

October 4, 2016
Medway Planning and Economic Development Board Meeting
Medway Middle School - 45 Holliston Street
Medway, MA 02053

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

ALSO PRESENT:

Susy Affleck-Childs, Planning and Economic Development Coordinator
Stephanie Mercandetti, Director of Planning and Economic Development
Mackenzie Leahy, Administrative Assistant.

The Chairman opened the meeting.

PUBLIC HEARING – Proposed Amendments to the Medway Zoning Bylaw

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

- Notice of Public Hearing dated 9/16/2016.
- Article A: To establish a new Village Residential Zoning District - draft dated 9/15/2016.
- Article B: To establish a new Village Commercial Zoning District - draft dated 9/15/2016.
- Article C: To establish a new Central Business Zoning District - draft dated 9/15/16.
- Article D: To amend Section 2 Definitions - draft dated 9/15/16.
- Article E: To delete Table 1 of Schedule of Uses and replace in its entirety - draft dated 9-16-16.
- Article F: To delete Table 2: Dimensional and Density Regulations and replace in entirety – draft dated 9/15/16.
- Article G: To amend Section 8.9 Marijuana Dispensary hours of operation – draft dated 9/15/16.
- Comparison Charts (current and proposed) - dated 10-4-2016.
- Zoning Maps dated 9/19/16

On a motion made by Bob Tucker and seconded by Matt Hayes, the Board voted to dispense with the reading of the public hearing notice.

The audience was given a PowerPoint presentation about the various proposed zoning bylaw amendment articles for consideration at the fall town meeting on November 14th. **Presentation is attached.**

Article A - Establish a new Village Residential District:

This is a proposal for a new residential zoning district which will incorporate parcels surrounding existing Commercial Districts III and IV. This includes Medway's older neighborhoods. The goal of this is to make many of the currently non-conforming parcels conforming. There will be

smaller minimum dimensional requirements which will help bring many of these parcels into conformance with the Bylaw. Minimum frontage would be 75' and minimum lot area size would be 10,000 sq. ft.

Questions:

Resident, Scott Grimes, 31 Wellington Street:

- Was an economic analysis done about property values with the anticipated homes which may be built and what is the price range?

It was communicated that there was no financial analysis completed. It was noted that at times it can become problematic when you go to refinance the mortgage a non-conforming home versus conforming home.

Resident, Bruce Taylor, 335 Village Street:

- What is the impact of the frontage requirement with a house with a frontage on two different streets?

It was noted that some of the larger lots could be subdivided as an ANR approval. The Board estimates that 76% of lots would be in conformance with the minimum 75' lot frontage.

Resident, Jose Caicedo, 171 Main Street:

- What happens with the remaining 25% of the lots?

It was indicated that those remaining lots would continue to be non-conforming. If one wanted to add something to their lot, one would need to seek relief from the Zoning Board of Appeals.

Resident, Bruce Davis, 7 Milford Street:

- Will this change have an impact on how taxes are evaluated?

The PEDB noted that they cannot speak about the evaluation of taxes.

Resident, Paul Doucette, 7 Wellington Street:

- What do you use to measure?

Typically the measuring of a lot is done by the property card, or deed and plot plan from the Registry of Deeds. A surveyor determines this.

Resident, Tim Choate, 7 Iroquois Street:

- With lots greater than 22,000 sq. ft., would the land be taxed as a buildable lot? He also wanted to know if the existing infrastructure can support the water and sewer demands from additional residences.

The Board explained that it is not taxed differently until it is split. The DPS would need to determine if there is water and sewer capability.

Resident, Chris Mahoney, 11 Williams Street:

- What is the genesis of this change? Whose idea was it?

The idea came from the PEDB working through the master plan which puts forth the vision of the town and its future. The PEDB also has a consultant who has provided recommendations to the PEDB.

One of the benefits to doing this is to help residents make the highest use of property.

There was a concern that this would make an already dense area even more dense. There is also a concern that with more two family structures, the student population will increase. This resident further communicated that the Town currently already has issues with water and sewer.

The Board explained that there is a shortage of affordable homes available in the community and also work force housing.

Resident, Mike Francis, 35 North Street:

Mr. Francis wanted to know if the amended bylaw will conflict with the values and character of the historic districts.

The Board responded that this was done since these areas are the older neighborhoods in Medway. This change would enable those residents to do more with their property. When these areas were first established, there was no zoning in Medway.

Resident, Eric Alexander, 3 Phillips Street:

Mr. Alexander responded that he is in support of this zoning change, it is long overdue. This will ease the burden on residents to improve homes on those lots. It will also ease the administrative burden on Town staff by having to process fewer requests for variances.

Resident, Tom Hall, 2-6 Canal Street:

Mr. Hall is requesting that his property be taken out of the proposed Village Residential district. He would like to keep his property as it is (AR-II).

Resident, Tim Choate, 7 Iroquois Street:

Mr. Choate asked if any members of the board are aware of a larger development or an individual interested in developing larger tracts of land for development under the new zoning.

All members responded that they are not aware of any development.

Resident, Jeremy Barstow, 4 Narragansett Street:

Mr. Barstow is concerned about the possible side effects of making the area denser. It is his opinion that this is not beneficial to the town. He also notes that the buffering requirements have decreased and the unintended consequence of the new language will change the character of this area.

NOTE - Mackenzie Leahy gathered the addresses of those who did not want their parcels include in the changes. Another resident wants a list of the affected parcels.

Resident, Sophie Shankovitz, 28 Village Street:

This resident is in support of this article and is glad that backyard chickens were included.

Article B: Village Commercial - Rename Commercial III and IV districts to Village Commercial District

The current bylaw does not have a difference between the dimensional and density regulations for the Commercial III and Commercial IV districts, thus it makes sense to merge these into a single district. The renaming of the district makes it more relevant to the intent and purpose of the district. The boundaries will not change.

Resident, Wayne Podzka, 15 Broad Street:

This resident explained that there are currently businesses in this district which do not conform and are not shown on the proposed new Use Table. Why not fix the current uses which are already operating a business in this area and make it so they comply? Medway Oil and an existing fence company were noted.

Mr. Cassidy asked about what happens if a business is already there. Mr. Cassidy was wondering if he will be able to put up a greenhouse on his property.

Article C - Rename Commercial I District to Central Business District:

The change in this area is to better reflect the intent and purpose of Medway's primary business district. This area includes shopping, restaurants and services. This is to align better with the Master Plan. There will be grandfathering of businesses in the area that are non-conforming.

A map was shown of the current boundaries. The proposal is to change the zoning district name from Commercial I to Central Business District. This is the main business hub for the Town of Medway. There is no change in the parcels or boundaries. There will be an expansion in the list of allowed uses. The goal is to promote business and walkability. The Board would like to get away from the strip mall look. This will allow for more options when the setbacks and lot coverage numbers are adjusted.

It was suggested to have a banner which identifies this area. It was suggested "Welcome to the Town of Medway Central Business District." There should be branding of this area.

81 Main Street:

The land owner of the property where the Dunkin Donuts is located is concerned that drive thru facilities are being proposed to be removed from the Use Table. He reported that 60% of the DD business comes from the drive thru. He does not agree with this change. Why not let someone buy two parcels and allow for a drive-thru? He recommended leaving drive-thru facilities as a special permit use. Please do not remove and prohibit them completely.

Susy responded that this change is to discourage more drive-thrus in the future. Drive-thru facilities are generally not a good thing for a Central Business district.

Mike Francis, 35 North St:

This resident agreed with the previous speaker that drive thrus should be allowed by special permit. A drive thru is helpful to many residents whether it is a pharmacy, bank, etc.

David Cassidy, Ellis Street:

Mr. Cassidy noted he is in favor of allowing drive thru facilities by special permit.

Article D: Definitions - Amend Section 2. Definitions:

This article adds definitions for many terms already included in the bylaw.

The members were in receipt of a collection of new definitions to add to the bylaw. The recommendations came about through the recodification process. Many words are used in the bylaw and use table that are not yet defined. These definitions will be reviewed by town counsel and discussed at a subsequent public hearing.

Article E - Section 5.4 Schedule of Uses:

The article seeks to delete Table 1 in its entirety and replace with a new Table of Uses. This specifies where certain types of land uses are allowed in town.

There was a question about encouraging mixed uses in the Village Commercial. This item could be worked on and presented for another warrant in the future. Susy noted mixed business-residential use property can be accomplished in the Adaptive Use Overlay District.

There was a discussion about the primary uses of a site versus accessory uses.

Resident, Bob Parella, 28 Broad Acres Farm Road

Mr. Parella would like the current businesses in the Commercial V district protected. This area is currently being used for warehouse distribution. The proposed use table has this changing from an allowed use to not allowed. He does not agree with this and asks that it be returned to the present allowance. He would also like to see manufacturing allowed in the Commercial V district. The Board was interested in looking at language for light and heavy industrial uses and developing something for a future town meeting.

Article F - Section 6.1 Dimensional and Density Regulations:

This article deletes Table 2 and replaces it with a new table for dimensional and density regulations. The table displays standards such as minimum size for lot area and setback distances and maximum building heights and lot coverage. This proposal modifies some of the current regulations.

The suggested changes would encourage a level of build out which makes sense for growth. Some of the standards have been reduced or adjusted.

Resident Jeremy Barstow suggested having 150' of frontage for the VR district (same as AR-II) but reducing the setback requirements.

Mike Francis wanted further explanation about two family dwellings. He also wanted to know the difference between an accessory family unit and a two-family. The Chairman explained the definitions of both. Mr. Francis wanted the definition of kennel explained. The Chairman communicated that a kennel does not mean overnight boarding, it has to do with the number of dogs. The overnight facilities for dog are doggie day cares. Mr. Francis has a concern about a kennel being allowed on a 10,000 sq. ft. lot.

It was suggested to put together a map of the possible parcels in the new Village Residential District which could be two family.

Article G - Amend Section 8.9 Registered Marijuana Dispensary:

This article seeks to amend the requirements for the allowed hours of operation for cultivation and processing to allow for such activities on a 24/7 basis.

The Board is in support of this change.

Continuation of Public Hearing:

On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted unanimously to continue the public hearing to Tuesday October 11, 2016 at 7:00 at the Town Hall.

Medway Gardens Site Plan Modification

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

- DRAFT site plan decision dated October 3, 2016
- Request from Joe Avellino dated October 4, 2016 to extend the deadline for the Board's action on the site plan modification to October 20, 2016.

On a motion made by Matt Hayes and seconded by Bob Tucker, the Board voted to grant the extension for Medway Garden for the site plan modification until October 20, 2016.

The Board agreed to continue the discussion of the Medway Gardens site plan modification at the October 11 meeting.

Adjourn:

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

The meeting was adjourned at 9:38 pm.

Respectfully Submitted,



Amy Sutherland
Recording Secretary
Transcribed from tape

Reviewed and edited,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew J. Hayes, P.E.
Richard Di Iulio

September 16, 2016

NOTICE OF PUBLIC HEARING
Town of Medway – Planning & Economic Development Board
Proposed Amendments to Medway Zoning Bylaw & Map

Pursuant to the Medway Zoning Bylaw and M.G.L. ch. 40A, §5, ***the Medway Planning and Economic Development Board will conduct a public hearing on Tuesday, October 4, 2016 at 7:00 p.m.*** to receive comments on proposed amendments to the *Medway Zoning Bylaw and Map*, last update published June 21, 2016. The hearing will take place in the School Committee Presentation Room at the Medway Middle School, 45 Holliston Street, Medway, MA. The room is identified as #7 on the south exterior wall of the building facing the parking lot. The public may access the room directly from the parking lot.

The Board has submitted these proposed amendments to the Board of Selectmen for inclusion on the warrant for consideration at the November 14, 2016 Fall Town Meeting. The subject matter of the proposed amendments is indicated below. The proposed articles are designated by letters in this notice as the Board of Selectmen has not yet finalized the town meeting warrant.

MEDWAY ZONING BYLAW and MAP – Proposed Amendments

ARTICLE A: To establish a new Village Residential Zoning District by:

- rezoning a portion of the current Agricultural Residential II (ARII) zoning district to Village Residential (VR) and amending the Zoning Map to show the boundaries of the new district;
- adding *Village Residential* to A. Residential Districts in Section 4.1. Districts;
- inserting *Village Residential (VR)* to Table 1: Schedule of Uses in Section 5.4 Schedule of Uses;
- inserting *Village Residential (VR)* to Table 2: Dimensional and Density Regulations in Section 6.1 Dimensional and Density Regulations;
- adding *Village Residential* to the list in Section 5.6.4 Multifamily Housing, B. Applicability, 1. as a possible location for multifamily housing;
- adding *Village Residential* to the header of Table 4 in Section 7.2.5 Sign Standards; and by
- adding *Village Residential* in Section 8.1 Infill Housing, A. Purposes and B. Applicability as a possible location for infill dwelling units.

ARTICLE B: To establish a new Village Commercial Zoning District by:

- rezoning all of the parcels in the current Commercial III (C-III) and Commercial IV (C-IV) zoning districts to Village Commercial (VC) and amending the Zoning Map to re-label the name of Commercial III and Commercial IV to Village Commercial without changing the boundaries in any manner;
- deleting *Commercial III* and *Commercial IV* from the list in B. Nonresidential Districts in Section 4.1 Districts and inserting *Village Commercial* in its place and renumbering the list accordingly;
- deleting *Commercial III (C-III)* and *Commercial IV (C-IV)* from Table 1: Schedule of Uses in Section 5.4 Schedule of Uses and inserting *Village Commercial (VC)* in its place;
- deleting *Commercial III (C-III)* and *Commercial IV (C-IV)* from Table 2: Dimensional and Density Regulations in Section 6.1 Dimensional and Density Regulations and inserting *Village Commercial (VC)* in its place;
- deleting *Commercial Districts III and IV* from the header of Table 10 in Section 7.2.5 Sign Standards and inserting *Village Commercial District* in its place; and by
- deleting reference to *Commercial Districts III and IV* in Section 5.6.4 Multifamily Housing, B. Applicability, 1. and inserting *Village Commercial* in its place as a possible location for multifamily housing.

ARTICLE C: To establish a new Central Business Zoning District by:

- rezoning all of the parcels in the current Commercial I district to Central Business District and amending the Zoning Map to re-label the name of Commercial I to Central Business District without changing the boundaries in any manner;
- deleting *Commercial I* from the list of B. Nonresidential Districts in Section 4.1. Districts and inserting *Central Business* in its place;
- deleting *Commercial I (C-I)* from Table 1: Schedule of Uses in Section 5.4 Schedule of Uses and inserting *Central Business (CB)* in its place;
- deleting *Commercial I (C-1)* from Table 2: Dimensional and Density Regulations in Section 6.1 Dimensional and Density Regulations and inserting *Central Business (CB)* in its place;
- deleting *Commercial District I – Route 109 Business District* from the header of Table 5 in Section 7.2.5 Sign Standards and inserting *Central Business District* in its place;
- deleting *Commercial I District, C-I, and C1* in Section 5.4.1 Special Permits in the Commercial I District and inserting *Central Business District (CB)* in its place; and by
- deleting *Commercial I* from Section 8.9. Registered Marijuana Dispensary, D. Eligible Locations and inserting *Central Business* in its place.

ARTICLE D: To amend Section 2. Definitions by adding a series of new definitions, deleting the definition for *Tourist Home*, and revising the definition for *Manufacturing*.

ARTICLE E: To delete *Table 1: Schedule of Uses* in Section 5.4 Schedule of Uses in its entirety and replace it with a new *Table 1: Schedule of Uses*.

ARTICLE F: To delete *Table 2: Dimensional and Density Regulations* in Section 6.1 Dimensional and Density Regulations in its entirety and replace it with a new *Table 2: Dimensional and Density Regulations*.

ARTICLE G: To amend Section 8.9 Registered Marijuana Dispensary, E. General Requirements, 4. to revise the allowed hours of operation for cultivation/processing and on-site retail sales of medical marijuana and associated products.

The complete text of the proposed amendments to the *Medway Zoning Bylaw* and the proposed revisions to the *Medway Zoning Map* are on file with the Town Clerk and the Planning office at Medway Town Hall, 155 Village Street, Medway, MA and may be inspected during regular business hours. For further information or questions, please contact the Medway Planning office at 508-533-3291. The proposed amendments are posted online at the Town's web site as follows: <http://www.townofmedway.org/planning-economic-development-board>

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

Andy Rodenhiser

Planning & Economic Development Board Chairman

To be published in the *Milford Daily News*:

Monday, September 19, 2016

Tuesday, September 27, 2016

ARTICLE A

VILLAGE RESIDENTIAL ZONE

Draft – September 15, 2016

ARTICLE To see if the Town of Medway will vote to amend the Zoning Bylaw and Map to establish a new Village Residential Zoning district as follows:

- by rezoning a portion of the current Agricultural Residential II (ARII) zoning district to Village Residential (VR) and amending the Zoning Map to show the boundaries of the new district, a copy of which is on file with the Medway Town Clerk;
- by revising Section 4.1 Districts by adding *Village Residential* to the list of districts in A. Residential Districts;
- by revising Section 5.4 Schedule of Uses by inserting *Village Residential (VR)* to Table 1: Schedule of Uses; (*NOTE – The details for allowed uses in the Village Residential zone are provided in Article E*)
- by revising Section 6.1 Dimensional and Density Regulations by inserting *Village Residential (VR)* to Table 2: Dimensional and Density Regulations; (*NOTE – The details for dimensional and density regulations in the Village Residential zone are provided in Article F*)
- by revising Section 5.6.4 Multifamily Housing, B. Applicability, 1. by adding *Village Residential (VR)* to the list of locations for multifamily housing;
- by revising Section 7.2.5 Sign Standards by adding *Village Residential* to the header of Table 4; and by
- revising Section 8.1 Infill Housing A. Purposes and B. Applicability by adding *Village Residential (VR)* to the list of locations for infill dwelling units.

And to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE B

VILLAGE COMMERCIAL DISTRICT

Draft – September 15, 2016

ARTICLE ____ To see if the Town of Medway will vote to amend the Zoning Bylaw and Map to establish a new Village Commercial Zoning District as follows:

- by rezoning all of the parcels in the current Commercial III (C-III) and Commercial IV (C-IV) zoning districts to Village Commercial (VC) and amending the Zoning Map to re-label the name of Commercial III and Commercial IV to Village Commercial without changing the boundaries in any manner, as shown on a map, a copy of which is on file with the Medway Town Clerk;
- by deleting *Commercial III* and *Commercial IV* from the list in B. Nonresidential Districts in Section 4.1 Districts and inserting *Village Commercial* in its place and renumbering the list accordingly;
- by deleting *Commercial III (C-III)* and *Commercial IV (C-IV)* from Table 1: Schedule of Uses in Section 5.4 Schedule of Uses and inserting *Village Commercial (VC)* in its place;
- by deleting *Commercial III (C-III)* and *Commercial IV (C-IV)* from Table 2: Dimensional and Density Regulations in Section 6.1 Dimensional and Density Regulations and inserting *Village Commercial (VC)* in its place;
- deleting *Commercial Districts III and IV* from the header of Table 10 in Section 7.2.5 Sign Standards and inserting *Village Commercial District* in its place; and by
- deleting reference to *Commercial Districts III and IV* in Section 5.6.4 Multifamily Housing, B. Applicability, 1. and inserting *Village Commercial* in its place to the list of locations for multifamily housing.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE C

CENTRAL BUSINESS DISTRICT

Draft – September 15, 2016

ARTICLE ____ To see if the Town of Medway will vote to amend the Zoning Bylaw and Map to establish a new Central Business zoning district as follows:

- by rezoning all of the parcels in the current Commercial I (C-I) district to Central Business (CB) district and amending the Zoning Map to re-label the name of Commercial I to Central Business district without changing the boundaries in any manner, as shown on a map, a copy of which is on file with the Medway Town Clerk;
- by deleting *Commercial I* from the list of B. Nonresidential Districts in Section 4.1. Districts and inserting *Central Business* in its place;
- by deleting *Commercial I (C-I)* from Table 1: Schedule of Uses in Section 5.4 Schedule of Uses and inserting *Central Business (CB)* in its place;
- by deleting *Commercial I (C-I)* from Table 2: Dimensional and Density Regulations in Section 6.1 Dimensional and Density Regulations and inserting *Central Business (CB)* in its place;
- by deleting *Commercial District I – Route 109 Business District* from the header of Table 5 in Section 7.2.5 Sign Standards and inserting *Central Business District* in its place;
- by deleting all references to *Commercial I District, C-I, and C1* in Section 5.4.1 Special Permits in the Commercial I District and inserting *Central Business District (CB)* in its place; and by
- by deleting *Commercial I* from Section 8.9. Registered Marijuana Dispensary, D. Eligible Locations and inserting *Central Business* in its place.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE D

ZONING BYLAW AMENDMENTS – DEFINITIONS

REVISED DRAFT – September 15, 2016

ARTICLE : To see if the Town of Medway will vote to amend SECTION 2 Definitions of the Medway Zoning Bylaw by inserting the following definitions in alphabetical order:

Auto Body Shop - An establishment in which bodies and frames for damaged vehicles, such as automobiles, trucks, or the like, are manufactured, repaired, straightened, or painted and which may include vehicle repair services as an accessory use.

Auto Parts – An establishment selling various components which are used to build or repair automotive vehicles and keep them performing safely and efficiently. May also include the sale of associated supplies and tools for the maintenance and upkeep of motor vehicles and various automotive accessories.

Boat – A vessel of any size built for navigation on a river or other body of water propelled by oars or paddles or by sail or power generated by an internal combustion engine.

Boathouse – An enclosed or partially enclosed building or shed for sheltering a boat or boats and associated marine equipment on or near a river, stream, pond or lake.

Brew Pub – Restaurant licensed under the relevant state and federal statutes to produce and sell beer and/or ale at the location for on-premises consumption. May include facilities for customers to brew on-premises for personal consumption off-site. Beverages produced on the premises may be sold to other establishments but shall not exceed 50% of the establishment's production capacity.

Brewery, Distillery or Winery - A business establishment located in a building that uses equipment and/or processes for the production and distribution of malt, spirituous, or vinous beverages pursuant to MGL. ch. 138, §19. Such establishment may include on-site sampling, the sale of permitted beverages produced on the premises to consumers for off-site consumption, and the sale of commercial goods branded by the establishment. A tasting room, not to exceed 25% of the building's gross square footage, that allows patrons to sample or consume beverages that are produced on premises is permitted as an accessory use. The establishment may also host marketing events, special events, and/or factory tours.

Buffer – Open spaces, natural wooded or open areas, landscaped areas, fences, walls, earthen berms or mounds, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances, except as may be defined by other provisions of this Bylaw.

Building Materials – Natural materials and man-made products which are used for construction purposes including but not limited to lumber, plumbing, heating, ventilating, air conditioning, insulation, roofing and electrical products.

Child Care Facility – As defined in MGL, ch. 5D, §1A.

Commercial indoor amusement - A business establishment engaged in providing indoor entertainment or games for a fee to the general public and including but not limited to such activities as a dance hall, bowling alley, billiard or pool establishment, skate park, rock climbing, baseball, trampoline jumping, golf, family fun/entertainment/amusement center, playground, and other similar uses and which may include the provision of food and drink as an accessory use.

Community Center – A building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or non-profit group organization.

Doggie Day Care – A business establishment where dogs are dropped off and picked up for temporary daytime care on the premises and where they may be groomed, trained, exercised and socialized, but are not boarded overnight, bred, or sold.

Dry Cleaner – A business establishment where clothes, fabrics, textiles and other items are cleaned with dry-cleaning chemical solvents with little or no water.

Educational/Instructional Facility, commercial – Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or skill, organized on a commercial basis including but not limited to schools for vocational and technical training, art, dance, gymnastics, yoga, martial arts and other sports activities.

Educational Facility, non-profit – Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or skill, organized on a non-profit basis or operated on land owned or leased by the commonwealth or any of its agencies, subdivisions, or body politic, or by a religious sect or denomination, or by a nonprofit educational corporation.

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, kinetic energy such as flowing water and wind, and other energy sources such as solar photovoltaic and geothermal power.

Family Day Care Home – As defined in MGL, ch. 28A, §9.

Farm Equipment – Equipment and implements that are used or intended for use in farming operations, including any tractor, combine, engine, motor or attachment including but not limited to a cultivator, tiller, harvester, reaper, hay conditioner, haymaker, or thresher.

Financial Institution – Establishments such as banks, savings and loans, credit unions, insurance companies, mortgage offices, and brokerage firms dealing in monetary transactions for consumers such as deposits, loans, investments and currency exchange.

Fitness Facility – An establishment providing exercise space, facilities and equipment or classes for the purposes of physical exercise. Commonly referred to as a fitness club, health or athletic club, fitness center, and gym. May also provide personal training, locker rooms, showers and fitness studios and other similar facilities and services.

Florist – An establishment which sells flowers and plants and accessory items thereto

Funeral Home – A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected thereto before burial or cremation and which may include areas for a chapel, sale of caskets and other funeral supplies, and a crematorium.

Furniture Repair - Establishment primarily engaged in repairing, reupholstering, refinishing, reconstructing or restoring furniture.

Gallery – An established engaged in the display, sale or loan of works of art to the general public.

Golf Course – A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways and hazards and that may include a clubhouse and shelter as accessory uses.

Government Facility – Any building, structure, facility or complex operated by any federal, state or county, or agency or instrumentality thereof such as but not limited to schools, libraries, police stations, fire stations, senior centers, offices, parks, playgrounds, fields, community centers, garages and other public works facilities, and other similar governmental uses.

Gravel/loam/sand or stone removal, commercial – A business establishment which removes soil including but not limited to sod, loam, sand, gravel, clay, peat, hardpan, rock, quarried stone or mineral products from land on the premises where the establishment is located.

Greenhouse – A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation and protection of plants.

Greenhouse, commercial – A greenhouse which grows plants which are sold at retail or wholesale.

Group Home - Small, community-based residential facility, licensed by the Commonwealth of Massachusetts, designed to serve and provide on-going care, support for daily living and habilitation services for children or adults with chronic disabilities, of whom one or more are unrelated, and which operate as a single housekeeping unit. These homes usually have six or fewer occupants and are staffed 24 hours a day by trained caregivers.

Indoor Storage – An area within a non-residential establishment for the placement and safe keeping of materials, products or equipment

Impervious Coverage – That portion of a lot that is covered by buildings, including accessory buildings, and all paved and other impervious surfaces. Impervious coverage shall be determined by dividing the combined area of the footprint of all buildings and all paved and impervious surfaces on a lot by the total area of the lot

Infill Dwelling Unit – As specified in Section 8.1 of this Bylaw.

Inn – An establishment that provides temporary overnight lodging to the general public for compensation, not to exceed 10 guest rooms, for transient guests and where a dining room for the serving meals may be operated on the premises, and wherein the owner or operator may or may not maintain a place of principal residence.

Large Family Child Care Home - As defined in MGL, ch. 15D, §1A.

Laundromat – An establishment providing self-service washing, drying or dry-cleaning machines on the premises for rental use to the general public and which may include drop off-pick up service.

Livery/Riding Stable – An establishment designed and equipped for the feeding, boarding, exercising or training of horses not owned by the owner of the premises and for which the owner of the premises receives compensation and which may include instruction in riding, jumping or showing or where horses may be hired for riding.

Lodge or Club – A facility operated by a private, non-profit organization established around a common interest such as a fraternal, civic, alumni, social, recreational or sports club, or other similar organization, to which membership is limited or controlled. May include meeting space, dining facilities, and outdoor areas.

Motor Vehicle – A self-propelled device designed and used for the transportation of people or goods over land surfaces

Municipal Use – Any use, building, facility or area owned or leased by and operated by the Town of Medway for the general use and welfare of the Town, its inhabitants or businesses located within the Town.

Non-profit Organization - A corporation or an association that conducts business for the benefit of the general public or is dedicated to furthering a given cause. A non-profit organization operates without a profit motive, using any surplus revenues to further achieve its purpose rather than distributing its surplus income to shareholders. Organizations recognized by the Internal Revenue Service under section 501c are exempt from federal taxes.

Nursery – Land used to raise plants, flowers, shrubs, bushes, or trees grown on the premises for sale or transplanting. May include greenhouses and retail sales of associated nursery goods and products.

Open Space – Those areas of a lot on which no building or structure is permitted except as authorized by other provisions of this Bylaw, and which shall not be used for streets, driveways, sidewalks, parking, storage or display. Open space may serve as areas for buffers, active and passive recreation, natural and scenic resource protection, land conservation, or other similar uses and may include landscaped areas.

Open Space Residential Development (OSRD) – As specified in Section 8.4 of this Bylaw.

Optician – A business establishment where eyeglasses and contact lenses are made and/or supplied to correct vision.

Outdoor Dining – A dining area with tables and seating available for restaurant-style eating outdoors, usually located on the sidewalk or an open area adjacent to its affiliated restaurant, and usually operated on a seasonal basis.

Outdoor Display – The temporary display of goods and products sold by a business establishment, located on the same premises but not including such display on any parking, delivery or loading areas, fire lanes, drive aisles, or sidewalks where less than 6 feet of sidewalk width remains for pedestrian access, or other features that could cause a safety hazard, and limited to the hours the business is open.

Outdoor Storage – An outside area for the storage or display of materials, goods or manufactured products produced or used by the principal use of the property, for more than a twenty-four hour period.

Personal Care Service Establishment – A business establishment providing personal care and grooming services to individuals including but not limited to a barber shop, beauty shop, hair salon, nail salon, tanning salon, cosmetology and spa services, and other similar services.

Photocopying/Printing – A business establishment that offers photocopying, printing and ancillary services.

Recreational Facility – A public or private establishment designed and equipped for the conduct of sports, recreational, educational, and/or leisure-time activities including but not limited to fields, courts, swimming pools, rinks, tracks, golf courses, mini-golf, driving ranges, and other similar uses. The facility may be comprised of indoor and outdoor facilities, a clubhouse and/or other customary accessory buildings and uses and may include the provision of seasonal, organized youth and/or family oriented programs and overnight accommodations.

Recreational Facility, Commercial – A recreational facility operated as a business and open to the general public for a fee.

Recreational Facility, Private – A recreational facility open only to bona fide members and guests of such organization.

Religious Facility – A structure, building or place used by a religious sect or denomination for worship, ceremonies, rituals, assembly, or study or education pertaining to a particular system of religious beliefs. May include a cathedral, chapel, church, convent, meeting house, monastery, mosque, sanctuary, shrine, synagogue, temple and other places of religious worship, and which may also include associated facilities whose purposes are substantially related to the religious purposes of such sect or denomination such as a rectory, parsonage, offices, meeting facilities, or outdoor recreational and open space.

Repair Shop - A business establishment where household machines, equipment, tools, appliances and other similar items can be taken to be repaired or serviced, but not including vehicle repair.

Sawmill – A place or building in which timber from off the premises is sawed, split, shaved, planed, stripped, chipped or otherwise processed by machinery into planks, boards, mulch, firewood or other wood products.

Shelter - An establishment giving temporary protective sanctuary to victims of crime, abuse or homelessness, by providing housing, food, counseling, support and educational services to those needing assistance, usually operated by a non-profit organization.

Shoe Repair – A business establishment where shoes, boots and other footwear can be taken to be repaired and which may offer shoe polishing and cleaning services and may sell footwear accessories and specialty shoe products.

Ski Area – An area developed for skiing, boarding or tubing with trails and which may include lifts, ski rentals and sales, and instruction and eating facilities

Studio – A building, room or space where a craftsperson, artist, sculptor, photographer, musician or other artisan, designer or craftsperson works and which may include incidental accessory uses such as a gallery, retail sales of art produced on the premises, and instruction.

Tailor – A business establishment where clothes and garments are made, mended or altered for individual customers

Trailer - A non-motorized vehicle, often a long platform or box/container with two or more wheels, which is pulled behind a motorized vehicle and used to transport things.

Veterinary Hospital – A building where animals are given medical care, observation and treatment including surgery for their diseases and injuries and which may include the short-term boarding of animals during their convalescence.

Warehouse/Distribution Facility – A building or area used primarily for the storage of raw materials, manufactured goods, products, cargo or equipment before their export or distribution for sale to retailers, wholesalers, or directly to consumers.

Wholesale - The business of selling things in large quantities to other businesses for resale rather than to individual retail consumers.

Wholesale Showroom - A room or space used for displaying a company's products, goods and merchandise not for direct sale to consumers.

And by revising the definition for **Manufacturing** by adding the language noted below in **bold text**:

Manufacturing – The transformation of raw materials or substances, components or parts into new products by the use of machines, tools, and labor through a mechanical, chemical or other process. Also includes the blending of materials and the assembly of component parts **and the packaging of products for distribution, storage and sale.**

And by deleting **Tourist Home** from the list of Definitions.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE E

Table of Uses

Draft 9-16-16

ARTICLE: To see if the Town of Medway will vote to amend the Zoning Bylaw, Section 5.4 Schedule of Uses by deleting TABLE 1: Schedule of Uses in its entirety and inserting a new TABLE 1: Schedule of Uses in its place as follows:

NOTE - Deleted text is shown with a ~~strike through~~. New and revised language is shown in **highlighted bolded** text.

TABLE 1: SCHEDULE OF USES										
	AR-I	AR-II	VR	C-I CB	C-III & IV VC	C-V	BI	I-I	I-II	I-III
A. AGRICULTURE, CONSERVATION, RECREATION USES										
Agriculture, excluding piggeries and fur farms on less than 5 acres of land, and excluding livestock on less than 44,000 sq. ft. of land. <i>(Revised 11/16/15)</i>	Y	Y	N	N	N	N	N	N	N	N
Poultry on less than 1 acre. Minimum lot size for poultry is 5,000 sq. ft. subject to Board of Health regulations. <i>(Added 11/16/15)</i>	Y	Y	Y	N	N	N	N	N	N	N
Commercial Greenhouse	SP	SP	N	N	N	Y	Y	N	N	N
Nursery	SP	SP	N	N	N	Y	Y	N	N	N
Nonprofit recreational use	Y	Y		N	N	N	N	N	N	N
Recreational facility	SP	SP	N	N	N	N	Y	Y	N	N
Sawmill	SP	N		N	N	N	N	N	N	N
Boathouse, ski tow, golf course	SP	SP		N	N	N	N	N	N	N
Ski Area	SP	SP	N	N	N	N	N	N	N	N
Golf course	SP	SP	N	N	N	N	N	N	N	N
Livery riding stable	Y	Y	N	N	N	N	N	N	N	N
Gravel, loam, sand, or stone removal, except that in the AR-I and AR-II districts, no special permit shall be required when removal of such materials is incidental to the construction or alteration of buildings for which a permit has been issued by the Board of Selectmen. NOTE - This use is being moved to the INDUSTRIAL USES section of the Use Table	SP	SP		N	N	N	N	N	N	N

TABLE 1: SCHEDULE OF USES

B. PUBLIC SERVICE										
Municipal use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public utility	SP	SP	SP	SP	Y	Y	Y	Y	Y	Y
Governmental facility	SP	SP	SP	Y	SP	Y	Y	Y	Y	Y

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	G-I CB	G-III & IV VC	C-V	BI	I - I	I - II	I - III
C. RESIDENTIAL AND INSTITUTIONAL USES										
Detached single-family dwelling	Y	Y	Y	N	Y	N	N	N	N	N
Two-family dwelling, provided that the exterior of the dwelling has the appearance of a single-family dwelling.	N	SP	Y	N	N	N	N	N	N	N
Infill dwelling unit, subject to Section 8.1.	N	SP	SP	N	N	N	N	N	N	N
Open space residential development, subject to Section 8.4	PB	PB	N	N	N	N	N	N	N	N
Assisted living residence facility	N PB	N PB	N	PB N	N	N	N	N	N	N
Adult retirement community planned unit development, subject to Section 8.5	PB	PB	N	N	N	N	N	N	N	N
Multifamily dwellings and multifamily developments subject to Section 5.6.2 E and Section 5.6.4 (Added 11/16/15)	N PB	PB	PB	N	PB	N	N	N	N	N
Multifamily units in combination with a commercial use that is permitted or allowed by special permit, subject to Section 5.4.1.	N	N	N	PB	N	N	N	N	N	N
Long-term care facility	SP	SP	N	N	N	N	N	N	N	N
Group home	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Shelter	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Accessory Uses										
Accessory family dwelling unit, subject to Section 8.2	SP	SP	SP	N	SP	N	N	N	N	N
Home-based business, subject to Section 8.3	Y	Y	Y	N	Y	N	N	N	N	N
Family day care home and large family child care home	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Boathouse	Y	Y	N	N	N	N	N	N	N	N
Greenhouse	Y	Y	Y	N	N	N	N	N	N	N

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	G-I CB	G-III & IV VC	C-V	BI	I-I	I-II	I-III
D. BUSINESS USES										
Retail Trade										
Retail bakery (Added 11/16/15)	N	N	N	Y	Y	Y	Y	N	N	N
Retail store sales	N	N	N	Y	Y	Y	Y	N	N	N
Retail store larger than 20,000 sq. ft.	N	N	N	SP	N	N	SP	N	N	N
Shopping center/multi-tenant development	N	N	N	SP	N	SP	SP	N	N	N
Auto parts	N	N	N	N	N	N	Y	N	N	N
Nursery and Florist	N	N	N	N Y	N Y	Y	Y	N	N	N
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
Sale and storage of building materials to be sold on the premises NOTE - This has been moved to the Industrial Uses section	N	N		N	N	N	Y	Y	N	N
Outdoor retail sales Retail sales, outdoors	N	N	N	N	N	N	Y	N	N	N
Hospitality and Food Services										
Restaurant providing food within a building, which may include outdoor seating on an adjoining patio	N	N	N	Y	Y	Y	Y	N	N	N
Restaurant providing live entertainment within a building, subject to license from the Board of Selectmen	N	N	N	SP Y	N SP	N SP	N	N	N	N
Brew pub	N	N	N	Y	Y	Y	Y	N	N	N
Motel or hotel	N	N	N	SP	N	N	N	N	N	N Y
Bed and breakfast	SP	SP	SP	N	SP	N	N	N	N	N
Inn	SP	SP	SP	SP	SP	N	N	N	N	N
Cultural and Entertainment Uses										
Studio for artists, photographers, interior decorators, other design-related uses	N	N	SP	N Y	N Y	Y	N	N	N	N
Museum	N	N	N	Y	SP	SP	N	N	N	N
Movie theatre/cinema	N	N	N	SP	N	N	N	N	N	N
Theatre	N	N	N	Y	SP	SP	N	N	N	N
Gallery	N	N	N	Y	Y	Y	N	N	N	N
Commercial indoor amusement NOTE - This use was moved here from Business Uses - Services	N	N	N	SP	N	N	Y	Y	Y	Y

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	C-I CB	C-III & IV VC	C-V	BI	I-I	I-II	I-III
D. BUSINESS USES										
Professional Uses and Financial Services										
Bank or other Financial institution	N	N	N	Y	Y	Y	Y	N	N	N
Professional or business office	N	N	N	Y	Y	Y	Y	Y	Y	Y
Services										
Barber shop, beauty shop, nail salon, and similar Personal care service establishments	N	N	N	Y	N Y	Y	Y	N	N	N
Consumer services such as but not limited to health care, fitness facility, optician, dry cleaner, laundry, laundromat, florist, shoe repair, photocopy/printing, bakery, photography studio, tailor, and other similar businesses and services	N	N	N	Y	N Y	N Y	N Y	N	N	N
Doggie Day Care	N	N	N	N	N	N	SP	N	N	N
Repair shop for small equipment, bicycles, appliances, tools	N	N	N	Y N	N Y	N Y	N Y	N SP	N	N
Furniture Repair	N	N	N	N	Y	Y	Y	SP	N	N
Educational/Instructional facility, commercial	N	N	N	Y	Y	Y	Y	Y	N	N
Commercial indoor amusement or recreation, or similar place of assembly <i>NOTE - This use was moved to Business Uses - Cultural and Entertainment</i>	N	N		SP	N	N	N	N	N	N
Funeral home, undertaker	N SP	N SP	N	Y SP	Y	Y	Y	N	N	N
Veterinary hospital	SP	SP	N	N	N	N Y	N Y	N	N	N
Kennel	SP	SP	SP	SP N	SP	SP N	SP	SP	SP N	SP N
Medical office or clinic	N	N	N	Y	Y	Y	Y	N	N	N
Child care facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Adult day care facility, subject to Section 8.5	PB	PB	N	N	N	N	N	N	N	N

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	C-I CB	C-III & IV VC	C-V	BI	I-I	I-II	I-III
D. BUSINESS USES										
Automotive Uses										
Vehicle fuel station with repair services	N	N	N	N	N	N	PB	N	N	N
Vehicle fuel station, with car wash	N	N	N	SP N	N	N	N PB	N	N	N
Car wash	N	N	N	SP N	N	N	SP PB	N	N	N
Vehicle fuel station with convenience store	N	N	N	PB N	N	PB N	N PB	N	N	N
Vehicle repair	N	N	N	SP N	N PB	N	SP PB	Y	N	N
Auto body shop	N	N	N	N	N	N	PB	Y	N	N
Other Business Uses: Unclassified										
Adult uses	N	N	N	N	N	N	N	Y	N	N
Accessory Uses										
Drive-through facility	N	N	N	SP N	N	PB	SP PB	N	N	N
Outdoor dining accessory to a restaurant may be permitted by the Building Inspector	N	N		Y	N	N	N	N	N	N
Outdoor display	N	N	N	SP	SP	SP	SP	N	N	N
Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises	N	N	N	N	N	N	Y	Y	N	N

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	G-I CB	G-III & IV VC	C-V	BI	I-I	I-II	I-III
E. INDUSTRIAL AND RELATED USES										
Warehouse/ and -distribution facility	N	N	N	N	N	Y N	N	N Y	N Y	N Y
Wholesale bakery <i>(Added 11/16/15)</i>	N	N	N	N	N	N	N	Y	Y	Y
Wholesale showroom or office, including warehouse	N	N	N	N	N	N	Y	Y	Y	Y
Manufacturing, processing, fabrication, packaging and assembly, and storage of goods manufactured on the premises	N	N	N	N	N	N	Y	Y	Y	Y
Contractor's yard	N	N	N	N	N	N	Y	Y	N	N
Research and development	N	N	N	N	N	N	Y	Y	Y	N Y
Brewery	N	N	N	N	N	N	Y	Y	Y	Y
Research and development and/or manufacturing of renewable or alternative energy products	N	N	N	N	N	N	Y	Y	Y	Y
Electric power generation 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	N	N	N	N	N	N	N	N	Y	N
Gravel, loam, sand, or stone removal for which a permit has been issued by the Board of Selectmen except that in the AR-I and AR-II districts, no special permit shall be required when removal of such materials is incidental to the construction or alteration of buildings. <i>NOTE - This use was moved here from the Agricultural/Conservation/ Recreation Uses section of the Use Table</i>	SP	SP	N	N	N	N	N	N	N	N
Accessory Uses										
Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises	N	N	N	N	N	N	Y	Y	Y	Y

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	C-I CB	C-III & IV VC	C-V	BI	I-I	I-II	I-III
F. INSTITUTIONAL USES										
Religious facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Community center	SP	SP	SP	SP	SP	SP	SP	N	N	N
Educational facility, non-profit	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Lodge or club	SP	SP	SP	N	N	N	N	N	N	N

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ARTICLE F

DENSITY AND DIMENSIONAL REGULATIONS

September 15, 2016

ARTICLE : To see if the Town of Medway will vote to amend the Zoning Bylaw by deleting TABLE 2: Dimensional and Density Regulations in Section 6.1 Dimensional and Density Regulations in its entirety and replacing it with a new TABLE: Dimensional and Density Regulations as follows: NOTE – Deleted text is shown with a ~~strike through~~ and new or revised text is shown in **highlighted bolded** text.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

TABLE 2. DIMENSIONAL AND DENSITY REGULATIONS												
Requirement	AR-I	AR-II	VR	G-1 CB	VC	G-III	G-IV	C-V ^e	B-I	I-1	I-2	I-3
Minimum Lot Area (Sq. Ft.)	44,000	22,500 ^b 30,000 ^a	10,000 15,000 ^b	20,000 10,000	10,000	20,000	20,000	20,000	20,000	20,000	20,000	40,000
Minimum Lot Frontage (Ft.)	180'	150'	75'	NA	NA	NA	NA	NA	100'	NA	NA	NA
Minimum Lot Width (Ft.)	NA	NA	NA	100'	NA	100'	100'	100'	NA	100'	150'	100'
Minimum Setbacks (Ft.) ^c												
Front ^{e,d}	35'	35'	20' ^d	50' 10'	20' ^d	35'	35'	50' 35'	35' 25'	30'	30'	30'
Side ^e	15'	15'	10' ^d	25' 10' 25' ^e	10' ^d	15'	15'	15'	15'	20'	20'	20'
Rear	15'	15'	10' ^d	25'	10' ^d	15'	15'	15'	15'	30'	30'	30'
Maximum Building Height (Ft.)	NA 35'	NA 35'	35'	40'	40'	40'	40'	40'	40'	40' 60'	40'	60'
Maximum Lot Coverage (Pct. of lot) (Primary and accessory buildings)	NA 25%	NA 30%	40%	30% 80%	80%	30%	30%	30% 40%	30% 40%	40% NA	40% NA	40% NA
Maximum Impervious Coverage (Pct. of lot)	35%	40%	50%	NA	NA	NA	NA	80%	80%	80%	80%	80%
Minimum Open Space (Pct. of lot)	NA	NA	NA	15%	NA	NA	NA	20%	20%	20%	20%	20%

Notes to Table 2

NA means not applicable

- a) For a two family house. No parking shall be permitted within 10 feet of an adjoining lot line.
- b) For a newly constructed two-family house or when a single family detached house is enlarged for a 2 family house.
- c) When a nonresidential use abuts a residential use, the first 10 feet within the required side or rear setback of the nonresidential use along the lot line shall be used as a buffer.
- d) Or the average setback of the existing primary buildings within 300' of the lot on the same side of the street and within the same zoning district, whichever is less.
- e) When abutting a residential district.

Previous Notes to Table 2

- a) In the C-V and B-I districts, when a nonresidential use abuts a residential use, the first 10 feet within the 15-ft side or rear setback along the boundary line adjoining the residential use shall be a landscaped buffer not used for parking or storing vehicles. However, when a nonresidential use in the C district abuts a residential use in a different district, the landscaped buffer shall extend at least 15 feet from the lot boundary shared with the residential use.
- b) For two-family dwelling, the minimum lot area is 30,000 sq. ft. No parking shall be permitted within 10 feet of an adjoining lot line.
- c) For a lot abutting existing dwellings in a residential district, the minimum front setback shall be the average front setback of the existing primary buildings within 300 feet on each side of the lot on the same side of the street and within the same zoning district.
- d) Within the 50-ft. front setback on lots in the C-I, C-V, and B-I districts, the first 10 feet closest to the street shall be landscaped and not used for parking. Within the C-I district, the next 20 feet shall be used for through traffic to adjoining lots unless waived by the Planning and Economic Development Board during site plan review.
- e) When a lot in any of the C or B-I districts abuts a residential use, the first 10 feet within the 15-ft side or rear setback along the boundary line adjoining the residential use shall be a landscaped buffer not used for parking or storing vehicles.

ARTICLE G

Registered Marijuana Dispensaries

Revised Draft – September 15, 2016

ARTICLE: To see if the Town of Medway will vote to amend the Zoning Bylaw, Section 8.9 Registered Marijuana Dispensary, E. General Requirements, 4. by deleting text noted in ~~strike through~~ below and replacing that with new text noted in **bold** as follows:

4. The hours of operation of RMDs shall be set by the Planning and Economic Development Board, but in no event shall ~~any RMD be open and/or operating~~ **the on-site retail sale or dispensing of medical marijuana and/or related products to customers occur** between the hours of 8:00 PM and 8:00 AM.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

10-4-2016

COMPARISON – Agricultural Residential I

	CURRENT Agricultural Residential I	PROPOSED Agricultural Residential I
Minimum Lot Area	44,000 sq. ft.	44,000 sq. ft.
Minimum Frontage along a roadway	180'	180'
Minimum Front Setback from street	35'	25'
Side Setback from abutting properties	15'	15'
Rear Setback from abutting properties	15'	15'
Maximum Building Height	None	35'
Maximum Lot Coverage (% of lot) – Primary and Accessory Buildings	None	25%
Maximum Impervious Surface (% of lot) Buildings and paved surfaces	None	35%
Minimum Open Space (% of lot)	None	None
Allowed Uses	<p>Agriculture, poultry, detached single-family dwelling, home-based businesses,</p> <p>Commercial greenhouse, OSRD, ARCPUD, accessory family dwelling unit, ski area, golf course, veterinary, kennel and public utility by special permit</p>	<p>Added livery riding stable as by right uses.</p> <p>Added nursery, recreational facility, assisted living residence facility, multi-family dwellings and developments, long-term care facility, bed & breakfast, inn, funeral home, adult day care facility, gravel/loam/sand/stone removal, lodge or club, governmental facility, and community center by special permit</p>

COMPARISON – Agricultural Residential II

	CURRENT Agricultural Residential II	PROPOSED Agricultural Residential II
Minimum Lot Area	22,500 sq. ft. 30,000 sq. ft. for 2 family dwelling	22,500 sq. ft. 30,000 sq. ft. for a two family house. No parking shall be permitted within 10 feet of an adjoining lot line.
Minimum Frontage along a roadway	150'	150'
Minimum Front Setback from street	35'	35'
Side Setback from abutting properties	15'	15'
Rear Setback from abutting properties	15'	15'
Maximum Building Height	None	35'
Maximum Lot Coverage (% of lot) – Primary and Accessory Buildings	None	30%
Maximum Impervious Surface (% of lot) Buildings and paved surfaces	None	40%
Minimum Open Space (% of lot)	None	None
Allowed Uses	<p>Agriculture, poultry, detached single-family dwelling, home-based businesses by right.</p> <p>Two-family dwellings, infill dwellings, commercial greenhouse, OSRD, ARCPUD, multi-family dwellings and developments, accessory family dwelling unit, ski area, golf course, veterinary hospital, kennel and public utility by special permit.</p>	<p>Added livery riding stable as by right use.</p> <p>Added nursery, recreational facility, assisted living residence facility, long-term care facility, bed & breakfast, inn, funeral home, adult day care facility, gravel/loam/sand/stone removal, lodge or club, community center, and governmental facility by special permit.</p>

COMPARISON – Agricultural/Residential II to Village Residential

	CURRENT Agricultural Residential II	PROPOSED Village Residential
Minimum Lot Area	22,500 sq. ft. 30,000 sq. ft. for any two family dwelling	10,000 sq. ft. 15,000 sq. ft. for a newly constructed 2 family house or when an existing single family house is enlarged to create a 2 family house
Minimum Frontage along a roadway	150 continuous linear feet	75 continuous linear feet
Minimum Front Setback from street	35'	20' or average setback of the existing primary buildings within 300' of the lot on the same side of the street, whichever is less
Side Setback from abutting properties	15'	10' or average setback of the existing primary buildings within 300' of the lot on the same side of the street, whichever is less
Rear Setback from abutting properties	15'	10' or average setback of the existing primary buildings within 300' of the lot on the same side of the street, whichever is less
Maximum Building Height	None	35'
Maximum Lot Coverage (% of lot) – Primary and Accessory Buildings	None	40%
Maximum Impervious Surface (% of lot) Buildings and paved surfaces	None	50%
Allowed Uses	Single family home and home based business by right. Two-family homes, infill dwellings, multi-family, OSRD, ARCPUD, and accessory family dwelling unit by special permit.	Single family, two-family homes and home based businesses by right. Infill dwellings, multi-family, accessory family dwelling units, bed & breakfast, inn, artist studios, public utility, community center, governmental facility, and lodge or club by special permit. ARCPUD and OSRD developments not allowed due to sizeable open space requirements.

COMPARISON – Commercial III & IV to Village Commercial

	CURRENT Commercial III and IV	PROPOSED Village Commercial
Minimum Lot Area	20,000 sq. ft.	10,000 sq. ft.
Minimum Frontage along a roadway	None	None
Minimum Front Setback from street	35'	20' or average setback of the existing primary buildings within 300' of the lot on the same side of the street, whichever is less
Side Setback from abutting properties	15'	10' or average setback of the existing primary buildings within 300' of the lot on the same side of the street, whichever is less
Rear Setback from abutting properties	15'	10' or average setback of the existing primary buildings within 300' of the lot on the same side of the street, whichever is less
Maximum Building Height	40'	40'
Maximum Lot Coverage (% of lot) – Primary and Accessory Buildings	30%	80%
Maximum Impervious Surface (% of lot) Buildings and paved surfaces	None	None
Allowed Uses	<p>Detached single family home, home-based business, retail stores, restaurant, bank, funeral home, offices and public utility by right.</p> <p>Multifamily dwelling and accessory family dwelling unit by special permit.</p>	<p>Same as Commercial III and IV. Added florist, brew pub, artist studio, gallery, personal care services, consumer services, repair shops, educational facilities, furniture repair, and medical office as by right uses.</p> <p>Added restaurant with live entertainment, bed and breakfast, inn, museum, theatre, vehicle repair, governmental facility, community center, and lodge or club by special permit.</p> <p>Indoor commercial amusement, retail stores larger than 20,000 sq. ft. and auto parts stores not allowed.</p>

COMPARISON – Commercial I to Central Business

	CURRENT	PROPOSED
Minimum Lot Area	Commercial I	Business District
Minimum Frontage along a roadway	20,000 sq. ft.	10,000 sq. ft.
Minimum Front Setback from street	None	None
Side Setback from abutting properties	50'	10'
Rear Setback from abutting properties	25'	10'
Maximum Building Height	25'	25' when abutting a residential district
Maximum Lot Coverage (% of lot) – Primary and Accessory Buildings	40'	25'
Maximum Impervious Surface (% of lot) Buildings and paved surfaces	30%	40'
Minimum Open Space (% of lot)	None	80%
Allowed Uses	None	None
	<p>Retail stores, restaurants, banks, offices, personal care services, consumer services, repair shops, funeral home by right.</p> <p>Shopping center/multi-tenant development, motel/hotel, vehicle fuel station, vehicle repair, assisted living facility, drive-through facility, public utility, and multi-family units combined with commercial uses by special permit.</p>	<p>Added florist, restaurant with live entertainment, brew pub, artist studio, museum, theatre, gallery, educational facility, medical office, and governmental facility as by right uses.</p> <p>Added retail stores over 20,000 sq. ft., inn, movie theatre, indoor commercial amusement, funeral home, and community center by special permit.</p> <p>Removed assisted living residence facility as a special permit use.</p> <p>Specified auto parts, repair shops, furniture repair, brewery, vehicle fuel stations, car wash, vehicle repair, auto body, drive-through facility, and lodge/club as not allowed.</p>

COMPARISON – Commercial V

	CURRENT Commercial V	PROPOSED Commercial V
Minimum Lot Area	20,000 sq. ft.	20,000 sq. ft.
Minimum Frontage along a roadway	None	None
Minimum Front Setback from street	50'	35'
Side Setback from abutting properties	15'	15'
Rear Setback from abutting properties	15'	15'
Maximum Building Height	40'	40'
Maximum Lot Coverage (% of lot) – Primary and Accessory Buildings	30%	40%
Maximum Impervious Surface (% of lot) Buildings and paved surfaces	None	80%
Minimum Open Space (% of lot)	None	20%
Allowed Uses	<p>Commercial greenhouse, nursery, retail sales, florist, restaurant, artist studio, bank, office, personal care services, warehouse, funeral home, and public utility by right.</p> <p>Shopping center/multi-tenant development, and vehicle fuel station with convenience store by special permit.</p>	<p>Added brew pub, gallery, consumer services, repair shop, furniture repair, educational facility, medical office, veterinary hospital, and governmental facility as by right uses.</p> <p>Added restaurant with live entertainment, museum, theatre and community center by special permit.</p> <p>Vehicle fuel station, warehouse facility and kennel not allowed.</p>

COMPARISON – Business Industrial

	CURRENT Business Industrial	PROPOSED Business Industrial
Minimum Lot Area	20,000 sq. ft.	20,000 sq. ft.
Minimum Frontage along a roadway	100'	75'
Minimum Front Setback from street	35'	25'
Side Setback from abutting properties	15'	15'
Rear Setback from abutting properties	15'	15'
Maximum Building Height	40'	40'
Maximum Lot Coverage (% of lot) – Primary and Accessory Buildings	30%	40%
Maximum Impervious Surface (% of lot) Buildings and paved surfaces	None	80%
Minimum Open Space (% of lot)	None	20%
Allowed Uses	<p>Commercial Greenhouse, retail stores, florist, retail sales outdoors, restaurant, bank, offices, personal care establishments, funeral home, wholesale showroom, contractor's yard, R & D and/or manufacturing of renewable energy products and public utility by right.</p> <p>Shopping center/multi-tenant development, and kennel by special permit</p>	<p>Added nursery, recreational facility, brew pub, auto parts, commercial indoor amusement, consumer services, furniture repair, educational facility, repair shop, veterinary hospital, medical office, brewery, and governmental facility by right.</p> <p>Added retail stores larger than 20,000 sq. ft., vehicle fuel station, car wash, vehicle repair, auto body shop, drive-thru facility, and doggie day care, and community center by special permit.</p>

COMPARISON – Industrial I

	CURRENT Industrial I	PROPOSED Industrial I
Minimum Lot Area	20,000 sq. ft.	20,000 sq. ft.
Minimum Frontage along a roadway	None	100'
Minimum Front Setback from street	30'	30'
Side Setback from abutting properties	20'	20'
Rear Setback from abutting properties	30'	30'
Maximum Building Height	40'	60'
Maximum Lot Coverage (% of lot) – Primary and Accessory Buildings	40%	None
Maximum Impervious Surface (% of lot) Buildings and paved surfaces	None	80%
Minimum Open Space (% of lot)	None	20%
Allowed Uses	Offices, wholesale showroom, wholesale bakery, manufacturing, contractor's yard, research and development, vehicle repair, public utility, adult uses by right. Kennel by special permit	Added recreational facility, commercial indoor amusement, educational facility, auto body shop, warehouse/distribution facility, brewery and governmental facility by right Added repair shop and furniture repair by special permit.

COMPARISON – Industrial II

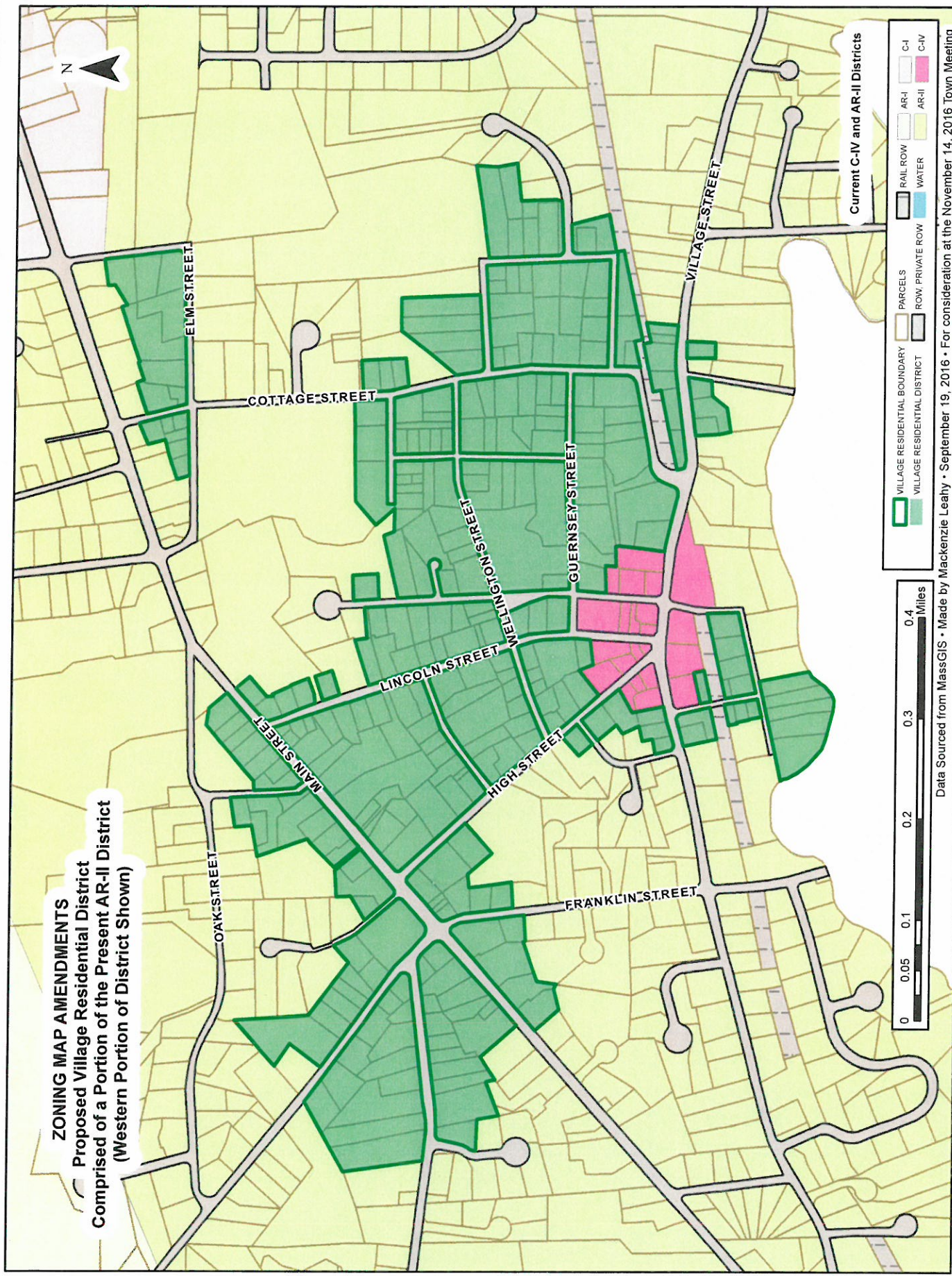
	CURRENT Industrial II	PROPOSED Industrial II
Minimum Lot Area	20,000 sq. ft.	20,000 sq. ft.
Minimum Frontage along a roadway	None	150'
Minimum Front Setback from street	30'	30'
Side Setback from abutting properties	20'	20'
Rear Setback from abutting properties	30'	30'
Maximum Building Height	60'	60'
Maximum Lot Coverage (% of lot) – Primary and Accessory Buildings	40%	None
Maximum Impervious Surface (% of lot) Buildings and paved surfaces	None	80%
Minimum Open Space (% of lot)	None	20%
Allowed Uses	Offices, wholesale bakery, wholesale showroom, manufacturing, research and development, electric power generation and public utility by right. Kennel by special permit.	Added commercial indoor amusement, warehouse/ distribution facility, brewery and governmental facility by right. Kennel not allowed.

COMPARISON – Industrial III

	CURRENT Industrial III	PROPOSED Industrial III
Minimum Lot Area	40,000 sq. ft.	40,000 sq. ft.
Minimum Frontage along a roadway	None	100'
Minimum Front Setback from street	30'	30'
Side Setback from abutting properties	20'	20'
Rear Setback from abutting properties	30'	30'
Maximum Building Height	60'	60'
Maximum Lot Coverage (% of lot) – Primary and Accessory Buildings	40%	None
Maximum Impervious Surface (% of lot) Buildings and paved surfaces	None	80%
Minimum Open Space (% of lot)	None	20%
Allowed Uses	Offices, wholesale bakery, wholesale showroom, manufacturing, research and development and/or manufacturing of renewable energy products, and public utility by right. Kennel by special permit.	Added hotel/motel, commercial indoor amusement, warehouse/distribution facility, research and development, brewery as by right uses. Kennel not allowed.

ZONING MAP AMENDMENTS

Proposed Village Residential District
 Comprised of a Portion of the Present AR-II District
 (Western Portion of District Shown)



Current C-IV and AR-II Districts

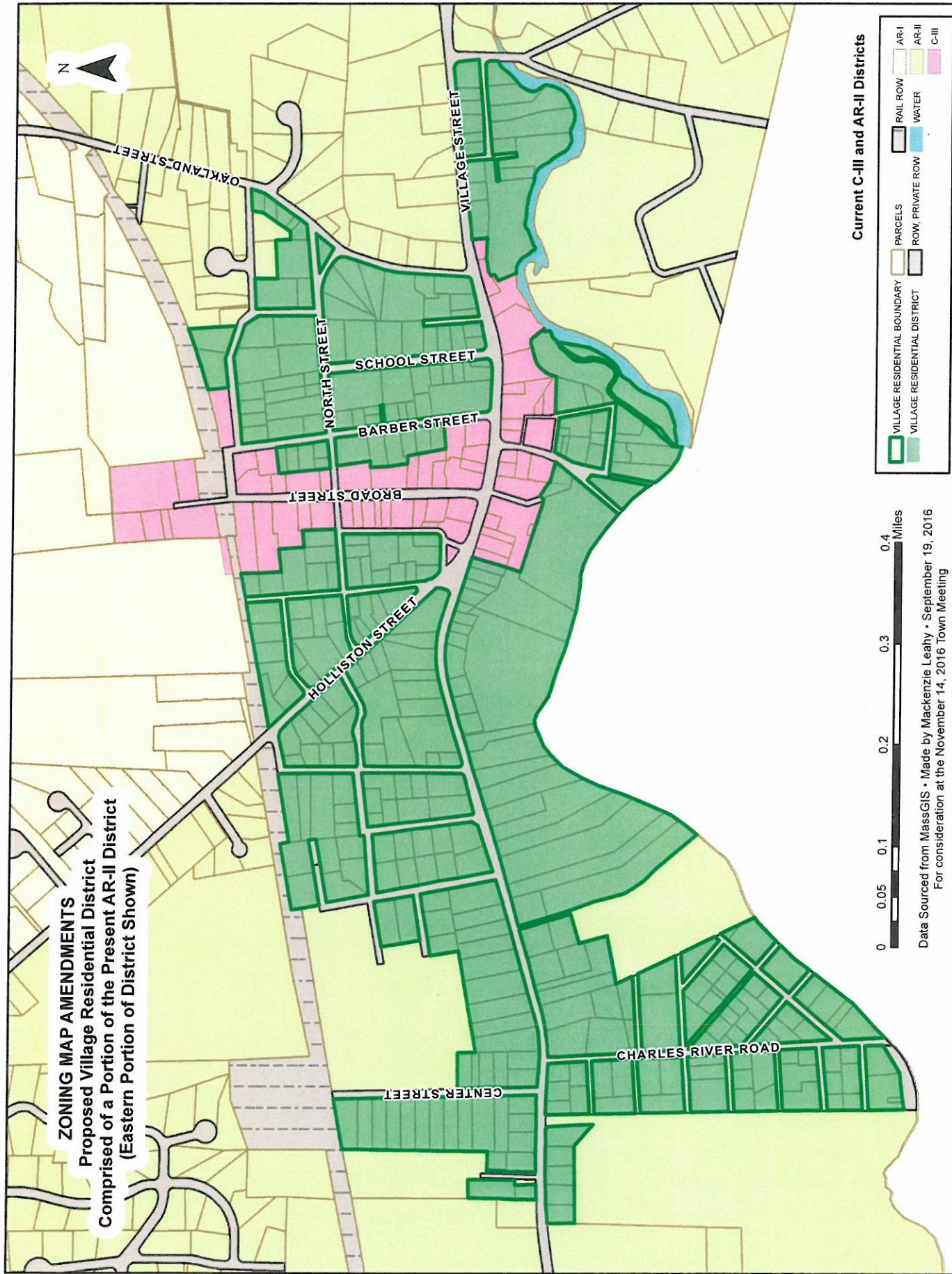
- VILLAGE RESIDENTIAL DISTRICT
- VILLAGE RESIDENTIAL BOUNDARY
- PARCELS
- ROW, PRIVATE ROW
- RAIL ROW
- AR-I
- AR-II
- C-I
- C-IV
- WATER



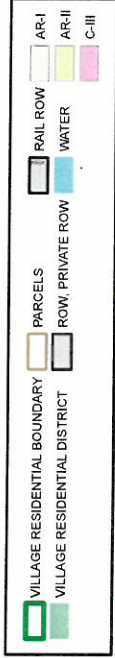
Data Sourced from MassGIS • Made by Mackenzie Leahy • September 19, 2016 • For consideration at the November 14, 2016 Town Meeting

ZONING MAP AMENDMENTS

Proposed Village Residential District
Comprised of a Portion of the Present AR-II District
(Eastern Portion of District Shown)

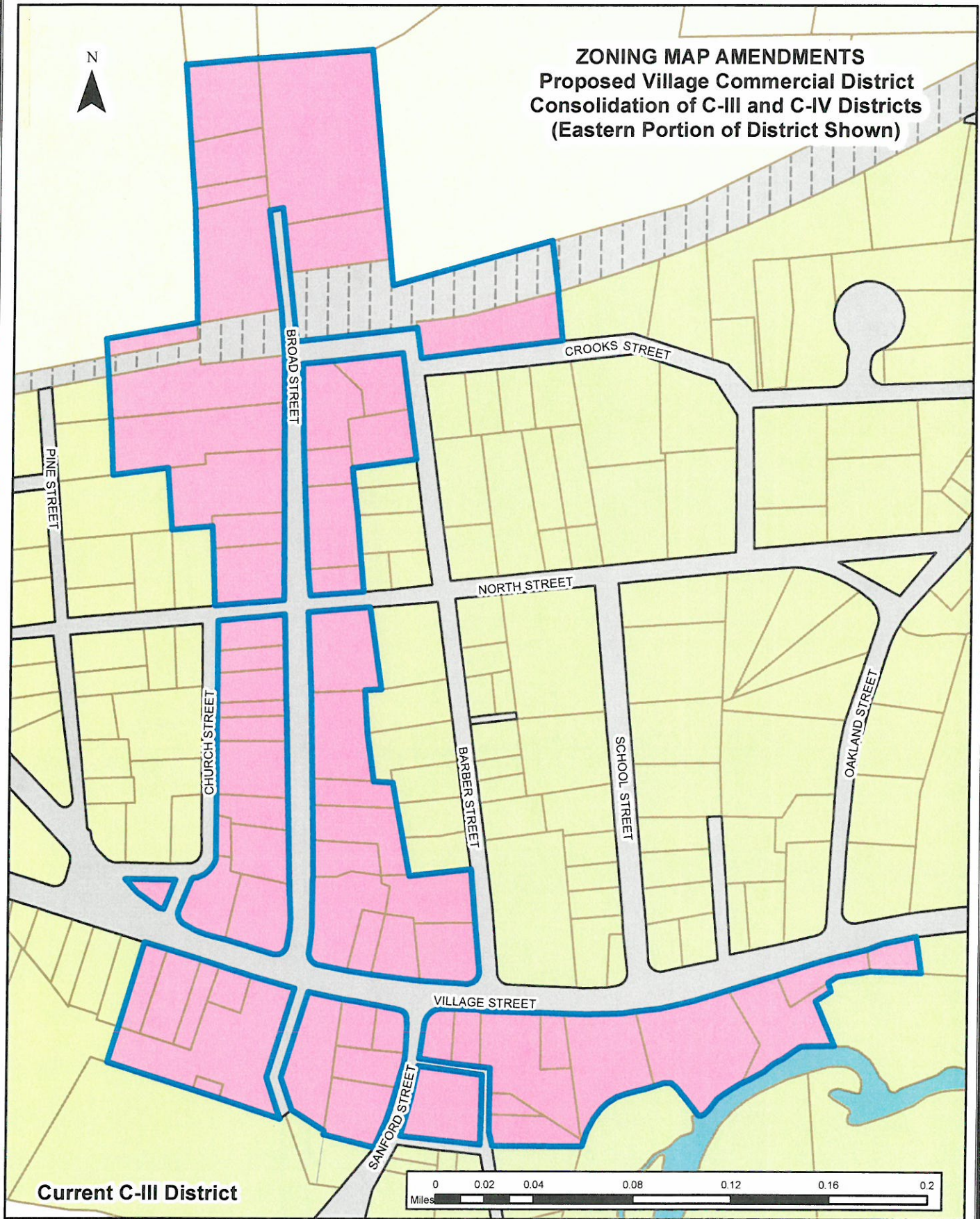


Current C-III and AR-II Districts



Data Sourced from MassGIS • Made by Mackenzie Leahy • September 19, 2016
For consideration at the November 14, 2016 Town Meeting

ZONING MAP AMENDMENTS **Proposed Village Commercial District** **Consolidation of C-III and C-IV Districts** **(Eastern Portion of District Shown)**

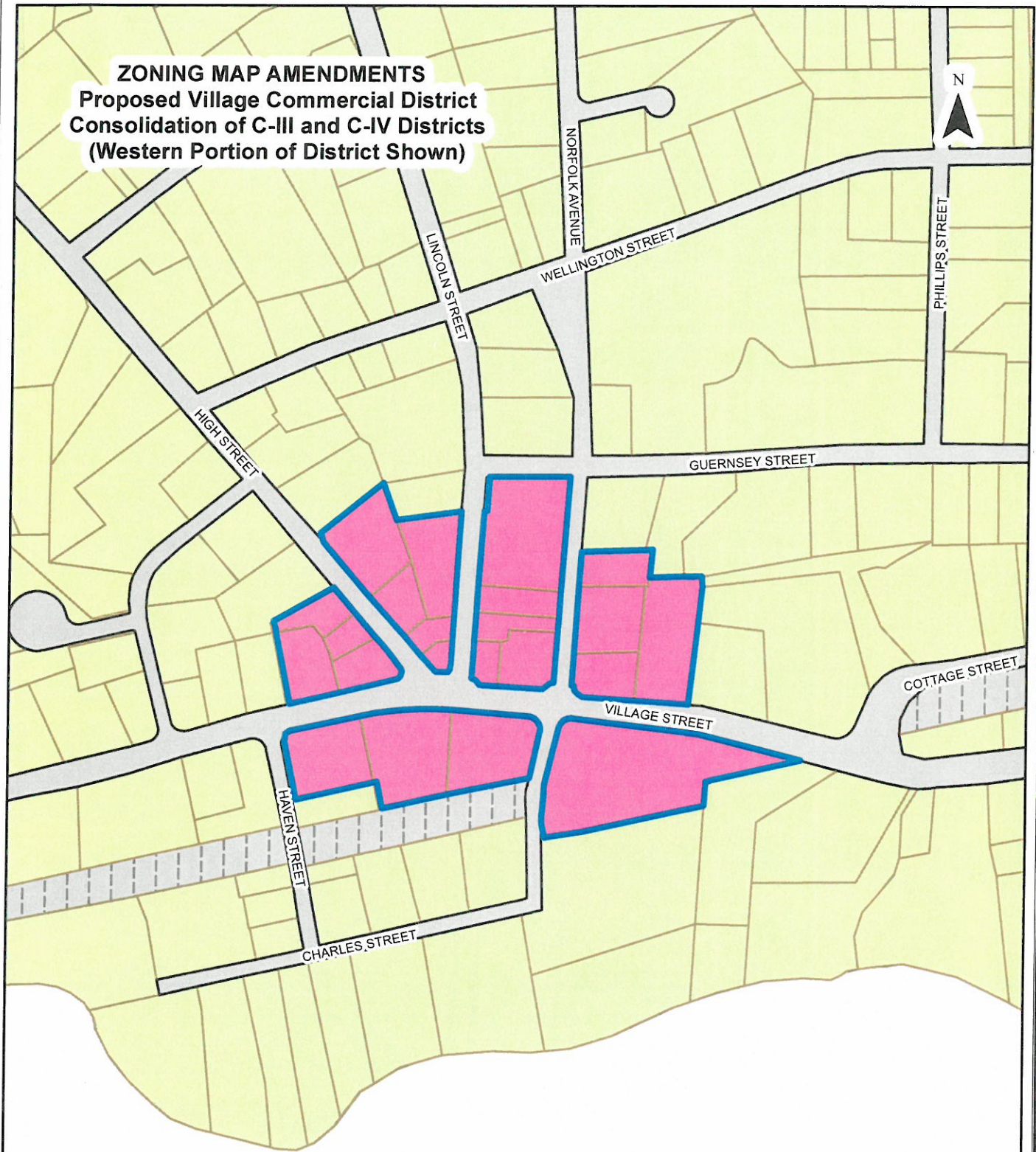


Current C-III District

Data Sourced from MassGIS
 Made by Mackenzie Leahy
 September 16, 2016
 For consideration at the
 November 14, 2016 Town Meeting

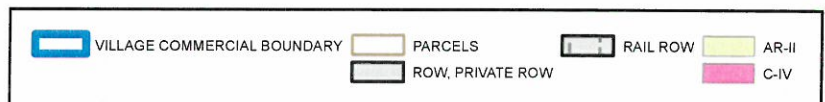
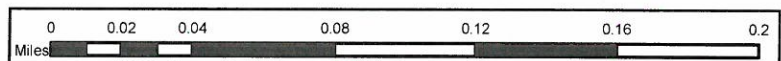
	VILLAGE COMMERCIAL BOUNDARY		PARCELS		RAIL ROW		AR-I		C-III
	ROW, PRIVATE ROW		WATER		AR-II				

ZONING MAP AMENDMENTS
Proposed Village Commercial District
Consolidation of C-III and C-IV Districts
(Western Portion of District Shown)



Current C-IV District

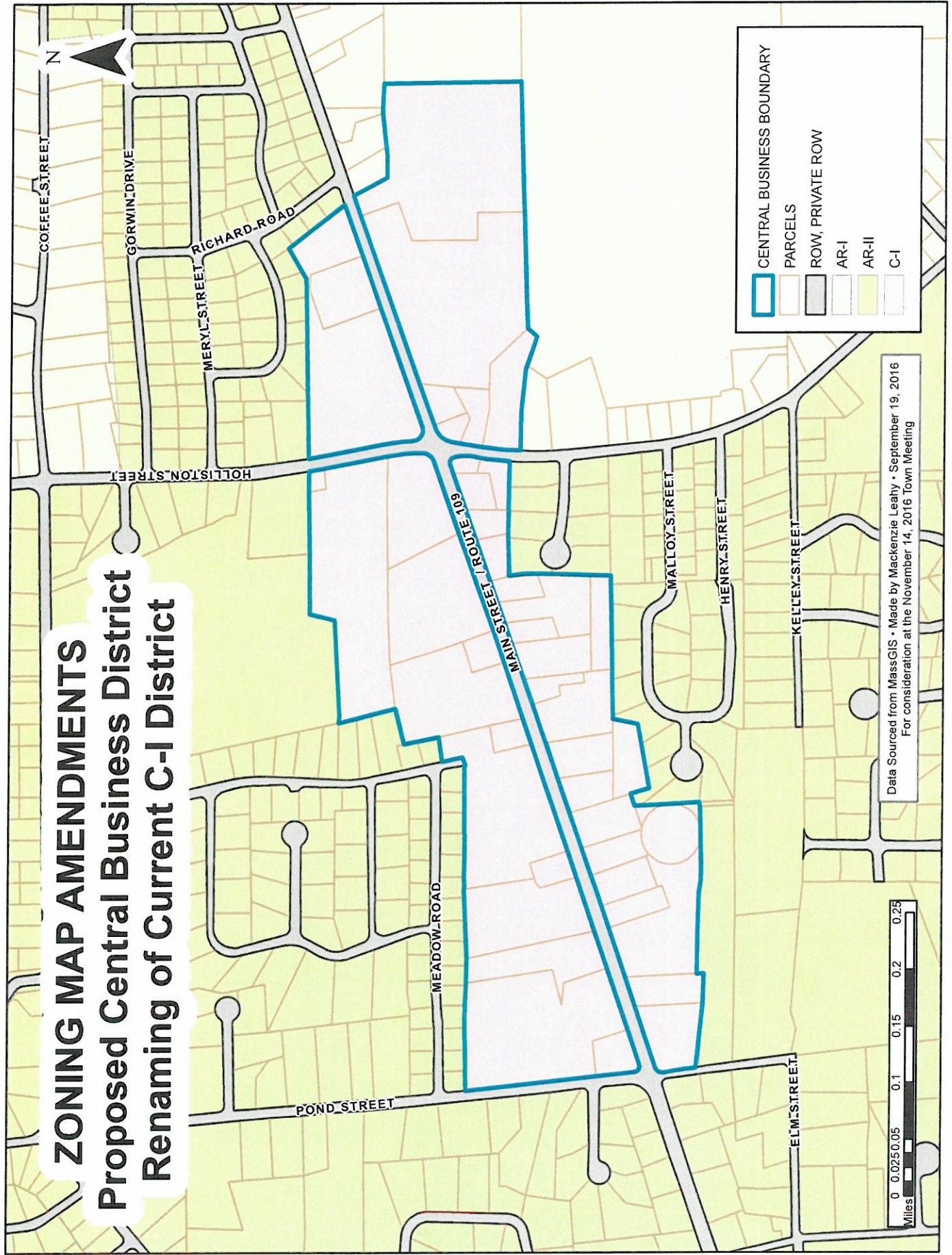
Data Sourced from MassGIS
 Made by Mackenzie Leahy
 September 16, 2016
 For consideration at the
 November 14, 2016 Town Meeting



ZONING MAP AMENDMENTS

Proposed Central Business District

Renaming of Current C-I District



Data Sourced from MassGIS • Made by Mackenzie Leahy • September 19, 2016
For consideration at the November 14, 2016 Town Meeting



TOWN OF MEDWAY
Planning & Economic Development Board
155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew J. Hayes, P.E.
Richard Di Iulio

DRAFT – October 3, 2016

SITE PLAN DECISION
Medway Gardens Site Plan Modification
34 Summer Street

You are hereby notified that on October 4, 2016 at a duly called and properly posted meeting, the Medway Planning and Economic Development Board, after reviewing the application and information compiled during the public review process, voted on a motion made by _____ and seconded by _____ to approve with conditions as specified herein, the application of Onilleva Realty, LLC of Medway, MA to modify the previously approved site plan for Medway Gardens from August 2014.

I. PROJECT LOCATION - Medway Gardens is located on a 2.27 acre portion of the 3.6 acre property at 34 Summer Street (Parcel 56-039) in the Commercial V zoning district. The property is owned by Onilleva Realty, LLC of Medway, MA. The site is bounded on the west by Summer Street, on the north by Milford Street, on the east by property owned by Jesse and Teigan Bain at 37 Milford Street and by Madelyn Rivera and Pamela Bellino at 2 Knollwood Road, and on the south by property owned by Richard and Helen Barry at 32 Summer Street. The parcel also includes a Cumberland Farms convenience store/vehicle fuel station constructed in 2014 (41 Milford Street). The Medway Gardens portion of the site also includes a detached single family home constructed in 1985.

II. BACKGROUND - The site plan decision for improvements at Medway Gardens was previously approved by the Medway Planning and Economic Development Board on August 12, 2014. Those improvements were shown on a plan dated August 21, 2014 which the Board endorsed on September 16, 2014. The approved scope of work included:

- construction of a new greenhouse and a wooden pergola
- various site improvements including a reorganized and striped parking arrangement, perimeter landscaping/buffering, outside merchandise display, and an improved access/egress to the site

all of which were a result of a consolidation of the Medway Gardens operation on the site subsequent to the construction of the Cumberland Farms convenience store and vehicle fuel station facility on the property.

The site plan decision specified that work was to be completed within a two year period of plan endorsement. Based on a June 1, 2016 inspection of the site by Tetra Tech Engineering, the Board's consulting engineer, and the resultant punch list dated June 8, 2016, the Board determined that the applicant had not fully completed the approved scope of work. The owner now wishes to modify/reduce the scope of site plan improvements.

III. PROJECT DESCRIPTION/PROPOSED MODIFICATION - *The primary purpose of this application for site plan modification is to update the plan to depict the revised scope of improvements the applicant will implement. Pursuant to the application, the following revised scope of work is proposed:*

Previously approved work to NOT be carried out includes paving 7 parking spaces in the parking area south of the wooden pergola. The owner wishes to be relieved of undertaking this particular site improvement and proposes to provide gravel parking spaces instead.

The previously approved work which the applicant has agreed to install includes the following items as shown on the plan:

- Installation of a bituminous concrete apron and the appurtenant railroad ties at the Summer Street entrance
- Installation of 30 concrete wheel stops in the parking area to clearly designate the parking space locations
- Installation of directional and accessible parking signs
- Installation of a stockade fence and shrubs to enclose the existing dumpster
- Installation of a free-standing sign at the entrance driveway to the site from Summer Street
- Installation of landscaping along the southern and eastern perimeter of the site as a buffer to the adjacent parcels.

IV. PROCEDURAL HISTORY

- A. August 8, 2016 – Application to modify a previously approved site plan was filed with the Medway Planning & Economic Development Board.
- B. August 9, 2016 – Public briefing notice was filed with the Town Clerk, posted to the Town of Medway web site and mailed to abutters via first class mail.
- C. August 23, 2016 – Public briefing commenced. The public briefing was continued to September 13, 27 and October 4, 2016 when it was closed and the Board voted its decision.

V. INDEX OF SITE PLAN DOCUMENTS

- A. The application package submitted on August 8, 2016 to modify the previously approved Medway Gardens site plan included the following documents:
 - Application to Modify a Previously Approved Site Plan dated August 8, 2016
 - Project description dated July 12, 2016, received August 4, 2016
 - *Medway Gardens Site Plan*, dated July 22 2014, last revised July 22, 2016 prepared by Civil Design Group, LLC of North Andover, MA.
 - Certified abutters list
- B. During the course of the public briefing, the applicant provided the following additional documents to the Board:
 - A collection of site photos provided by the applicant during the August 23, 2016 meeting to document completed work.
 - An information sheet regarding a parking lot striping machine Mr. Avellino intends to purchase as provided by him during the August 23, 2016 meeting
 - A letter dated and provided to the Board on September 13, 2016 from Attorney Marshall Newman representing Onilleva Realty LLC and Medway Gardens, Inc. challenging the Board's site plan review of the property due to the premise that the property is exempt from site plan review due to its use for horticultural purposes and that the conditions being imposed were unreasonable regulations. The letter

also alleged that Planning and Economic Development Board Chairman Andy Rodenhiser was biased against Mr. Avellino due to the chairman's involvement with the Medway Lions Club which is a principal competitor to Medway Gardens in the sale of Christmas trees in the Medway area.

- A written communication to the Board provided by Mr. Avellino at the September 27, 2016 meeting.

VI. TESTIMONY - In addition to the site plan application materials submitted and provided by the applicant during the course of its review, the Planning & Economic Development Board received written or verbal testimony as follows:

Written Documents

- Inspection report/punch list dated June 8, 2016 from Steve Bouley, Tetra Tech Engineering
- Site plan modification review letter dated August 16, 2016 from Gino Carlucci, the Town's consulting planner.
- Email communication dated August 21, 2016 from abutter Teigan Bain, 37 Milford Street including site photos
- Email communication dated August 23, 2016 from abutter Pamela Bellino-Rivera of 2 Knollwood Drive
- Confidential email communication dated September 23, 2016 from Town Counsel Barbara Saint Andre to address issues raised by the applicant's attorney Marshall Newman.
- Disclosure of Appearance of Conflict of Interest Form prepared by Andy Rodenhiser and filed with the Town Clerk and Board on September 26, 2016
- Summary of property value and land area information for 34 Summer/41 Milford Streets compiled September 26, 2016 by Susan Affleck-Childs, Planning and Economic Development Coordinator
- Summary information about the definition of agriculture and its exempt status under M.G.L., ch. 40A, §3.

Verbal Testimony

- Joe Avellino, owner and applicant
- Gino Carlucci, consulting planner
- Pamela Bellino-Rivera, 2 Knollwood Drive
- Teigan and Jesse Bain, 37 Milford Street

VII. SPECIFIC CONDITIONS OF APPROVAL – The Board's approval of this site plan modification is subject to the following specific conditions which the Board determines are reasonable to protect adjacent property owners.

A. **Plan Revisions** - Prior to endorsement, the site plan titled *Medway Gardens Site Plan*, dated June 22, 2014, last revised July 22, 2016 prepared by Civil Design Group of North Andover, MA shall be further revised to include the following:

1. the location and description/specifications including height and materials for 25' linear feet of fencing to be installed along the parcel's eastern boundary with property owned by Bellino-Rivera at 2 Knollwood Road as requested;
2. the establishment of a landscaped berm or a series of berms that do not disrupt the existing vegetation along the approximately 68 feet of the parcel's northern boundary with property owned by Bain at 37 Milford Street. The berm shall be 3' – 4' high and shall be planted with a variety of native evergreen tree species

a minimum of 6' in height above finished grade (top of berm) at the time of planting, and they shall be planted 6' on center;

3. the notes regarding perimeter landscaping shall be revised to specify that the evergreen trees to be planted every 20' shall be a minimum of 6 feet in height above finished grade at the time of planting, and the shrubs to be planted in between shall be a minimum of 3' in height above finished grade at the time of planting; the species of evergreen trees and shrubs shall be varied.
4. that portion of the landscaping plan along the eastern boundary line with the Bains at 37 Milford Street south of the swing gate as shown on the endorsed Cumberland Farms site plan dated February 13, 2014, endorsed March 4, 2014;
5. the location and screening details for the outdoor storage area as specified in Condition F;
6. the free-standing sign to be located at the entrance driveway from Summer Street shall be noted as being a "new" sign instead of a "relocated" sign.
7. the location of the pergola to be repositioned per Condition H
8. the final plan revision date.

B. *Landscape Installation and Maintenance*

1. All trees and shrubs to be planted on the site shall be species that are certified by a horticulturist as native, drought-resistant and deer proof. Such certification shall be provided to the PEDB prior to endorsement of the site plan.
2. The owner shall regularly water the landscape plantings to be installed on the perimeter of the site as shown on the plan so that they will be maintained and thrive. To accomplish this, the owner has agreed to install soaker hoses for irrigating the plants.
3. The site's landscaping shall be maintained in good condition to the same extent as shown on the endorsed Plan. Any shrubs, trees, bushes or other landscaping features shown on the Plan that die shall be replaced by the following spring.
4. The applicant shall be responsible for maintaining the landscaping along the property's eastern boundary line with the Bains at 37 Milford Street, south of the swing gate, as shown on the endorsed Cumberland Farms site plan dated February 13, 2014, endorsed March 4, 2014, in good condition, including watering and trimming.

- C. The owner will arrange for the regular spray painting of lines outlining the 9' x 18' parking spaces on the gravel parking areas where there are no installed wheel stops. Such striping shall be performed as often as needed to provide for clearly demarcated parking locations.
- D. The owner shall continuously maintain the gravel access driveway to Milford Street such that weeds are regularly removed and the driveway appears neat and tidy and functions as a distinct driveway.

- E. A new free-standing, two sided Medway Garden Center sign shall be installed near the entrance driveway from Summer Street in conformance with the Medway Zoning Bylaw.
- F. A specific, organized outdoor storage area shall be established and maintained for vehicles, equipment, materials, the Conex type container/trailer and any other such items on the premises. Plant materials need not be stored within the specified outdoor storage area. Fencing and/or plantings shall be installed to fully screen the outdoor storage area from direct abutters as well as abutters across Milford and Summer Streets.
- G. The height of the dumpster enclosure shall fully screen the height of the dumpster inside. The enclosure shall screen all 4 sides of the dumpster.
- H. The positioning of the existing 14' x 58' pergola when it was installed in 2014 did not comply with the setback requirements of the *Medway Zoning Bylaw* for the Commercial V zoning district. The pergola shall be repositioned to be compliant with the *Bylaw*.
- I. ***Schedule for Project Completion*** – The Planning and Economic Development Board's approval of this site plan modification shall lapse after June 30, 2017 of the grant thereof if substantial work has not commenced except for good cause. All site improvements shall be completed by the applicant or its assignees by December 31, 2017.

Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Planning & Economic Development Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing and hearing have been held.

VIII. GENERAL CONDITIONS OF APPROVAL

- A. ***Appeal*** – Any person aggrieved by the Planning & Economic Development Board's Decision may appeal such to the court within twenty (20) days of the date the Decision is filed with the Town Clerk.
- B. ***Plan Endorsement*** - Within thirty (30) days after the Planning & Economic Development Board has filed its *Decision* with the Town Clerk, the Applicant shall submit a final site plan modification drawing reflecting all required revisions, if any, to the Planning and Economic Development Board to review for compliance with the Board's *Decision* before plan endorsement.
- C. ***Fees/Taxes*** - Prior to endorsement of the modified site plan by the Planning & Economic Development Board, the Applicant shall pay the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering and planning consultants, and any other outstanding expenses or obligations due the Town of Medway, including real estate and personal property taxes and business licenses. The Applicant's failure to pay these fees in their entirety shall be reason for the Planning & Economic Development Board to withhold plan endorsement.
- D. ***Construction Standards*** - All construction shall be in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with

Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.

- E. **Plan Revisions** – Any change to the approved site plan modification shall necessitate a further modification of the site plan requiring Planning & Economic Development Board approval pursuant to SECTION V. C. 8 of the Medway Zoning Bylaw. Whenever additional reviews by the Planning & Economic Development Board, its staff or consultants are necessary due to proposed site plan modifications, the Applicant shall be billed and be responsible for all supplemental costs including filing fees, plan review fees and all costs associated with another public hearing if required including legal notice and abutter notification. If the proposed revisions affect only very limited aspects of the site, the Planning & Economic Development Board may reduce the scope of the required review, public notice and waive part of the filing and review fees.
- F. **Project Completion** – At the conclusion of the installation/construction of the site plan improvements shall provide the Board with a written certification of a professional engineer registered in the Commonwealth of Massachusetts that all construction work has been completed in strict compliance with the decision and the endorsed site plan.

Approved by the Medway Planning & Economic Development Board: _____

BOARD MEMBERS:

ATTEST:

Susan E. Affleck-Childs
Planning & Economic Development Coordinator

Date

COPIES TO: Michael Boynton, Town Administrator
Bridget Graziano, Conservation Agent
Donna Greenwood, Assessor
Thomas Holder, DPS Director
Jeff Lynch, Fire Department
Jack Mee, Building Commissioner/Zoning Enforcement Officer
Stephanie Mercandetti, Director of Community and Economic Development
Joanne Russo, Treasurer/Collector
Jeff Watson, Police Department
Steve Bouley, Tetra Tech
Gino Carlucci, PGC Associates
Joe Avellino

**Request for Extension of Deadline
for Action by the
Medway Planning & Economic Development Board**

10/4/16

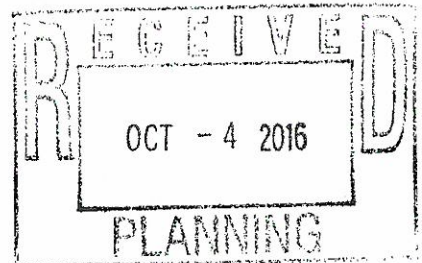
DATE

The undersigned Applicant (or official representative) requests an extension of the deadline for action by the Planning and Economic Development Board on the application of Joseph Avellino for:

 ANR (Approval Not Required/81P Plan)

 Preliminary Subdivision Plan

 Definitive Subdivision Plan (or modification)



 ☒ Site Plan Approval (or modification)

I need more time to demonstrate to the Board that we are not obliged to seek site plan approval
 Scenic Road Work Permit

for the development project known as:

Medway Gardens

to the following date:

10/20/16

Respectfully submitted,

Name of Applicant or official representative:

Joseph Avellino

Signature of Applicant or official representative:

[Signature]

Date approved by Planning and Economic Development Board:

10-4-2016

New Action Deadline Date:

10-20-2016

ATTEST:

[Signature]

Susan E. Affleck-Childs

Planning and Economic Development Coordinator