ambient Noise: The sound pressure level at a given location produced by everything else excluding the source of sound being monitored, analyzed, or evaluated. Also referred to as background noise. Ambient noise includes environmental noises from sources such as traffic, aircraft, waves, alarms, animals or noise from existing mechanical devices such as air conditioning, power supplies, or motors that are present prior to introduction of a new intrusive sound source that is being evaluated.

(Hz)Hertz: A unit of frequency of change in the cycle of a sound wave

(dB)Decibel: A unit of measurement of the intensity of sound

(dBA)A weighted decibel: An expression of the relative loudness of sound in the air as perceived by the human ear.

Detection Threshold – The lowest concentration or intensity of noise, odor, vibration, or other environmental hazard regulated by this bylaw that is noticeable to a reasonable person with normal sensory sensitivities.

Disturbing, offensive or objectionable impacts: Those which are at or above the detection threshold. (Please see comments, think this would be too restrictive if applies to noise.)

Disturbing, offensive or objectionable odor: Any odor at or above the detection threshold of a person with a normal olfactory sensitivity.

Octave Band: A frequency band where the highest frequency is twice the lowest frequency.

Odor Plume: The cloud of odor created when odor molecules are released from their source and are expanded through air movement.

Sensitive Receptor: An occupied residence or facility whose occupants are more susceptible to the adverse effects of noise and odor including but not limited to hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.

D. Standards. The following standards shall apply to all zoning districts.

1. **Smoke, Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution:** All activities involving smoke, fly ash, dust, fumes, vapors, gases, other forms of air pollution, as defined in [CMR 310, § 7](#), Air Pollution Control Regulations, as amended, which can cause damage to human health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point are prohibited.

2. **Noise Disturbance:** The Building Commissioner may determine that a noise source is subject to investigation, and if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties.

a. **Standards.** No person or persons owning, leasing, or controlling the operation of any source or sources of noise shall permit the establishment of a condition of noise pollution. Disturbing, offensive or objectionable noises as defined ~~below in Paragraph C.~~ shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property.

1) **Continuous Noise.** For the purposes of this bylaw, continuous noise restrictions apply to permanent non-residential uses and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). **Maximum permissible sound pressure levels measured at the property line of the noise source for noise radiated continuously from the noise source shall not exceed the values specified in the table below. In addition, maximum permissible sound pressure levels measured at sensitive receptors located within one-thousand feet of the property line of the noise source for noise radiated continuously from the noise source shall not**

Commented [LJ-0-M1]: Does this takes precedence over "continuous noise table" in D.2.a.1 ? If yes, think that would be too restrictive for noise. If that's the case suggest replacing with odor only.

Odor is unique:

- There doesn't exist a reliable, and accurate instrument only measurement method to assess odor impacts.
- There are well established, cost effective methods for keeping odor emissions below the detection threshold.
- So it's reasonable to set the limit for odors at the detection threshold.

Noise on the other hand:

- Has well established, instrument only, reliable and accurate measurement methods.
- For some facilities it is not feasible to bring noise emissions beneath the detection threshold.
- So it would be unreasonable to set the noise limit to the detection threshold.

Commented [LJ-0-M2]: If the detection threshold in paragraph C takes precedence over the noise levels below, suggest changing paragraph C to detection threshold for odor only and refer to noise levels defined below.

Commented [LJ-0-M3]: Couldn't figure out how to make this work by using "AND" or "OR" with single sentence.

Splitting into 2 sentences eliminate the use of "AND" or "OR" and resulting confusion.

exceed the values in the table below. Where Daytime is defined as between the hours of 7:00 a.m. and 9:00 p.m. and Nighttime is defined as between the hours of 9:00 p.m. and 7:00 a.m.

Octave Band Center Frequency (Hz)	Daytime (dB) 7:00 a.m. – 9:00 p.m.	Nighttime (dB) 9:00 p.m. – 7:00 a.m.
63	72	55
125	60	48
250	53	42
500	47	39
1000	43	36
2000	40	33
4000	37	30
8000	33	27
Overall Level (dBA)	52	42

Compliance with all octave band limits is required. If the Building Commissioner determines that the noise source contributes significantly to ambient noise levels at any distance from the property, sound levels may be measured in those locations beyond the source property line. Compliance is required at all property lines of the noise source and at sensitive receptors located within one-thousand feet of a property line of the noise source. Noncompliance at any property line of the noise source or at any sensitive receptor located within one-thousand feet of a property line of the noise source is a violation.

Commented [LJ-0-M4]: Suggest clearly specifying requirements for compliance and causes of a violation. This should go a long way towards expressing the current PEDB's intent and helping future PEDB's & Town Staff should any confusion arise during future permitting & enforcement.

- 2) **Temporary Noise.** For the purposes of this bylaw, non-continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is periodically produced. No person shall use or cause the use of any noise-producing equipment or tool (such as for construction, repair, or demolition operations) between the hours of 9:00 p.m. and 7:00 a.m.
- 3) **Construction Noise.** Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7:00 a.m. and shall cease no later than 6:00 p.m., Monday through Saturday. No construction shall take place on Sundays, federal holidays or state legal holidays without the advance written approval of the Building Commissioner.

Advisory Note – State regulations authorize municipal police departments, fire departments, and board of health officials to enforce noise standards that are based on certain sections of [310 Code of Massachusetts Regulations \(CMR\), § 7](#), Air Pollution

Control Regulations. Such regulations are distinct and separate from the Town's zoning regulations for noise.

b. **Investigation.** The Building Commissioner may determine that a noise source is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties. If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake a noise study to determine if a non-compliant noise condition exists. The Building Commissioner may enlist the assistance of other Town personnel for the investigation. At the discretion of the Building Commissioner, a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience may be engaged by the Town to assist in the investigation including measurements and documentation of violations. Depending on the particular site and its noise generators, the noise study shall (should?) include, at a minimum, measurements of:

- Ambient noise (Daytime and Nighttime) and
- Operational noise levels (Daytime and Nighttime) at the facility property line and at Sensitive Receptors located within one thousand feet of the facility property line.

c. **Noise Control Plan.** If the Building Commissioner determines that there is a violation, he or she shall order the owner or operator to come into compliance. The owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience.

d. **Corrective Measures** - Non-residential uses that produce non-compliant noise must install and maintain noise reducing equipment in accordance with the approved noise control plan to meet the requirements of this section. The Building Commissioner may require the provision of reports to document ongoing noise compliance.

3. **Vibration:** No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for thirty seconds or more in any one hour from 9:00 p.m. to 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude

and frequencies beyond the "safe" range on the most recent edition of Table 7, U.S. Bureau of Mines Bulletin NO. 442 (U.S. Department of the Interior).

4. Odors: The Building Commissioner may determine that an odor is disturbing, offensive or objectionable and is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or the imposition of fines and non-criminal penalties.

a. **Standards** – Disturbing, offensive or objectionable odors as defined in Paragraph C. shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property. Failure to meet either the Reasonableness Standard or the Measurement Standard listed below shall constitute a violation of this section.

1) **Sensorial Reasonableness Standard** –The Building Commissioner, or designee, may determine, using only her or his sense of smell, that an odor is one which is disturbing, offensive or objectionable to a reasonable person with normal olfactory sensitivity.

2) **Measurement Standards** – No disturbing, offensive or objectionable odor greater than that caused by the lowest odor detection thresholds as listed in the most recent edition of the [American Industrial Hygiene Association \(AIHA\) Odor Thresholds for Chemicals with Established Occupational Health Standards, Reported Odor Thresholds \(EG Table 6.3 in 2nd Edition\)](#) shall be permitted. Due to the potential of odorant mixtures causing more intense odors than individual odorant compounds in isolation, nothing in this Bylaw shall be interpreted as allowing for any disturbing, offensive or objectionable odors at or above the cited detection thresholds.

b. **Investigation.** The Building Commissioner or designee shall investigate odor complaints until determined to be without merit or resolved to the satisfaction of the Building Commissioner.

1) **Assessment Area** – The Building Commissioner or designee shall investigate odor complaints for odors emanating from:

a) **Immediate Impact Zone** - Any resident, occupant, or owner of property located within 1,000 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor, as measured from property line to property line.

b) **Secondary Impact Zone** - A collection of complaints from five or more residents, occupants, or owners of property located within 2,500 feet of the property line of

the property with a source generating and emitting the disturbing, objectionable or offensive odor as measured from property line to property line.

- 2) The Building Commissioner or designee may investigate possible odor violations upon their own initiative or at the request of Town officials or staff and shall investigate public complaints about an odor of a suspicious or dangerous nature.
- 3) If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake an odor observation to determine if a disturbing, objectionable or offensive odor exists. At the discretion of the Building Commissioner, a technical odor consultant may be engaged by the Town to assist in the investigation including odor observation and documentation of violations. The odor consultant shall be trained in the practices of ASTM (American Society for Testing Materials) - E679 and meet the selection criteria of EN13725 (international olfactometry standard). As a component of such investigation, measurements may be done in the field by using:
 - a) Undiluted odor field observations (i.e. sniffing) or odor sampling to be performed at a frequency, duration, and locations appropriate for the odor source under investigation and the locations of odor complaints that have been received by the Town including those beyond the source property lines. The purpose is to detect and assess the presence of recognizable odors linkable to a specific source in ambient air. This may be accomplished by:
 - i. Grid method of analysis - Odor hours for a geographic area of evaluation to establish an odor hour frequency measurement.
 - ii. Plume method of analysis – Measurement of extent of the area where an odor plume originating from a specific odor source can be perceived and recognized under specific meteorological and operating conditions.

The following other forms of measurement may be used only as supplemental methods to evaluate persistent problems or higher intensity odors as a way to determine the severity of the situation.

- b) Field Olfactometry - A method to quantify odors in ambient air by means of a portable odor detecting and measuring device known as a field olfactometer. A field olfactometer measures odor strength and persistence using a Dilution-to-Threshold (D/T) ratio. The Dilution-to-Threshold ratio is a measure of odor concentration by determining the number of carbon filtered air dilutions needed to make the odorous ambient air non-detectable. The formula for calculating D/T with a field olfactometer is:

$$D/T = \frac{\text{Volume of Carbon Filtered Air}}{\text{Volume of Odorous Air}}$$

- c) Chemical Analysis – Instrumental methods of characterizing odor involving the identification and quantification of chemical compounds in an odor sample by means of gas chromatography coupled with mass spectrometry, analysis of hydrocarbon molecules, and analysis of single gases such as ammonia and hydrogen sulfide.
 - d) Instrumental Odor Monitoring – Instruments designed to mimic human olfaction in the detection and characterization of simple or complex odors. Also referred to as electronic (E) - noses.
 - e) Any other method or best practice determined to be appropriate by the Building Commissioner.
- c. **Odor Control Plan** – If, based on the investigation, the Building Commissioner determines that there is a violation, the owner and/or operator of the odor-producing use shall be required to provide an odor control, abatement and mitigation plan to the Building Commissioner for review and approval or, otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant and specify suitable corrective measures. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a certified environmental engineer, certified environmental professional, or certified industrial hygienist with experience in odor management, abatement and mitigation technologies. The Building Commissioner may also require the plan to include the provision of reports of ongoing odor monitoring and compliance.
- d. **Corrective Measures** - Non-residential uses that produce non-compliant odors shall be required to install and maintain odor-eliminating equipment in accordance with the approved odor control plan to meet the requirements of this section.

E. Exemptions

- 1) **Farming.** Impacts resulting from agricultural, farm-related, or forestry-related activities as defined by [G.L., c 128, Agriculture, § 1A](#), as amended, and Medway General Bylaws, ARTICLE XXXI, §2 Right to Farm, are exempt from these restrictions when such activities follow generally accepted practices ([G.L., c 111, §125A](#)).
- 2) **Residential Uses.** Impacts resulting from residential activities such as but not limited to barbecues, wood stove exhaust, driveway paving, gardening, and house painting are exempt from these restrictions.

3) **Repair and infrequent maintenance activities.** Repair and infrequent maintenance activities such as but not limited to those for septic and sewer systems are exempt from these restrictions.

4) **Construction.** Impacts resulting from construction, demolition, or repair work that occurs between 7:00 a.m. and 6:00 p.m. on public improvements authorized by a governmental body or agency, utility work and repairs, and other similar work on private property pursuant to an order by a governmental body or agency for safety purposes are exempt from these restrictions.

Or to take any other action relative thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

7.3. ENVIRONMENTAL STANDARDS

- A. **Purpose.** The intent of this section is to provide standards for uses which, by their operation, may generate impacts that are potentially hazardous, harmful to the environment, disturbing, offensive or objectionable. The Zoning Bylaw, § 5.2, Prohibited Uses, expressly prohibits all uses in any zoning district that pose a present or potential hazard to human health, safety, welfare, or the environment through the emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or light and shadow flicker. Furthermore, the Zoning Bylaw, § 5.2, Prohibited Uses, B.14 prohibits any use that produces “disturbing or offensive” noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features.
- B. **Enforcement:** The Zoning Bylaw, § 3.1, Enforcement, Violations, and Penalties authorizes the Building Commissioner, or designee, to interpret and enforce the Bylaw. At the discretion of the Building Commissioner, a technical consultant may be engaged by the Town of Medway to investigate and document violations pursuant to this section.

- C. **Definitions:** For purposes of this section of the Bylaw, the following terms shall be defined as follows:

Ambient Noise: The sound pressure level at a given location produced by everything else excluding the source of sound being monitored, analyzed, or evaluated. Also referred to as background noise. Ambient noise includes environmental noises from sources such as traffic, aircraft, waves, alarms, animals or noise from existing mechanical devices such as air conditioning, power supplies, or motors that are present prior to introduction of a new intrusive sound source that is being evaluated.

(Hz)Hertz: A unit of frequency of change in the cycle of a sound wave

(dB)Decibel: A unit of measurement of the intensity of sound

(dBA)A weighted decibel: An expression of the relative loudness of sound in the air as perceived by the human ear.

Detection Threshold – The lowest concentration or intensity of noise, odor, vibration, or other environmental hazard regulated by this bylaw that is noticeable to a reasonable person with normal sensory sensitivities.

Disturbing, offensive or objectionable impacts: Those which are at or above the detection threshold.

Octave Band: A frequency band where the highest frequency is twice the lowest frequency.

Odor Plume: The cloud of odor created when odor molecules are released from their source and are expanded through air movement.

Sensitive Receptor: An occupied residence or facility whose occupants are more susceptible to the adverse effects of noise and odor including but not limited to hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.

D. **Standards.** The following standards shall apply to all zoning districts.

1. **Smoke, Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution:** All activities involving smoke, fly ash, dust, fumes, vapors, gases, other forms of air pollution, as defined in [CMR 310, § 7](#), Air Pollution Control Regulations, as amended, which can cause damage to human health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point are prohibited.
2. **Noise Disturbance:** The Building Commissioner may determine that a noise source is subject to investigation, and if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties.
 - a. **Standards.** No person or persons owning, leasing, or controlling the operation of any source or sources of noise shall ~~cause or permit a condition resulting in the establishment of a condition of~~ noise pollution. Disturbing, offensive or objectionable noises, as defined in Paragraph C. [of this section](#), shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property.
 - 1) **Continuous Noise.** For the purposes of this bylaw, continuous noise restrictions apply to permanent non-residential uses and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line of the noise source or at a sensitive receptor located within one-thousand feet of the property line of the noise source for noise radiated continuously from the noise source shall not exceed the values specified in the table below where Daytime is defined as between the hours of 7:00 a.m. and 9:00 p.m. and Nighttime is defined as between the hours of 9:00 p.m. and 7:00 a.m.

Octave Band Center Frequency (Hz)	Daytime (dB) 7:00 a.m. – 9:00 p.m.	Nighttime (dB) 9:00 p.m. – 7:00 a.m.
63	72	55
125	60	48
250	53	42
500	47	39
1000	43	36

2000	40	33
4000	37	30
8000	33	27
Overall Level (dBA)	52	42

Compliance with all octave band limits is required. If the Building Commissioner determines that the noise source contributes significantly to ambient noise levels at any distance from the property, sound levels may be measured in those locations beyond the source property line.

- 2) **Temporary Noise.** For the purposes of this bylaw, non-continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is periodically produced. No person shall use or cause the use of any noise-producing equipment or tool (such as for construction, repair, or demolition operations) between the hours of 9:00 p.m. and 7:00 a.m.
- 3) **Construction Noise.** Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7:00 a.m. and shall cease no later than 6:00 p.m., Monday through Saturday. No construction shall take place on Sundays, federal holidays or state legal holidays without the advance written approval of the Building Commissioner.

Advisory Note – State regulations authorize municipal police departments, fire departments, and board of health officials to enforce noise standards that are based on certain sections of [310 Code of Massachusetts Regulations \(CMR\), § 7](#), Air Pollution Control Regulations. Such regulations are distinct and separate from the Town's zoning regulations for noise.

b. **Investigation.** The Building Commissioner may determine that a noise source is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties. If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake a noise study to determine if a non-compliant noise condition exists. The Building Commissioner may enlist the assistance of other Town personnel for the investigation. At the discretion of the Building Commissioner, a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience may be engaged by the Town to assist in the investigation including measurements and documentation of violations. Depending on the particular site and its noise generators, the noise study shall ~~(should?)~~ include, at a minimum, measurements of:

- Ambient noise (Daytime and Nighttime); and
- Operational noise levels (Daytime and Nighttime) at the facility property line and at Sensitive Receptors located within one thousand feet of the facility property line.

c. **Noise Control Plan.** If the Building Commissioner determines that there is a violation, he or she shall order the owner or operator to come into compliance. The owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience.

d. **Corrective Measures** - Non-residential uses that produce non-compliant noise must install and maintain noise reducing equipment in accordance with the approved noise control plan to meet the requirements of this section. The Building Commissioner may require the provision of reports to document ongoing noise compliance.

3. **Vibration:** No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for thirty seconds or more in any one hour from 9:00 p.m. to 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range on the most recent edition of Table 7, U.S. Bureau of Mines Bulletin NO. 442 (U.S. Department of the Interior).

Commented [CMM1]: The measurement for a vibration should be defined above in Section C or here.

4. **Odors:** The Building Commissioner may determine that an odor is disturbing, offensive or objectionable and is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or the imposition of fines and non-criminal penalties.

a. **Standards** – Disturbing, offensive or objectionable odors, as defined in Paragraph CSection 7.3.C., shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property. Failure to meet either the Reasonableness Standard or the Measurement Standard listed below shall constitute a violation of this section.

1) **Sensorial Reasonableness Standard** –The Building Commissioner, or designee, may determine, using only her or his sense of smell, that an odor is one which is

disturbing, offensive or objectionable to a reasonable person with normal olfactory sensitivity.

- 2) **Measurement Standards** – No disturbing, offensive or objectionable odor greater than that caused by the lowest odor detection thresholds as listed in the most recent edition of the [American Industrial Hygiene Association \(AIHA\) Odor Thresholds for Chemicals with Established Occupational Health Standards, Reported Odor Thresholds \(EG Table 6.3 in 2nd Edition\)](#) shall be permitted. Due to the potential of odorant mixtures causing more intense odors than individual odorant compounds in isolation, nothing in this Bylaw shall be interpreted as allowing for any disturbing, offensive or objectionable odors at or above the cited detection thresholds.
- b. **Investigation.** The Building Commissioner or designee shall investigate odor complaints until determined to be without merit or resolved to the satisfaction of the Building Commissioner.
- 1) **Assessment Area** – The Building Commissioner or designee shall investigate odor complaints for odors emanating from:
 - a) **Immediate Impact Zone** - Any resident, occupant, or owner of property located within 1,000 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor, as measured from property line to property line.
 - b) **Secondary Impact Zone** - A collection of complaints from five or more residents, occupants, or owners of property located within 2,500 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor as measured from property line to property line.
 - 2) The Building Commissioner or designee may investigate possible odor violations upon their own initiative or at the request of Town officials or staff and shall investigate public complaints about an odor of a suspicious or dangerous nature.
 - 3) If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake an odor observation to determine if a disturbing, objectionable or offensive odor exists. At the discretion of the Building Commissioner, a technical odor consultant may be engaged by the Town to assist in the investigation including odor observation and documentation of violations. The odor consultant shall be trained in the practices of ASTM (American Society for Testing Materials) - E679 and meet the selection criteria of EN13725 (international olfactometry standard). As a component of such investigation, measurements may be done in the field by using:

- a) Undiluted odor field observations (i.e. sniffing) or odor sampling to be performed at a frequency, duration, and locations appropriate for the odor source under investigation and the locations of odor complaints that have been received by the Town including those beyond the source property lines. The purpose is to detect and assess the presence of recognizable odors linkable to a specific source in ambient air. This may be accomplished by:
- i. Grid method of analysis - Odor hours for a geographic area of evaluation to establish an odor hour frequency measurement.
 - ii. Plume method of analysis – Measurement of extent of the area where an odor plume originating from a specific odor source can be perceived and recognized under specific meteorological and operating conditions.

The following other forms of measurement may be used only as supplemental methods to evaluate persistent problems or higher intensity odors as a way to determine the severity of the situation.

- b) Field Olfactometry - A method to quantify odors in ambient air by means of a portable odor detecting and measuring device known as a field olfactometer. A field olfactometer measures odor strength and persistence using a Dilution-to-Threshold (D/T) ratio. The Dilution-to-Threshold ratio is a measure of odor concentration by determining the number of carbon filtered air dilutions needed to make the odorous ambient air non-detectable. The formula for calculating D/T with a field olfactometer is:

$$D/T = \frac{\text{Volume of Carbon Filtered Air}}{\text{Volume of Odorous Air}}$$

- c) Chemical Analysis – Instrumental methods of characterizing odor involving the identification and quantification of chemical compounds in an odor sample by means of gas chromatography coupled with mass spectrometry, analysis of hydrocarbon molecules, and analysis of single gases such as ammonia and hydrogen sulfide.
- d) Instrumental Odor Monitoring – Instruments designed to mimic human olfaction in the detection and characterization of simple or complex odors. Also referred to as electronic (E) - noses.
- e) Any other method or best practice determined to be appropriate by the Building Commissioner.

- c. **Odor Control Plan** – If, based on the investigation, the Building Commissioner determines that there is a violation, the owner and/or operator of the odor-producing use shall be required to provide an odor control, abatement and mitigation plan to the Building Commissioner for review and approval^{-e}, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant and specify suitable corrective measures. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a certified environmental engineer, certified environmental professional, or certified industrial hygienist with experience in odor management, abatement and mitigation technologies. The Building Commissioner may also require the plan to include the provision of reports of ongoing odor monitoring and compliance.
- d. **Corrective Measures** - Non-residential uses that produce non-compliant odors shall be required to install and maintain odor-eliminating equipment in accordance with the approved odor control plan to meet the requirements of this section.

E. Exemptions

- 1) **Farming.** Impacts resulting from agricultural, farm-related, or forestry-related activities as defined by G.L. c 128, Agriculture, § 1A, as amended, and Medway General Bylaws, ARTICLE XXXI, §2 Right to Farm, are exempt from these restrictions when such activities follow generally accepted practices. Impacts from agricultural, farm-related, or forestry-related activities that are potentially hazardous, harmful to the environment, disturbing, offensive or objectionable, or constitute a nuisance, may be subject to alternative rules, regulations, and enforcement procedures. See (G.L. c 111, §125A).
- 2) **Residential Uses.** Impacts resulting from residential activities such as but not limited to barbecues, wood stove exhaust, driveway paving, gardening, and house painting are exempt from these restrictions.
- 3) **Repair and infrequent maintenance activities.** Repair and infrequent maintenance activities such as but not limited to those for septic and sewer systems are exempt from these restrictions.
- 4) **Construction.** Impacts resulting from construction, demolition, or repair work that occurs between 7:00 a.m. and 6:00 p.m. on public improvements authorized by a governmental body or agency, utility work and repairs, and other similar work on private property pursuant to an order by a governmental body or agency for safety purposes are exempt from these restrictions.

Susan Affleck-Childs

From: Paul Yorkis <pgyorkis@gmail.com>
Sent: Thursday, October 8, 2020 10:00 AM
To: Susan Affleck-Childs
Cc: Jack Mee
Subject: Re: Agenda for 10-13-20 PEDB meeting

Thank you for sharing the agenda and proposed amendments.

Regarding the following:

Construction Noise. Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7:00 a.m. and shall cease no later than 6:00 p.m., Monday through Saturday. No construction shall take place on Sundays, federal holidays or state legal holidays without the advance written approval of the Building Commissioner.

Regarding the second sentence I suggest the language be changed to:

No OUTSIDE construction shall take place on Sundays, federal holidays or state legal holidays without the advance written approval of the Building Commissioner.

Paul G. Yorkis, EdD
President
Patriot Real Estate, Inc.
Cell 508-509-7860
2020 President Realtor Commercial Alliance of Massachusetts
2017 President Massachusetts Association of Realtors
2014 Andrew F. Hickey Distinguished Service Award
2011 Massachusetts Realtor of the Year
National Association of Realtors Federal Political Coordinator for Congressman Joe Kennedy
Massachusetts Association of Realtors SPC for Senate President Karen Spilka and State Representative Jeff Roy
Member HUD Housing Counseling Federal Advisory Committee

On Oct 8, 2020, at 8:01 AM, Susan Affleck-Childs <sachilds@townofmedway.org> wrote:

Good morning,

Attached is the agenda for next Tuesday's PEDB meeting.

Please let me know if you have any questions.

Cheers!

Susy

Susan E. Affleck-Childs

Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

<10-13-2020 PEDB mtg agenda (TC date stamped).pdf>

Susan Affleck-Childs

From: Jeff Komrower <jeffk@noise-control.com>
Sent: Monday, September 14, 2020 3:39 PM
To: Susan Affleck-Childs
Subject: RE: Medway - vibration question.

Lol. We aim to please. It's actually not an easy concept to grasp. You can think of it similar to how we do noise, except it's vibration. The vibration is measured across all frequencies using this accelerometer and then the information at all frequencies is used to calculate an overall vibration level. That .1 g represents the overall vibration level.

Jeff

Jeffrey M. Komrower
Senior Engineer/Director of Marketing
jeffk@noise-control.com

Noise Control Engineering, LLC
85 Rangeway Road
Building 2, 2nd Floor
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978-584-3026 (direct line)
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www.noise-control.com

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Monday, September 14, 2020 3:36 PM
To: Jeff Komrower <jeffk@noise-control.com>
Subject: RE: Medway - vibration question.

Thanks . . I think!!

You are the best!!

Susy

From: Jeff Komrower [<mailto:jeffk@noise-control.com>]
Sent: Monday, September 14, 2020 3:33 PM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Cc: Barbara Saint Andre <bsaintandre@townofmedway.org>
Subject: RE: Medway - vibration question.

Hi Suzy,

g is the unit typically used for vibration because it's the easiest to measure. 1g is gravitation acceleration and equals 32.2 ft/sec² (386 in/ sec²). So .1 g would be an acceleration of 3.22 ft/sec². Just like noise (which is measured with a microphone), vibration is measured with a transducer called an accelerometer. The vibration is measured over the

whole frequency range and then an overall acceleration is calculated. So that .1 g would represent the overall vibration in units of g's.

If you want to be further confused, the acceleration, velocity and displacement are related by the frequency. So, for instance, using the formula:

Displacement (in) = acceleration (g) x 19.56/frequency² (Hz). Thus, a .1 g acceleration at 10 Hz would be (.1 x 19.56)/100 = .02 in, whereas a .1 g acceleration at 5 Hz would be .08 in.

Not sure if this helps.

Jeff

Jeffrey M. Komrower

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From: Susan Affleck-Childs <sachilds@townofmedway.org>

Sent: Monday, September 14, 2020 11:30 AM

To: Jeff Komrower <jeffk@noise-control.com>

Cc: Barbara Saint Andre <bsaintandre@townofmedway.org>

Subject: RE: Medway - vibration question.

Hi Jeff,

Hope you are well.

We continue to plod along on the update to our Environmental Standards. Might you explain one more thing for me?

The following is the Vibration section of the proposed bylaw.

Vibration: No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for thirty seconds or more in any one hour from 9:00 p.m. to 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range on the most recent edition of [Table 7, U.S. Bureau of Mines Bulletin NO. 442 \(U.S. Department of the Interior\)](#).

We don't know what 0.1g means. . . can you explain or give us a definition or refer us to something!?

Thanks.

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291
sachilds@townofmedway.org

From: Jeff Komrower [<mailto:jeffk@noise-control.com>]
Sent: Friday, July 24, 2020 10:42 AM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Subject: RE: Medway - definition of ambient noise

Welcome!

Jeffrey M. Komrower
Senior Engineer/Director of Marketing
jeffk@noise-control.com

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From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Friday, July 24, 2020 10:37 AM
To: Jeff Komrower <jeffk@noise-control.com>
Subject: RE: Medway - definition of ambient noise

Thanks Jeff.

I really appreciate it.

Take care.

Susy

From: Jeff Komrower <jeffk@noise-control.com>
Sent: Friday, July 24, 2020 10:28 AM
To: Susan Affleck-Childs <sachilds@townofmedway.org>
Subject: RE: Medway - definition of ambient noise

Hi Suzy,

No Problem. I think your definition is good. I would add a few things. Here is a suggestion:

Ambient Noise: The sound pressure level at a given location produced by everything else excluding the source of sound being evaluated. Also referred to as background noise. Ambient noise would include environmental noises from sources such as traffic, aircraft, waves, alarms, animals or noise from existing devices such as air conditioning, power supplies or motors that are present prior to introduction of a new intrusive source that is being evaluated. (you can leave this next sentence out of covered elsewhere) The measurement of ambient noise is typically performed by monitoring the noise levels over a period of time and calculating the L₉₀ metric which is the level exceeded for 90% of the time (90% of the time the noise is above this level).

Let me know if you have any questions. Stay safe!

Best regards,

Jeff

Jeffrey M. Komrower
Senior Engineer/Director of Marketing
jeffk@noise-control.com

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410-960-9243 (mobile)
www.noise-control.com

From: Susan Affleck-Childs <sachilds@townofmedway.org>
Sent: Friday, July 24, 2020 10:06 AM
To: Jeff Komrower <jeffk@noise-control.com>
Subject: Medway - definition of ambient noise

Hi Jeff,

Hope you are well,

I am writing to ask if you could help me out. Could you refer me to an appropriate definition for "ambient noise" to include in our bylaw? Something that is generally understood and recognized? WE have seen the MA DEP definition. That seems to include a standard more than a general definition.

Right now, my current language is:

Ambient Noise: The sound pressure level produced by everything else excluding the source of sound being evaluated. Also referred to as background noise.

Regrettably, I am not in a position to compensate you for your time. Any quick help you could provide would be much appreciated, but I understand if that isn't do-able.

Best regards,

Susy

Susan E. Affleck-Childs
Planning and Economic Development Coordinator
Town of Medway
155 Village Street
Medway, MA 02053
508-533-3291

Susan Affleck-Childs

From: Paul Yorkis <pgyorkis@gmail.com>
Sent: Thursday, October 8, 2020 9:05 PM
To: Susan Affleck-Childs
Cc: Jack Mee
Subject: Proposed Zoning Bylaw Change

I have reviewed all of the zoning bylaw amendments under consideration fro the next meeting of the PEDB.

Regarding:

1. Multi-family dwelling units may not be located on the ground floor of a mixed-use building or development unless:

I suggest to the PEDB that the restriction in 1. above may be a violation of the regulations of the Architectural Access Board and perhaps the ADA as it appears that first floor handicapped accessible units can not be on the first floor of a mixed use building. Perhaps the PEDB may want to consider an additional provision specifically permitting first floor residential units that are constructed to meet the needs of those with a physical disability.

Thank you for your consideration.

Paul G. Yorkis, EdD
President
Patriot Real Estate, Inc.
Cell 508-509-7860
2020 President Realtor Commercial Alliance of Massachusetts
2017 President Massachusetts Association of Realtors
2014 Andrew F. Hickey Distinguished Service Award
2011 Massachusetts Realtor of the Year
National Association of Realtors Federal Political Coordinator for Congressman Joe Kennedy
Massachusetts Association of Realtors SPC for Senate President Karen Spilka and State Representative Jeff Roy
Member HUD Housing Counseling Federal Advisory Committee

ZONING BYLAW AMENDMENTS

ARTICLE I - Incidental Accessory Objects. Revised Section 6.3.H

Jack Mee reviewed the proposed article over the weekend. He noted that there is some conflicting language between the proposed article and the existing text in Section 6.3.F. (attached).

Jack, Barbara and I met this afternoon to discuss. We prepared this alternative draft for your consideration. It removes the conflicting language. See attached.

6.3. ACCESSORY BUILDINGS OR STRUCTURES

- A. In a residential zoning district, there shall be no more than five accessory buildings or structures on any lot unless authorized by special permit from the Zoning Board of Appeals.
- B. In a residential zoning district, an accessory building or structure shall not exceed 3,000 sq. ft. in gross floor area unless authorized by special permit from the Zoning Board of Appeals.
- C. In a residential zoning district, the area of any single accessory building or structure shall not exceed the gross floor area of the principle residential building on the premises unless authorized by special permit from the Zoning Board of Appeals.
- D. In any zoning district, the primary and accessory buildings and structures shall not exceed the maximum lot coverage requirements specified in TABLE 2 DIMENSIONAL AND DENSITY REGULATIONS of this Bylaw.
- E. In reviewing special permit applications for accessory buildings or structures in residential zoning districts, the Zoning Board of Appeals shall consider the *Medway Design Review Guidelines* applicable to residential zones.
- F. Any detached accessory building or structure less than two hundred square feet in area and less than fifteen feet in height shall have a minimum setback of five feet from the rear and side lot lines. Any detached accessory building or structure that exceeds these limits shall conform to the otherwise applicable yard setback regulations as specified in TABLE 2 in Section 6.1 Schedule of Dimensional and Density Regulations. (Added 5-13-19)
- G. No accessory building or structure shall be constructed and occupied nor an accessory use started on any lot prior to the time construction begins on the principal building or structure or use to which it is accessory. Conversely, no accessory building or structure shall continue to be used or occupied after a principal building or structure has been vacated or removed from the lot. (Added 5-13-19)
- H. The setback requirements specified in TABLE 2 DIMENSIONAL AND DENSITY REGULATIONS shall not apply to public bus stop shelters. (Added 5-13-19)

(Section 6.3 added 5-8-17)

ACCESSORY USES AND INCIDENTAL ACCESSORY OBJECTS

UPDATED – October 13, 2020

ARTICLE : To see if the Town of Medway will vote to amend the Zoning Bylaw, SECTION 2 DEFINITIONS by inserting the following definition in alphabetical order: (new text in **bold**, deleted text in ~~strikethrough~~)

Incidental Accessory Object – A visible, functional or ornamental object or a man-made site feature that is subordinate to a principal building or structure or use and is located on the same lot as the principal building or structure or use or on an adjoining lot under the same ownership and in the same zoning district.

And to amend Paragraph H. in Section 6.3 Accessory Building and Structures as follows:

H. Incidental Accessory Objects.

1. The setback requirements specified in Table 2 DIMENSIONAL AND DENSITY REGULATIONS shall not apply to public bus stop shelters.
2. The standard setback requirements specified in Table 2 DIMENSIONAL AND DENSITY REGULATIONS shall apply to the following Incidental Accessory Objects:
 - a. Animal ~~hutch or pen exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height~~
 - b. Athletic or sports court
 - c. ~~Bathhouse or cabana~~
 - d. ~~Gazebo or pavilion exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height.~~
 - e. Ground mounted solar photovoltaic panel
 - f. Hot tub
 - g. ~~Membrane structure exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height~~
 - h. Patio ~~or free-standing deck~~
 - i. Outdoor fireplace or fire pit
 - j. Outdoor kitchen, bar or dining area
 - k. Outdoor play gym ~~or structure or playhouse~~
 - l. Man-made pond or water feature
 - m. ~~Shed exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height~~
 - n. Swimming pool
 - o. Trash dumpster and/or enclosure
 - p. Wind turbine

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ACCESSORY USES AND INCIDENTAL ACCESSORY OBJECTS

UPDATED – October 13, 2020

ARTICLE : To see if the Town of Medway will vote to amend the Zoning Bylaw, SECTION 2 DEFINITIONS by inserting the following definition in alphabetical order: (new text in **bold**, deleted text in ~~strikethrough~~)

Incidental Accessory Object – A visible, functional or ornamental object or a man-made site feature that is subordinate to a principal building or structure or use and is located on the same lot as the principal building or structure or use or on an adjoining lot under the same ownership and in the same zoning district.

And to amend Paragraph H. in Section 6.3 Accessory Building and Structures as follows:

H. Incidental Accessory Objects.

1. The setback requirements specified in Table 2 DIMENSIONAL AND DENSITY REGULATIONS shall not apply to public bus stop shelters.
2. The standard setback requirements specified in Table 2 DIMENSIONAL AND DENSITY REGULATIONS shall apply to the following Incidental Accessory Objects:
 - a. Animal ~~hutch or pen exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height~~
 - b. Athletic or sports court
 - c. ~~Bathhouse or cabana~~
 - d. ~~Gazebo or pavilion exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height.~~
 - e. Ground mounted solar photovoltaic panel
 - f. Hot tub
 - g. ~~Membrane structure exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height~~
 - h. Patio ~~or free-standing deck~~
 - i. Outdoor fireplace or fire pit
 - j. Outdoor kitchen, bar or dining area
 - k. Outdoor play gym ~~or structure or playhouse~~
 - l. Man-made pond or water feature
 - m. ~~Shed exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height~~
 - n. Swimming pool
 - o. Trash dumpster and/or enclosure
 - p. Wind turbine

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

**TOWN OF MEDWAY
WARRANT FOR 2020
FALL TOWN MEETING**

NORFOLK ss:

To either of the Constables of the Town of Medway

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet at the Medway High School Auditorium, 88 Summer Street, on Monday, November 16, 2020 at 7:00 PM, then and there to act on the following articles:

ARTICLE 1: (Raise and Appropriate Funds: FY21 Operating Budget) - placeholder

To see if the Town will vote to raise and appropriate a sum of money to support the Fiscal Year 2021 operating budget, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 2: (Prior Year Bills)

To see if the Town will vote to transfer the sum of \$19,144 from the Fiscal Year 2021 Water Enterprise repair and maintenance account, \$1,195.14 from the Fiscal Year 2021 Water Enterprise copying/binding account, \$1,195.15 from the Fiscal Year 2021 Solid Waste Enterprise copying/printing account, \$1,195.14 from the Fiscal Year 2021 Sewer Enterprise printing account, \$50.00 from the Fiscal Year 2020 Police Department Telephone Expense Account and \$94.19 from the Police Miscellaneous account for the purpose of paying prior, unpaid bills of the Town, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 3: (Fund Sewer Inflow and Infiltration Work)
To see if the Town will vote to transfer \$100,000 from Sewer Enterprise Retained Earnings for the purpose of funding sewer inflow and infiltration work, or act in any manner relating thereto.

PUBLIC WORKS DEPT.

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 4: (Accept Gift of Land: 76 Summer St)
To see if the Town will vote to authorize the Board of Selectmen to acquire by gift and to accept the deed to the Town of a fee simple interest in all or a portion of land located at 60 Summer Street, identified as Parcel 37-071 on the Town of Medway's Assessors' Map and containing 6.98 acres more or less, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, said property to be under the care, custody, management and control of the Board of Selectmen for general municipal purposes and authorize the Board of Selectmen and Town officers to take all related actions necessary or appropriate to carry out this acquisition, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 5: (Authorize PILOT – 73R Oakland St) - Placeholder
To see if the Town will vote to authorize the Board of Selectmen to negotiate an agreement with the owner of 73R Oakland Street for payments in lieu of taxes for rooftop solar arrays, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 6: (Fund Affordable Housing Production Plan)
To see if the Town will vote to transfer the sum of \$18,000 from Community Preservation Act Funds to the Affordable Housing Trust for the purpose of funding an update to the 2016 Medway

Housing Production Plan in order to comply with state regulations and guidelines, or act in any manner relating thereto.

AFFORDABLE HOUSING TRUST

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 7: (Fund Fence at Gurnsey Dog Park)

To see if the Town will vote to transfer \$5,000 from Community Preservation Act Fund Historical Preservation Reserves for the purpose of replacing the fence around the historic house foundation at the Gurnsey Dog Park, or act in any manner relating thereto.

HISTORICAL COMMISSION

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 8: (Street Acceptance – Applegate Rd)

To see if the Town will vote to accept as a public way, the following street as laid out by the Board of Selectmen and as shown on a plan or plans on file in the office of the Town Clerk:

Applegate Road in its entirety from Station 0 + 00 at Coffee Street to its end at Station 17 + 46.52 at Ellis Street as shown on *Amended Definitive Subdivision Plan for Applegate Farm, Medway, Massachusetts*, dated February 20, 2013, last revised April 28, 2014 and endorsed October 22, 2014, prepared by GLM Engineering Consultants, Inc. of Holliston, MA, recorded at the Norfolk County Registry of Deeds in Plan Book 635, Page 26.

And further to see if the Town will vote to accept as a gift from Cedar Trail Trust of Medfield, MA one parcel of land containing 1.11 acres, more or less, identified as Parcel A on the Amended Definitive Subdivision Plan for Applegate Farm, Medway, Massachusetts, dated February 20, 2013, last revised April 28, 2014 and endorsed October 22, 2014, prepared by GLM Engineering Consultants, Inc. of Holliston, MA, recorded at the Norfolk County Registry of Deeds in Plan Book 635, Page 26, also known as 0 Applegate Road, Medway Assessors Map 32, Parcel 16, to be used by the Town for drainage purposes.

And further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, and to accept the deed or deeds to the Town of a fee simple interest or easements in said street and any associated drainage, utility or other easements for said street, and for any trail or public access easements;

And further to appropriate the subdivision surety funds in the amount of \$265,617 to meet the Town's costs and expenses in completing the construction of the way and installation of municipal services as specified in the approved subdivision plan, as provided in General Laws chapter 41, section 81U;

And further to authorize the Board of Selectmen and town officers to take any and all related actions necessary or appropriate to carry out the purposes of this article;

Or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 9: A (Amend Zoning Bylaw – Outdoor Lighting)

To see if the Town will vote to amend portions of Section 7.1.2 of the Zoning Bylaw, Outdoor Lighting, by adding a new Subsection G as set forth below:

G. The Planning and Economic Development Board, when acting as special permit granting authority, or when performing site plan review under Section 3.5, may grant minor relief from the provisions of this Section 7.1.2 where it finds that the relief is in the public interest and will not have a substantially detrimental effect on abutting properties.

Or take any other action relative thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 10: B (Amend Zoning Bylaw: Electric Power Generation, Alternative Energy and Renewal Energy)

To see if the Town will vote to amend the Zoning Bylaw, by amending Section 2, Definitions as follows (new language in **bold**, deleted language in ~~strikethrough~~):

Electric Power Generation: The process of generating electric power from other sources of primary energy such as electromechanical generators, ~~heat engines fueled by chemical combustion, and Renewable Energy~~ kinetic energy such as flowing water and wind, and other ~~energy sources such as solar photovoltaic and geothermal power.~~

Alternative Energy: Energy derived from combined heat and power; and electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations.

Renewable Energy: Energy derived from natural resources which are regenerated over time through natural processes. Such energy sources include the sun (solar); wind; moving water (hydro and wave); organic plant materials (biomass); and the earth's heat (geothermal). Renewable energy resources may be used directly, or used indirectly to create more convenient forms of energy. Renewable Energy sources also include landfill gas, fuel cells, **battery energy storage facilities, recharging stations for electric and hydrogen powered vehicles, and advanced biofuels.**

And by amending the Schedule of Uses 5.4.E by amending the following:

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form Based Districts		
											OGVC	OGBP	OGN
Research and development and/or manufacturing of renewable or alternative energy products	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N
Electric power generation, which includes including but not limited to renewable or alternative energy generating facilities such as the construction and operation of large-scale ground-mounted solar photovoltaic installations with a rated name plate capacity of 250 kW (DC)-or more and other Renewable Energy generating facilities	N	N	N	N	N	N	N	N	Y	N	N	N	N

Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 11:

(Amend Zoning Bylaw: Schedule of Uses)

To see if the Town will vote to amend the Zoning Bylaw, Section 5.4, Table 1, Schedule of Uses, as follows (new text in **bold**, deleted text in ~~strikethrough~~):

1. By adding a new Section G. Marijuana Related Uses, and moving the following marijuana related uses now found in Section D. Business Uses, and Section E. Industrial and Related Uses to the new **Section G. Marijuana Related Uses**, without any changes to the uses that are allowed, prohibited, or require a special permit:

	AR-I	AR-II	VR	C B	V C	N C	BI	EI	E R	W I	Form-Based Districts		
											OG VC	OG BP	OG N

G. MARIJUANA RELATED USES

Recreational Marijuana Establishment <i>(Added 3-19-18 and amended 5-21-18)</i>	N	N	N	N	N	N	N	PB	N	P B	N	N	N
Recreational Marijuana Retailer <i>(Added 3-19-18 and amended 5-21-18)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N
Recreational Marijuana Social Consumption Establishment <i>(Added 5-21-18)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N
Registered Medical Marijuana Facility (Retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	PB	N	N	N	N	N	N
Registered Medical Marijuana Facility (Non-retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	N	PB	N	P B	N	N	N

2. And further to amend said Table 1 by deleting the use category "Motel or hotel" and inserting two new use categories, "motel" and "hotel", and provide for whether such uses are allowed, prohibited, or require a special permit:

Motel or hotel	N	N	N	SP	N	N	N	N	N	Y			
---------------------------	---	---	---	----	---	---	---	---	---	---	--	--	--

Motel	N	N	N	SP	N	N	N	N	N	Y	PB	PB	N
Hotel	N	N	N	SP	N	N	N	N	N	Y	Y	Y	N

3. And further to amend said Table 1 related to "Drive-through facility" to provide for whether such uses are allowed, prohibited, or require a special permit in the Oak Grove Zoning districts:

Drive-through facility	N	N	N	N	PB	PB	N	N	N	PB	PB	N
------------------------	---	---	---	---	----	----	---	---	---	----	----	---

	AR -I	AR- II	V R	C B	V C	N C	BI	E I	E R	W I	Form-Based Districts		
											OG VC	OG BP	OG N

4. And further to amend said Table 1 as follows:

Indoor sales of motor vehicles, trailers, boats, farm equipment, with accessory repair services and storage, but excluding auto body, welding, or soldering shop	N	N	N	✗ N	N	N	N	N	N	N	N	PB	N
--	---	---	---	--------	---	---	---	---	---	---	---	----	---

5. And further to amend said Table 1 by deleting "Multi-family units in combination with a commercial use that is permitted or allowed by special permit, subject to Section 5.4.1" from Section C. Residential Uses and inserting "Mixed-Use Development subject to Section 5.4.1" in its place and by adding the same language in Section D. Business Uses, Other Business Uses Unclassified.

C. RESIDENTIAL USES

Multi-family units in combination with a commercial use that is permitted or allowed by special permit, subject to Section 5.4.1													
Mixed-Use Development subject to Section 5.4.1	N	N	N	P B	N	N	N	N	N	N	Y	Y	N

Commented [A1]: Consider repeating the zoning district column headings above each proposed change to the use table, as it may not be clear what uses are allowed in what district by the time you get further into the article.

D. BUSINESS USES

Other Business Uses: Unclassified													
Mixed-Use Development subject to Section 5.4.1	N	N	N	P B	N	N	N	N	N	N	Y	Y	N

6. And further to amend said Table 1 by inserting "Parking Lot" in Section D. Business Uses, Automotive Uses.

D. BUSINESS USES

Parking Lot	N	N	N	N	N	N	N	N	N	N	N	N	N
-------------	---	---	---	---	---	---	---	---	---	---	---	---	---

Commented [A2]: Please see below for comments regarding the definition of Parking Lots and consider more narrow definition of types of parking lots to be prohibited as a Business Use or to exempt accessory parking needed to support the principal use.

In addition, is it the intent to ban any commercial parking lot or just open air parking lots for outdoors sales and display of motor vehicles? What about parking lots as accessory uses to allowed Business Uses, such as auto body and repair shops? For example, could a new business not construct a parking lot for its customers to park in?

Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 12: **D** (Amend Zoning Bylaw: Multi-Family Housing)

To see if the Town will vote to amend the Zoning Bylaw, Section 5.6.4 Multi-Family Housing, D. Density Regulations, as follows (new text in **bold**):

D. Density Regulations:

1. For lots of one acre or more:
 - a. The density of a Multi-Family Building or a Multi-Family Development without an Apartment Building shall not exceed 8 dwelling units per whole acre. For example, the maximum density of a 1.8 acre lot shall not exceed 8 dwelling units.
 - b. The density of an Apartment Building or a Multi-Family Development which includes an Apartment Building shall not exceed 12 dwelling units per whole acre.
2. For lots under one acre, the density of a Multi-Family Building and a Multi-Family Development shall not exceed its relative portion of an acre. For example, the maximum density of a 0.5 acre lot shall not exceed 4 dwelling units. *(Amended 11-19-18 and 11-18-19)*
3. **An Applicant is not entitled to the maximum possible number of dwelling units described herein. The number of dwelling units for a Multi-Family Development and/or Multi-Family Building shall be determined by the Planning and Economic Development Board in accordance with the criteria specified in Paragraph I. Decision herein.**

Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

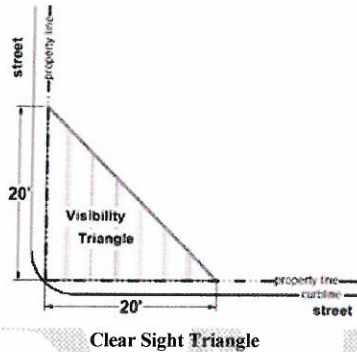
ARTICLE 13: **E** (Amend Zoning Bylaw: Setbacks)

To see if the Town will vote to amend the Zoning Bylaw, Section 6.2.F, Setbacks, by adding new Section 6.2.F.4 and 6.2.F.5 as follows (new text in **bold**):

4. **On a corner lot, no fence, wall, sign, landscaping or plantings shall be located within the clear sight triangle so as to obstruct visibility at the intersection for**

Commented [A3]: Is the diagram Section 6.2.F.5? If so, I would add that label below for clarity.

motorists. The clear sight triangle is that area formed by the intersecting street right of way lines and a straight line joining said street lines at a point twenty feet distant from the point of intersection of street lines.



Or act in any manner relating thereto

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 14: ^F (Amend Zoning Bylaws: Environmental Standards)

To see if the Town will vote to amend the Zoning Bylaws, Section 7.3. Environmental Standards, by deleting it in its entirety and replacing it as follows:

7.3. ENVIRONMENTAL STANDARDS

A. **Purpose.** The intent of this section is to provide standards for uses which, by their operation, may generate impacts that are potentially hazardous, harmful to the environment, disturbing, offensive or objectionable.

B. **Enforcement:** The Zoning Bylaw, § 3.1, Enforcement, Violations, and Penalties authorizes the Building Commissioner, or designee, to interpret and enforce the Bylaw. At the discretion of the Building Commissioner, a technical consultant may be engaged by the Town of Medway to investigate and document violations pursuant to this section.

C. **Definitions:** For purposes of this section of the Bylaw, the following terms shall be defined as follows:

Ambient Noise: The sound pressure level at a given location produced by everything else excluding the source of sound being monitored, analyzed, or evaluated. Also referred to as background noise. Ambient noise includes environmental noises from sources such as traffic, aircraft, waves, alarms, animals or noise from existing mechanical devices such as air conditioning, power supplies, or motors that are present prior to introduction of a new intrusive sound source that is being evaluated.

(Hz)Hertz: A unit of frequency of change in the cycle of a sound wave

(dB)Decibel: A unit of measurement of the intensity of sound

(dBA)A weighted decibel: An expression of the relative loudness of sound in the air as perceived by the human ear.

Detection Threshold: The lowest concentration or intensity of noise, odor, vibration, or other environmental hazard regulated by this bylaw that is noticeable to a reasonable person with normal sensory sensitivities.

Disturbing, offensive or objectionable odors: Those which are at or above the detection threshold of a person with normal olfactory sensitivity.

Octave Band: A frequency band where the highest frequency is twice the lowest frequency.

Odor Plume: The cloud of odor created when odor molecules are released from their source and are expanded through air movement.

Sensitive Receptor: An occupied residence or facility whose occupants are more susceptible to the adverse effects of noise and odor including but not limited to hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.

D. Standards. The following standards shall apply to all zoning districts.

1. **Smoke, Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution:** All activities involving smoke, fly ash, dust, fumes, vapors, gases, other forms of air pollution, as defined in [CMR 310, § 7](#), Air Pollution Control Regulations, as amended, which can cause damage to human health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point are prohibited.

2. **Noise Disturbance:** The Building Commissioner may determine that a noise source is subject to investigation, and if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties.

a. **Standards.** No person or persons owning, leasing, or controlling the operation of any source or sources of noise shall [cause or permit a condition resulting in the establishment of a condition of](#) noise pollution. Disturbing, offensive or objectionable

noises shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property.

- 1) **Continuous Noise.** For the purposes of this bylaw, continuous noise restrictions apply to permanent non-residential uses and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line of the noise source shall not exceed the values specified in the table below. In addition, maximum permissible sounds levels measured at sensitive receptors located within one-thousand feet of the property line of the noise source for noise radiated continuously from the noise source shall not exceed the values specified in the table below. Daytime is defined as between the hours of 7:00 a.m. and 9:00 p.m. and Nighttime is defined as between the hours of 9:00 p.m. and 7:00 a.m.

Octave Band Center Frequency (Hz)	Daytime (dB) 7:00 a.m. – 9:00 p.m.	Nighttime (dB) 9:00 p.m. – 7:00 a.m.
63	72	55
125	60	48
250	53	42
500	47	39
1000	43	36
2000	40	33
4000	37	30
8000	33	27
Overall Level (dBA)	52	42

Compliance with all octave band limits is required. If the Building Commissioner determines that the noise source contributes significantly to ambient noise levels at any distance from the property, sound levels may be measured in those locations beyond the source property line.

- 2) **Temporary Noise.** For the purposes of this bylaw, non-continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is periodically produced. No person shall use or cause the use of any noise-producing equipment or tool (such as for construction, repair, or demolition operations) between the hours of 9:00 p.m. and 7:00 a.m.
- 3) **Construction Noise.** Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7:00 a.m. and shall cease no later than 6:00 p.m., Monday through Saturday. No construction shall take place on Sundays, federal holidays or state legal holidays without the advance written approval of the Building Commissioner.

Advisory Note – State regulations authorize municipal police departments, fire departments, and board of health officials to enforce noise standards that are based on certain sections of [310 Code of Massachusetts Regulations \(CMR\), § 7](#), Air Pollution

Control Regulations. Such regulations are distinct and separate from the Town's zoning regulations for noise.

- b. **Investigation.** The Building Commissioner may determine that a noise source is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties. If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake a noise study to determine if a non-compliant noise condition exists. The Building Commissioner may enlist the assistance of other Town personnel for the investigation. At the discretion of the Building Commissioner, a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience may be engaged by the Town to assist in the investigation including measurements and documentation of violations. Depending on the particular site and its noise generators, the noise study shall include, at a minimum, measurements of:

- Ambient noise (Daytime and Nighttime) and
- Operational noise levels (Daytime and Nighttime) at the facility property line and at Sensitive Receptors located within one thousand feet of the facility property line.

- c. **Noise Control Plan.** If the Building Commissioner determines that there is a violation, he or she shall order the owner or operator to come into compliance. The owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience.

- d. **Corrective Measures** - Non-residential uses that produce non-compliant noise must install and maintain noise reducing equipment in accordance with the approved noise control plan to meet the requirements of this section. The Building Commissioner may require the provision of reports to document ongoing noise compliance.

3. **Vibration:** No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for thirty seconds or more in any one hour from 9:00 p.m. to 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of gravity of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range on the most recent edition of Table 7, U.S. Bureau of Mines Bulletin NO. 442 (U.S. Department of the Interior).
4. **Odors:** The Building Commissioner may determine that an odor is disturbing, offensive or objectionable and is subject to investigation, and, if it is determined to be in violation

of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or the imposition of fines and non-criminal penalties.

- a. **Standards** – Disturbing, offensive or objectionable odors as defined in Paragraph C. shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property. Failure to meet either the Reasonableness Standard or the Measurement Standard listed below shall constitute a violation of this section.
 - 1) **Sensorial Reasonableness Standard** –The Building Commissioner, or designee, may determine, using only her or his sense of smell, that an odor is one which is disturbing, offensive or objectionable to a reasonable person with normal olfactory sensitivity.
 - 2) **Measurement Standards** – No disturbing, offensive or objectionable odor greater than that caused by the lowest odor detection thresholds as listed in the most recent edition of the [American Industrial Hygiene Association \(AIHA\) Odor Thresholds for Chemicals with Established Occupational Health Standards, Reported Odor Thresholds \(EG Table 6.3 in 2nd Edition\)](#) shall be permitted. Due to the potential of odorant mixtures causing more intense odors than individual odorant compounds in isolation, nothing in this Bylaw shall be interpreted as allowing for any disturbing, offensive or objectionable odors at or above the cited detection thresholds.
- b. **Investigation.** The Building Commissioner or designee shall investigate odor complaints until determined to be without merit or resolved to the satisfaction of the Building Commissioner.
 - 1) **Assessment Area** – The Building Commissioner or designee shall investigate odor complaints for odors emanating from:
 - a) **Immediate Impact Zone** - Any resident, occupant, or owner of property located within 1,000 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor, as measured from property line to property line.
 - b) **Secondary Impact Zone** - A collection of complaints from five or more residents, occupants, or owners of property located within 2,500 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor as measured from property line to property line.
 - 2) The Building Commissioner or designee may investigate possible odor violations upon their own initiative or at the request of Town officials or staff and shall investigate public complaints about an odor of a suspicious or dangerous nature.
 - 3) If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake an odor observation to determine if a disturbing,

objectionable or offensive odor exists. At the discretion of the Building Commissioner, a technical odor consultant may be engaged by the Town to assist in the investigation including odor observation and documentation of violations. The odor consultant shall be trained in the practices of ASTM (American Society for Testing Materials) - E679 and meet the selection criteria of EN13725 (international olfactometry standard). As a component of such investigation, measurements may be done in the field by using:

- a) Undiluted odor field observations (i.e. sniffing) or odor sampling to be performed at a frequency, duration, and locations appropriate for the odor source under investigation and the locations of odor complaints that have been received by the Town including those beyond the source property lines. The purpose is to detect and assess the presence of recognizable odors linkable to a specific source in ambient air. This may be accomplished by:
 - i. Grid method of analysis - Odor hours for a geographic area of evaluation to establish an odor hour frequency measurement.
 - ii. Plume method of analysis - Measurement of extent of the area where an odor plume originating from a specific odor source can be perceived and recognized under specific meteorological and operating conditions.

The following other forms of measurement may be used only as supplemental methods to evaluate persistent problems or higher intensity odors as a way to determine the severity of the situation.

- b) Field Olfactometry - A method to quantify odors in ambient air by means of a portable odor detecting and measuring device known as a field olfactometer. A field olfactometer measures odor strength and persistence using a Dilution-to-Threshold (D/T) ratio. The Dilution-to-Threshold ratio is a measure of odor concentration by determining the number of carbon filtered air dilutions needed to make the odorous ambient air non-detectable. The formula for calculating D/T with a field olfactometer is:

$$D/T = \frac{\text{Volume of Carbon Filtered Air}}{\text{Volume of Odorous Air}}$$

- c) Chemical Analysis - Instrumental methods of characterizing odor involving the identification and quantification of chemical compounds in an odor sample by means of gas chromatography coupled with mass spectrometry, analysis of hydrocarbon molecules, and analysis of single gases such as ammonia and hydrogen sulfide.
- d) Instrumental Odor Monitoring - Instruments designed to mimic human olfaction in the detection and characterization of simple or complex odors. Also referred to as electronic (E) - noses.
- e) Any other method or best practice determined to be appropriate by the Building Commissioner.

- c. **Odor Control Plan** – If, based on the investigation, the Building Commissioner determines that there is a violation, the owner and/or operator of the odor-producing use shall be required to provide an odor control, abatement and mitigation plan to the Building Commissioner for review and approval or, otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant and specify suitable corrective measures. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a certified environmental engineer, certified environmental professional, or certified industrial hygienist with experience in odor management, abatement and mitigation technologies. The Building Commissioner may also require the plan to include the provision of reports of ongoing odor monitoring and compliance.
- d. **Corrective Measures** - Non-residential uses that produce non-compliant odors shall be required to install and maintain odor-eliminating equipment in accordance with the approved odor control plan to meet the requirements of this section.

E. Exemptions

- 1) **Farming.** Impacts resulting from agricultural, farm-related, or forestry-related activities as defined by [G.L., c 128, Agriculture, § 1A](#), as amended, and Medway General Bylaws, ARTICLE XXXI, §2 Right to Farm, are exempt from these restrictions when such activities follow generally accepted practices. [Impacts from agricultural, farm-related, or forestry-related activities that are potentially hazardous, harmful to the environment, disturbing, offensive or objectionable, or constitute a nuisance, may be subject to alternative rules, regulations, and enforcement procedures. \(G.L., c 111, §125A\).](#)
- 2) **Residential Uses.** Impacts resulting from residential activities such as but not limited to barbecues, wood stove exhaust, driveway paving, gardening, and house painting are exempt from these restrictions.
- 3) **Repair and infrequent maintenance activities.** Repair and infrequent maintenance activities such as but not limited to those for septic and sewer systems are exempt from these restrictions.
- 4) **Construction.** Impacts resulting from construction, demolition, or repair work that occurs between 7:00 a.m. and 6:00 p.m. on public improvements authorized by a governmental body or agency, utility work and repairs, and other similar work on private property pursuant to an order by a governmental body or agency for safety purposes are exempt from these restrictions.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 15: ⁶ (Amend Zoning Bylaw: Miscellaneous Housekeeping)
To see if the Town will vote to amend the Zoning Bylaw, SECTION 2 DEFINITIONS by adding the following definition for "Parking Lot". New text in **bold**.

Parking Lot: An area used for the parking of motor vehicles.

And amend the Zoning Bylaw, Section 4.2.A, Zoning Map, as follows (new text in **bold**, deleted text in ~~strike through~~):

A. Except for the Flood Plain District and Groundwater Protection District, the boundaries of these districts are defined and bounded on the map entitled, "Town of Medway Zoning Map," dated December 4, 2014 ~~27, 2019~~, as may be amended and revised, ~~with a list of the names of the members of the Planning and Economic Development Board and filed with the Town Clerk, which map, together with all explanatory matter thereon,~~ is hereby incorporated in and made a part of this Zoning Bylaw.

And amend the Zoning Bylaw, Section 8.9 Registered Medical Marijuana Facilities, specifically Section 8.9.J.5.b.i. as follows (deleted text in ~~strike through~~):

5. Procedures.

- a. The special permit application and public hearing procedure for a RMMF shall be in accordance with Section 3.4 and G.L. c. 40A, § 9.
- b. Mandatory Findings. The Planning and Economic Development Board shall not grant a special permit for a RMMF unless it finds that:
 - i. The RMMF is designed to minimize any adverse visual or economic impacts ~~on abutters and other parties in interest, as defined in G.L. c. 40A, § 11;~~
 - ii. The RMMF demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
 - iii. The applicant has satisfied all of the conditions and requirements of this Section and Section 3.4 of this Zoning Bylaw.

And amend Section 8.9 Registered Medical Marijuana Facilities to change the words "Massachusetts Department of Public Health" to "Massachusetts Cannabis Control Commission" wherever it appears in Section 8.9.

And amend the Zoning Bylaw, Section 6.1, TABLE 2, Dimensional and Density Regulations, to require a minimum lot frontage of 50 feet in the Central Business, Village Commercial, and Neighborhood Commercial zoning districts.

Commented [A4]: This definition appears to be very broad. For example, would a residential driveway be considered a "parking lot" because it is an area used for parking motor vehicles?

I note that Parking Lots are being inserted into the use table under Business uses and prohibited in all districts. Is the intent to ban commercial parking lots? I assume you don't intend to ban accessory parking related to the allowed business uses? If so, you may wish to consider:

Parking Lot: An area used for the temporary parking of motor vehicle for a fee or as the principal use but excluding accessory parking for customer s and employees.

And amend the Zoning Bylaw, SECTION 9 Oak Grove Park Districts, Table 9.4.C.1.A, by correcting the reference in Section 4.3 in the column under "Cottage" to read "See Section 9.5.B.25 for Pocket Neighborhood Development Standards".

Or act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 16: ^H (Amend Zoning Bylaw: Adaptive Use Overlay District)
To see if the Town will vote to amend the Zoning Bylaw, Section 5.6.2 Adaptive Use Overlay District, specifically Section 5.6.2.D.2. a. through h., and Section 5.6.2.D.3. c, as follows (new text in **bold**, deleted text in ~~strike through~~):

1. Uses Allowed As of Right: All uses permitted in the underlying zoning district shall be permitted within the Adaptive Use Overlay District unless prohibited under sub-section D.3 hereof.
2. Uses Allowed by Special Permit: In approving an Adaptive Use Special Permit, the Planning and Economic Development Board may provide for the following uses or combination of uses and no others. The Adaptive Use special permit shall identify the uses that are specifically allowed, and may impose any conditions, safeguards and limitations deemed necessary by the Planning and Economic Development Board.
 - a. **Professional or business offices** ~~for business or professional uses.~~
 - b. ~~Studios for artists, photographers, interior decorators, and similar design-related uses.~~
 - c. Retail sales for handcrafted merchandise, original arts and crafts or copies thereof, antiques, second-hand goods, gifts, clothing, accessories, and decorative home furnishings. *(Amended 11-16-15)*
 - d. Food services including, but not limited to bakeries, cafes, coffee shops, delicatessens, frozen dessert shops, pastry shops, sandwich shops and other specialty food items, not to exceed 3,000 sq. ft. *(Amended 11-16-15)*
 - e. ~~Repair shops for small electronic equipment, appliances or tools.~~
 - f. Personal care services **establishments** ~~such as barber shops, beauty parlors and nail salons.~~
 - g. Florists
 - h. **Service establishments** ~~Individual consumer services including but not limited to opticians, personal fitness, tailor, shoe repair, music lessons and travel agency.~~ *(Added 11-1-15)*

i. Museum

(Added 11-19-18)

j. The alteration of, addition to, and/or conversion of an existing building to one or two residential dwelling units and one or more business uses listed in items a-i above, provided that the appearance of the building is characteristic of a single-family dwelling.

3. Prohibited Uses: The following uses are prohibited in the Adaptive Use Overlay District:

- a. Motor vehicle sales, repair, or sales of parts
- b. Manufacturing
- c. Drive-through **facilities** ~~windows of any kind~~
- d. Exterior storage of equipment or materials

And to amend Section 5.6.2.C, Applicability, as follows (new text in **bold**, deleted text in ~~strikethrough~~):

C. Applicability. The Planning and Economic Development Board may grant an Adaptive Use Special Permit for any property with at least 50 feet of frontage on a ~~Town-way~~ **street** in the Adaptive Use Overlay District, provided that each lot in the development includes at least one building constructed prior to June 28, 2004.

Or act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 17: *IV* (Amend Zoning Bylaws: Definitions – Incidental Accessory Object)
To see if the Town of Medway will vote to amend the Zoning Bylaw, SECTION 2
DEFINITIONS by inserting the following definition in alphabetical order: (new text in **bold**).

Incidental Accessory Object – A visible, functional or ornamental object or a man-made site feature that is subordinate to a principal building or structure or use and is located on the same lot as the principal building or structure or use or on an adjoining lot under the same ownership and in the same zoning district.

And to amend Paragraph H. in Section 6.3 Accessory Building and Structures as follows:

H. Incidental Accessory Objects.

1. The setback requirements specified in Table 2 DIMENSIONAL AND DENSITY REGULATIONS shall not apply to public bus stop shelters.

2. The standard setback requirements specified in Table 2 DIMENSIONAL AND DENSITY REGULATIONS shall apply to the following Incidental Accessory Objects:
- a. Animal hutch or pen exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height
 - b. Athletic or sports court
 - c. Bathhouse or cabana
 - d. Gazebo or pavilion exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height.
 - e. Ground mounted solar photovoltaic panel
 - f. Hot tub
 - g. Membrane structure exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height
 - h. Patio or free-standing deck
 - i. Outdoor fireplace or fire pit
 - j. Outdoor kitchen, bar or dining area
 - k. Outdoor play gym or structure or playhouse
 - l. Man-made pond or water feature
 - m. Shed exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height
 - n. Swimming pool
 - o. Trash dumpster and/or enclosure
 - p. Wind turbine

Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 18: J (Amend Zoning Bylaw: Building Size)

To see if the Town of Medway will vote to amend the Zoning Bylaw, Section 6.2 General Provisions, by adding a new Paragraph G. Building Size.

G. **Building Size.** No building for Business or Industrial and Related Uses specified in Sections D and E of Table 1 – Schedule of Uses, shall be larger than 100,000 square feet of gross floor area without a special permit from the Planning and Economic Development Board.

Or act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 19: **K** (Amend Zoning Bylaw: Central Business District Special Permits)

To see if the Town will vote to amend the Zoning Bylaw, Section 5.4.1 Special Permits in the Central Business District (new text in **bold**, deleted text in ~~strikethrough~~) as follows:

5.4.1 Special Permits in the Central Business District

~~In the Central Business district, the following provisions shall apply to uses allowed by special permit and are also available for applicants for uses permitted by right in order to propose a flexible site design.~~

A. Purposes

- 1. To further the goals of the Medway Master Plan**
- 2. To encourage mixed-use development in the Central Business District with a balanced and vibrant mix of compatible business uses and multi-family residential development.**
- 3. To encourage revitalization and economic investment in the Central Business District in a manner which represents the qualities of a traditional New England town center.**
- 4. To encourage greater variety of housing to meet the needs of a diverse population with respect to income, ability, household types, and stage of life.**
- 5. To improve walkability within the district and provide better access between housing, shops, services, and employment.**

B. Applicability

- 1. A Mixed-Use Development may be allowed in the Central Business District by special permit from the Planning and Economic Development Board to include a combination of uses allowed by right and uses allowed by special permit as specified in Table 1 – Schedule of Uses.**
- 2. The provisions of this Section are available by special permit from the Planning and Economic Development Board for uses permitted by right in order to achieve a flexible site design.**
- 3. All development projects considered under this Section are subject to site plan review pursuant to Section 3.5 herein and the Medway Design Review Guidelines.**

C. Definitions:

Mixed-Use Development: See definition in SECTION 2 DEFINITIONS

Multi-Family Building: See definition in SECTION 2 DEFINITIONS

A. D. Dimensional Requirements.

1. Minimum lot size: 10,000 square feet
2. Minimum continuous frontage: 50 feet
3. Minimum front-yard setback: Principal buildings shall be set back a minimum of 10 feet from the front lot line. Architectural features such as bay windows, porches, balconies, porticos, canopies, etc. shall not be subject to the 10-foot minimum setback.
4. Minimum side-yard and rear-yard setback: For lot lines abutting a residential zoning district, 25 feet of which the first 10 feet nearest each lot line shall not be used for the parking or storage of vehicles and shall be suitably landscaped. There is no side-yard or rear-yard setback for properties abutting other properties within the Central Business district.
5. Maximum building height: 60 feet

B. E. Residential Uses in a Mixed-Use Development.

1. ~~Except for assisted living residence facilities, a building comprised of multi-family dwelling units only shall not be permitted. A mixed-use building shall include multi-family residential units and retail, service, office, commercial or other business uses allowed in the zoning district (hereinafter referred to as "business uses") in at least the minimum percentage as set forth in Subsection E.2 below.~~
2. ~~In a three-story building, no more than 67 percent of the gross floor area shall be comprised of multi-family dwelling units. In a two-story building, no more than 50 percent of the gross floor area shall be comprised of multi-family dwelling units.~~

Except as provided in Section E.4 below, in a two-story building at least 50% of the gross floor area shall be comprised of business uses, and no more than 50% of the gross floor area shall comprise multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units. In a three-story building, at least 33% of the gross floor area shall be comprised of business uses, and no more than 67% of the gross floor area shall be comprised of multi-family dwelling units and common areas and support facilities associated with those multi-family units. In a building of four stories or more, at least 25% of the gross floor area shall be comprised of business uses, and no more than 75% of the gross floor area shall be comprised of multi-family dwelling units and common areas and support facilities associated with those multi-family units. The gross floor area comprised of business uses may include hallways, lobbies, maintenance areas, security areas, closets, and other areas which serve exclusively the business uses in that building.

3. Multi-family dwelling units may not be located on the ground floor of a mixed-use building or development unless:

- a. The building with the multi-family dwelling units is set behind another building which has business uses on the ground floor and a front façade that faces a public way or primary access drive; or
- b. The residential portion of the ground floor is set behind the business uses within the same building which has a front façade that faces a public way or primary access drive.

4. A mixed-use development may include a building comprised of only multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units under the following conditions:

- a) **A building comprised of only multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units shall be set back at least one hundred feet from the Main Street right-of way; and**
- b) **The amount of gross floor area of the building comprised of only multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units which would otherwise be required by Section E.2 above to include business uses shall be added to the required business uses gross floor area of the other building(s) of the mixed-use development as additional business use space, so that the total amount of gross floor area for business uses in the mixed-use development will equal or exceed the total gross floor area for business uses which would result if no building were devoted solely to multi-family dwelling units.**

4.5. No more than 10 percent of the total number of a mixed-use development's residential dwelling units shall have more than two bedrooms.

6. The provisions of Section 8.6 Affordable Housing shall apply to Mixed-Use Developments.

E. F. A minimum of 15 percent of the site shall function as landscaped or public space. The landscaped or public space shall be architecturally integral to the site or, as appropriate and practical, to abutting sites. No space that is used for vehicular parking or circulation, or loading shall be included as landscaped and/or public space.

D-G. Special Permit Review Criteria.

1. Special permits granted under this Section 5.4.1 are not subject to the special permit criteria under Section 3.4.
2. Before granting a special permit for a ~~special permit~~ **mixed-use development** or flexible site design of a permitted use in the Central Business district, the ~~special permit granting authority~~ **Planning and Economic Development Board** shall find that all of the following criteria are met:
 - a. The proposed uses **and site design** represent the qualities of a traditional New England town center;

- b. The proposed site design is environmentally sound and is readily accessible to and useable by pedestrians;
- c. The proposed site design reflects and advances the goals and objectives of the Medway Master Plan as updated;
- d. Adequate pedestrian and (where applicable) vehicular linkages are provided within the site and connecting to abutting properties;
- e. Streets, driveways, sidewalks, landscaped areas and public services are laid out in a safe manner;
- f. Any detrimental impacts of the use on abutting properties and/or residential neighborhoods have been adequately mitigated; and
- g. The site design incorporates the site's existing topography and protects natural features to the maximum extent possible.

E. H. Design Requirements – The Planning and Economic Development Board shall adopt Central Business District Special Permit rules and regulations to administer this Section 5.4.1 including submission requirements and procedures and Central Business District design guidelines. Such guidelines may include any or all of the following:

- 1. Façade design for buildings visible from public ways
- 2. Vehicular or pedestrian connections to abutting commercial or residential areas;
- 3. Provision of pedestrian amenities; and
- 4. Sustainability, i.e., efficient resource use throughout a building's life cycle from siting to design, construction, operation, maintenance, renovation and deconstruction.

Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 20: (Citizens' Petition: Board of Selectmen Change to Select Board)
To see if the Town will vote to amend the General Bylaws to rename the Board of Selectmen as the Select Board, and, for such purposes, to replace the words "Board of Selectmen" or "Selectmen" with "Select Board" and "Selectman" with "Select Board Member", and to authorize the Town Clerk to make non-substantive ministerial revisions to ensure that gender and number issues in related text is revised to properly reflect such change in title; or act in any manner relating thereto.

CITIZENS' PETITION

BOARD OF SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:



October 13, 2020

**Medway Planning & Economic Development Board
Meeting**

2021 PEDB Meeting Schedule

- **Draft schedule for 2021 PEDB meetings**

Board Members

Andy Rodenhiser, Chair

Robert Tucker, Vice
Chair

Thomas Gay, Clerk

Matthew Hayes, P.E.,
Member

Richard Di Iulio, Member

Jessica Chabot, Associate
Member



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TOWN OF MEDWAY

COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

2021 MEETING SCHEDULE

The Medway Planning & Economic Development Board (PEDB) generally meets on the second & fourth Tuesday evening of each month at 7:00 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street. Meetings may also be “attended” via ZOOM with access instructions provided on the agenda for each individual meeting.

The dates for the regular meetings of the PEDB for 2021 are as follows:

Tuesdays, January 12 and 26, 2021
Tuesdays, February 9 and 23, 2021
Tuesdays, March 9 and 23, 2021
Tuesdays, April 13 and 27, 2021
Tuesdays, May 11 and 25, 2021
Tuesdays, June 8 and 22, 2021
Tuesdays, July 13 and 27, 2021
Tuesdays, August 10 and 24, 2021
Tuesdays, September 14 and 28, 2021
Tuesdays, October 12 and 26, 2021
Tuesdays, November 9 and 23, 2021
Tuesdays, December 14 and 28, 2021

Special meetings and site visits will be scheduled as needed.

Some meetings may be rescheduled due to summer vacations and holidays.

Meeting agendas are posted outside the office of the
Town Clerk by the Friday morning before the following Tuesday night’s meeting.

The agendas are also posted online at www.townofmedway.org.

Most meetings are televised live and rebroadcast on Medway Cable Access.



October 13, 2020

**Medway Planning & Economic Development Board
Meeting**

**Refunds of Balances of Plan Review and
Construction Observation Funds**

- **Plan Review Account Refunds**
- **Construction Observation Account Refunds**

PEDB - Plan Review Revolving Fund - REFUNDS					
Project	Project Type	Balance (09-23-20)	Amount + Interest	Applicant	Mailing Address
Charles River Acres	Subdivision	\$70.00	\$84.32	Dunn McKenzie	206 Dedham Streer Norfolk, MA 02056
Kazijian (Kings Lane)	Subdivision	\$97.81	\$117.82	James Kazijian or Anthony Ozella	PO Box 113 Bellingham, MA 02019
Park Lane	Subdivision	\$542.40	\$681.32	Parks & Gittings (Kelley Parks and Eric Gittings)	9 Richardson Street Medway, MA 02053
Candlewood	Subdivision	\$47.50	\$60.53	Vincent Manzelli Marvin Development Corp.	707 Main Street Millis, MA 02054
Choate Trail Way	Subdivision	\$1,090.00	\$1,116.95	Lock It Up LLC c/o Spertner, Pace and Silverstein	56 Central Ave #1 Newton, MA 02460
Medway Comm. Church	Site plan	\$62.00	\$64.75	The Community Church of West Medway	193 Main Street Medway, MA 02053
21 Trotter Drive (Marzilli)	Site plan	\$808.22	\$828.20	Bob Marzilli	21 Trotter Drive Medway, MA 02053
2 Marc RD - CommCan	Site Plan and Medical Marijuana Special Permit	\$3,869.47	\$4,098.81	Ellen Realty Trust	730 Main Street Suite 2C Millis, MA 02054
2 Marc RD - CommCan	Adult Marijuana Special Permit	\$10.57	\$11.04	Ellen Realty Trust	730 Main Street Suite 2C Millis, MA 02054
4 Marc RD - NeoAlternatives	Adult Marijuana Special Permit & Site Plan	\$163.46	\$167.50	Neo Organics LLC	365 Boston Post Road #184 Sudbury, MA 01776
Evergreen Village	Multifamily Special Permit	\$2,117.82	\$2,170.18	Sampson Pond LLC	PO Box 5 Medway, MA 02053
TOTAL		\$8,879.25	\$9,401.42		

Construction Observation Revolving Fund - REFUNDS						
Project	Project Type	Date	Balance as of 9/23/20	Amount + Interest	Applicant	Mailing Address
Rolling Hills	Subdivision	9/23/2020	\$7,273.00	\$8,761.11	Olga Guerrero	14 Lexington Lane Millis, MA 02054
CTS - 9 Trotter	Site Plan	9/23/2020	\$758.17	\$791.75	CTS Property Management c/o Steve Fiske	9 Trotter Drive Medway, MA 02053
143 Village St	Multifamily	9/23/2020	\$663.75	\$700.50	N.E. Premier Properties LLC Kevin Tucceri, Manager	5 Sheila Lane Franklin, MA 02038
		Total	\$8,694.92	\$10,253.36		



October 13, 2020
Medway Planning & Economic Development Board
Meeting

PEDB Meeting Minutes

- **Draft minutes of the 9-22-20 PEDB meeting**

**Tuesday, September 22, 2020
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

REMOTE AND LIVE MEETING

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

Pursuant to Governor Baker's Orders imposing strict limitations on the number of people that may gather inside in one place, attendance by members of the public will be limited due to the size of the meeting space. All persons attending this meeting are required to wear a face covering, unless prevented by a medical or disabling condition. Meeting access via ZOOM is also provided and members of the public are encouraged to use ZOOM for the opportunity for public participation; information for participating via ZOOM is included at the end of the Agenda. Members of the public may watch the meeting on Medway Cable Access: channel 11 on Comcast Cable, or channel 35 on Verizon Cable; or on Medway Cable's Facebook page @medwaycable.

ALSO PRESENT IN LIVE MEETING:

- Susy Affleck-Childs, Planning and Economic Development Coordinator

PRESENT VIA ZOOM MEETING:

- Amy Sutherland Recording Secretary (Zoom Participation)
- Gino Carlucci, PGC Associates (Zoom Participation)
- Steve Bouley, Tetra Tech (Zoom Participation)

The Chairman opened the meeting at 7:00 pm. He read a statement about the meeting being held both LIVE and remote via ZOOM.

MILLSTONE ARCUPUD FIELD CHANGE:

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

- Previous Field Change Authorization dated 8-17-20
- Drawings of proposed alternative dated 9-15-20
- Collection of explanatory emails

The Board was informed that at the July 28, 2020 PEDB meeting, they had authorized a field change related to the drainage to add a water quality unit. Since that time, developer Steve Venincasa and project engineer Rob Truax have proposed another alternative to address the drainage problem. The applicant would like to install the catch basin and pipe it to the catch basin in the private drive.

The Board wants to make sure the change will not have any ponding on the road. Consultant Bouley will need to be on site when this work occurs. The changes will be noted on the As-Built plan.

On a motion made by Bob Tucker, and seconded by Matt Hayes, the Board voted by Roll Call vote to approve the field change for Millstone as presented.

Roll Call Vote:

Bob Tucker	aye
Matthew Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye
Tom Gay	aye

MEDWAY MILL SITE PLAN PUBLIC HEARING:

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

- Public Hearing Continuation Notice dated 8-12-20.
- Request dated 9-15-2020 from project engineer Amanda Cavaliere to continue the Medway Mill public hearing to October 13, 2020.

On a motion made by Matt Hayes, and seconded by Tom Gay, the Board voted by Roll Call vote to continue the hearing for Medway Mill Site Plan to October 13, 2020 at 7:15 pm.

Roll Call Vote:

Matthew Hayes	aye
Rich Di Iulio	aye
Bob Tucker	aye
Andy Rodenhiser	aye
Tom Gay	aye

MILWAY AUTO SITE PLAN – 50 ALDER STREET:

The Chairman recused himself from this item and Vice Chairman Tucker ran the meeting.

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

- Request dated 9-16-20 from owner Phil Anza for a Certificate of Site Plan Completion.
- Site Plan endorsed (6-12-2018)
- Site Plan decision (5-8-2018)
- As-Built plan by Grady Consulting dated (6-3-2020)
- Tetra Tech sign off on as-built plan (8-3-2020)
- Tetra Tech project sign off (9-16-2020)
- Grady Engineering project completion certification (8-3-2020)
- Taxes paid certification (9-17-2020)
- Occupancy Permit (1-22-2020)

- Draft Certificate of Site Plan Completion (9-17-20)

The Board was informed that Mr. Anza has indicated that the punch list has been completed. He is seeking a certificate of completion and a release of the performance security (insurance bond). Consultant Bouley noted that the only issue was the patch in the roadway in front of the curb. Mr. Anza has provided photos that this was addressed. A Certificate of Compliance was issued from Conservation Commission. The site was inspected by Consultant Bouley. He indicated that the site looks good.

On a motion made by Matt Hayes, and seconded by Tom Gay, the Board voted by Roll Call vote to issue of Certificate of Site Plan Completion.

Roll Call Vote:

Matthew Hayes	aye
Rich Di Iulio	aye
Bob Tucker	aye
Andy Rodenhiser	(recused self – no vote)
Tom Gay	aye

APPLEGATE SUBDIVISION:

The Chairman recused himself and Vice Chairman Tucker ran the proceedings.

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

- Email from Needham Bank dated 9-14-20
- Release from Tri-Partite Agreement
- Collection of emails

Susy was informed that Needham Bank would like the Board to vote and execute a release of Applegate Tri-Partite performance security agreement. The bank has prepared a document for vote and signature. The release document needs to be executed for the bank to transfer the balance of the performance security to the town. The document has been approved by Town Counsel Carolyn Murray.

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

Roll Call Vote:

Bob Tucker	aye
Matthew Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	abstain due to recusal
Tom Gay	aye

Chairman Rodenhiser rejoined the meeting.

PEDB MEETING MINUTES:

September 8, 2020:

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by Roll Call to approve the PEDB meeting minutes September 8, 2020 with revisions.

Roll Call Vote:

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

ZBA PETITION- Accessory Family Dwelling Unit Special Permit Application for 62 Adams Street:

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

- Accessory Family Dwelling Unit Special Permit application packet for 62 Adams Street

The new owners of 62 Adams Street have applied to the ZBA for a special permit to convert the second floor of the existing barn structure on the property to an accessory family dwelling unit (in-law suite for one person). The space is 26' by 31' for a total of 806 sq. ft.; a 4' by 16' deck is proposed at the back of the building off the living space. The Board has no issues with the application and will remain silent on it.

CONSTRUCTION REPORTS:

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

- Salmon Senior Living Community – TT Report #51 dated 9-1-2020
- Salmon Senior Living Community – TT Report #52 dated 9-3-2020
- Notes from Evergreen Village Pre-Construction Meeting held on 8-31-2020
- Notes from Choate Trail Subdivision Pre-Construction Meeting held on 9-1-2020

COUNTRY COTTAGE CHILD CARE CENTER:

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

- Field Change request dated September 17, 2020.
- Copy of approved site plan from November 2017.

Country Cottage owner Robin Beaudreau was present during the ZOOM meeting. She is requesting a field change. The field change is from item #5 on the recent inspection report regarding the planting of arborvitaes south of the site egress to Summer Street. The neighbor to south, Judi Notturmo at 33 Summer Street, does not want their view blocked from their side or front window. They also do not want the fence extended. The second issue is regarding the signage for staff parking. She would like to add “staff only” parking signs painted on the parking space instead of the standard installed signs. Due to COVID-19 there are new regulations for entering an existing child care site, thus she would like to wait address the

signage. The Board discussed that instead of the arborvitaes, there could be placement of lower shrubs.

On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted by Roll Call to approve the field changes for Country Cottage contingent on confirmation of approval by the abutting neighbor.

Roll Call Vote

Bob Tucker	aye
Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

MEDWAY PLACE SITE PLAN PUBLIC HEARING:

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

- Public Hearing Continuation Notice dated 8-12-20.
- Request dated 9-16-2020 from Attorney Gareth Orsmond to continue the hearing to October 27, 2020.

On a motion made by Matt Hayes, and seconded by Tom Gay, the Board voted by Roll Call vote to continue the hearing for Medway Place Site Plan to October 27, 2020 at 7:15 pm.

Roll Call Vote:

Matthew Hayes	aye
Rich Di Iulio	aye
Bob Tucker	aye
Andy Rodenhiser	aye
Tom Gay	aye

HARMONY VILLAGE MULTI-FAMILY HOUSING PUBLIC HEARING SPECIAL PERMIT:

The Chairman opened the continued hearing for Harmony Village Multi-Family Housing Special Permit.

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

- Public Hearing Notice 8-26-20
- Meridan Engineering response letter dated 9-8-2020 to Tetra Tech's plan review letter dated 8-7-20.
- Meridan Engineering response letter dated 9-8-2020 to PGC Associates' plan review letter dated 8-14-20.
- Revised Site Plan dated 9-8-2020.
- Additional waiver requests dated 9-8-2020.

- Emails dated 9-17-20 from DPW regarding water service
- Review comments dated 8-26-20 from the Medway Cultural Council
- PGC Associates' plan review letter dated 9-17-20 on revised site plan and other submittals.
- Tetra Tech's plan review letter dated 9-18-20 on revised site plan and other submittals
- Letter from property owner Linda Resner, 218 Main Street.

The Board was provided an update from the applicant on the latest changes. The proposed stormwater basin was redesigned to keep as many existing trees as possible and additional landscaping has been provided. Two of the three 30-inch trees are proposed to be protected and retained. The applicant informed the Board that there was a meeting with the Fire Chief, and he confirmed that a 20-foot-wide access drive is appropriate for fire access. This would justify the waiver which is being requested on roadway width. The Board was made aware that there is no irrigation well proposed for this project at this time. There will be solid waste (trash) removal as with other Medway residential units in town. Residents will roll carry their trash to the end of the street (Harmony Lane). Language has been added to the operation and maintenance plan to provide for off site removal of snow when snow storage areas are full. The applicant has added details to the basin cross section. The TSS removal spreadsheet has been updated. There will be basements and foundation drains. There will be grading for the swale behind Unit 4. The Board is in receipt of an email from DPW Water Superintendent Barry Smith which indicated that there needs to be minimum of a 6-inch water main with hydrant at end of line with a valve for hydrant. Any lines to be disconnected from Main Street needs to be plugged at the water or sewer main.

The applicant is seeking the following waivers:

- Section 207-12.1 – Electric vehicle charging stations. Proposing to install charging outlet in the garage of one of the new units.
- Section 207-11. B.3 – 24-foot drive aisle. Proposing a 20-foot-wide drive aisle. The Fire Chief agreed to this.
- Section 202-9 – Pedestrian access and sidewalks. Proposing no internal sidewalk.
- Section 207-11. B.2 – Vertical granite curbing along access drive. Proposing to use Cape Cod berm.
- Section 207-11. A.4 – Vertical granite curbing at entrance roundings. Proposing to use Cape Cod berm.

Consultant Carlucci provided comments. One of the parking spaces was removed and the impervious surface is now shown as 39% and the number of parking spaces is now 3.6 per unit. There is no signage on the plans and this needs to be clarified. The landscape plan has now been stamped by a registered landscape architect. The buffer areas on the plan have increased. There has also been the inclusion of charging outlet in one of the garages. The lighting plan needs to be revised since it does not currently meet the bylaw.

Comments from abutters:

Abutter, Linda Resner, 218 Main Street:

She provided a letter to the Board and read this letter during the meeting. She does not feel that this project will be detrimental to the town. She also does not think the traffic generated by this will be a problem.

Abutter, Cathy Sutton, 216 Main Street:

She had the following comments:

- Is there a town statute about whether a newly paved road can be dug up?
- Concern about blasting and possible damage. The Board explained the blasting process.
- She is also concerned about the density of this project.
- She invites all to her house and be upstairs in her bedroom and see how close this project is to her location.

Abutter, Denise Hallman, 212 Main Street:

- Communicated that this project is jammed in this space.
- Referred to research she did regarding multifamily units on realtor.co
- Concerned about traffic, noise, disrupting the land for the native habitat's animals, drainage, deterioration of property value.

Abutter, Krystyna McQueeney, 222 Main Street:

- Would like these to be owner occupied
- The size of this is a concern, would rather 3 or 4 units, not five.

Abutter, Jovonte Allen Santos, 224 Main Street:

- In favor of project since there will be no negative impact.
- It provides diversity of housing

Abutter, Daniel Bergeron, 214 Main Street:

- The project on Village Street was done great.
- 3-4 buildings are palatable but five units is too forced in this space.
- This project seems atypical to what is around it.
- There are other locations in town which could absorb the density better.
- Only 20 feet from their driveway.
- Concern that there is no sidewalk.

The Board is not opposed to the 5 units if it is proportional to the area. The five units would need to be smaller to achieve a smaller overall footprint. Regarding the waivers, the Board is ok with no internal sidewalk. They would like an outlet in each garage for electric charging. The Board is also fine with the width of road being 20 ft. The Board is fine with the waiver for from granite curbing on the street but want granite at the roundings at Main Street.

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted by roll call vote to continue the hearing for Harmony Village to October 27, 2020 at 7:15 pm.

Roll Call Vote:

Bob Tucker	aye
Matthew Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye
Tom Gay	aye

PUBLIC HEARING – ADULT RETIREMENT COMMUNITY PLANNED UNIT RULES AND REGULATIONS:

The Chairman opened the public hearing at 7:00 pm.

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

- 8-31-20 Public Hearing Notice
- 8-31-20 DRAFT Proposed Amendments with track changes
- 9-2-20 Clean version after accepting TRACK changes with additional comments and recommended edits from Barbara Saint Andre

The Board was informed that Section 303-4 Submission processing on page 7 was further revised. This is regarding having the Planning and Economic Development be able to reject the application upon a determination that it does not satisfy the information or submission requirements of the Rules and Regulations.

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by roll call vote to approve the ARCPUD Rules and Regulations as revised.

Roll Call Vote:

Bob Tucker	aye
Matthew Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye
Tom Gay	aye

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted by roll call vote to close the public hearing.

Roll Call Vote:

Bob Tucker	aye
Matthew Hayes	aye
Rich Di Iulio	aye
Andy Rodenhiser	aye
Tom Gay	aye

ZONING BYLAW AMENDMENTS FOR FALL TOWN MEETING:

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

- 2020 FTM lighting standards – BSA draft 9-17-20
- 2020 FTM Special Permits in CBD 9.11.20 (bjs edits 9-14) – sac comments
- Environmental Standards (9-14-20 edits)
- Housekeeping – miscellaneous. (9-14-20)
- Incidental Accessory Objects (9-14-20)
- Limitation on building size (9-17-20) bjs edits
- Renewable energy zoning v.3 (9-17-20)
- Setbacks (9-14-20)

- Use Table amendments (updated 9-14-20) v.2

Environmental Standards:

The Board was made aware that Barbara, Tom and Susy met with Jack Mee to review the New Environmental Standards section. Jack is very comfortable with the approach and language.

Susy Affleck-Childs announced that the Board's public hearing is scheduled for the October 13, 2020 meeting.

John Lally was present to provide further recommendations for the Environmental Standards. He agrees that the revised language does allow the building inspector flexibility. The first section he referenced was C. definitions; he questioned if the definition of "disturbing, offensive, and objectivable impacts" takes precedence over the continuous noise table in D.2.a.1. If this is the case, he thinks that this is too restrictive for noise and should be applied only to odor. Mr. Lally also discussed that under 1) continuous noise. He is recommending that at the property line of noise source the word "or" should be changed to "and" at a sensitive receptor located within 1,000 ft. of property lines. He is also recommending that the sentence with "maximum permissible sound pressure levels measured at the property line of the noise source ... include the word "and" at a sensitive receptor. It was also recommended that under investigation b. page 4 "the noise study (should or shall?) include.... The Board would like the word "shall" to be used.

Lighting:

The Board was made aware that Barbara and Town Manager Michael Boynton prepared a proposed article for lighting. This article will allow the PEDB to grant a minor waiver for the lighting standards. An example which was provided was 39 Main Street where the lighting was used to light up Main Street. This would still fall under special permit waivable requirement and not a variance. The applicant would not have to go the Zoning Board of Appeals. The Board understands why this would be beneficial but they also know that most applicants will come in seeking the waiver. The Board discussed whether the word "waiver" is suitable as that normally applies to rules and regulations.

Special Permits in the Central Business District:

There was language added to encourage a greater variety of housing to meet the needs of a diverse population with respect to.... There was also a sentence added to improve walkability within the district and provide better access between housing, shop services and employment.

Zoning Housekeeping Article:

The latest revision to this article was includes a definition for "parking lot".

The rest of the articles were discussed at the previous meetings.

The public hearing for the warrant articles will be Tuesday, October 13, 2020.

Member Tucker left the meeting at 9:50 pm

FUTURE MEETING:

- Tuesday, October 13, 2020

ADJOURN:

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted by Roll Call vote to adjourn the meeting at 10:00 pm.

Roll Call Vote:

Andy Rodenhiser	aye
Matt Hayes	aye
Rich Di Iulio	aye
Tom Gay	aye

The meeting was adjourned at 10:00 pm.

Prepared by,
Amy Sutherland
Recording Secretary

Reviewed and edited by,
Susan E. Affleck-Childs
Planning and Economic Development Coordinator