

**TOWN OF MEDWAY**  
**WARRANT FOR JUNE 13, 2011**  
**ANNUAL TOWN MEETING**

**NORFOLK ss:**

To either of the Constables of the Town of Medway

**GREETING:**

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet at the **Medway High School, 88 Summer Street, on Monday, June 13, 2011** at 7:30 PM, then and there to act on the following articles:

**ARTICLE 1:** (Operational Reserve Transfer: FY12 Operating Budget)  
To see if the Town will vote to transfer the sum of \$234,345 from the Operational Reserve Account to fund the Fiscal Year 2012 operating budget, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:** Approve

**FINANCE COMMITTEE RECOMMENDATION:** Approve

**ARTICLE 2:** (Appropriation: FY12 Operating Budget)  
To see if the Town will vote to fix the salary and compensation of all elected officers of the Town, provide for a Reserve Fund, and determine what sums of money the Town will raise and appropriate, including appropriation from available funds, to defray charges and expenses of the Town including debt and interest, for the Fiscal Year ending June 30, 2012, or to act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:** Approve

**FINANCE COMMITTEE RECOMMENDATION:** Approve

**ARTICLE 3:** (FY12 Capital Budget: Free Cash Expenditure)  
To see if the Town will vote to appropriate the sum of \$667,814 for Fiscal Year 2012 from Certified Free Cash for the purpose of funding the following items, or act in any manner relating thereto:

<b>Item</b>	<b>Dept.</b>	<b>Amount</b>
Road, Sidewalk and Bridge Repairs	DPS	\$407,914
Replace Firearms & Associated Equipment	Police	\$14,400
Repair Flashing at Memorial School	School	\$22,500
Fiber Metro Area Network - WAN Equipment	IT	\$95,000
Technology Equipment	IT	\$45,000
Replace Communication Center Furnishings	Police	\$14,000
Corridor Ceiling Replacement - Burke	School	\$9,000
Replace 18 Passenger Bus	COA	\$60,000
<b>Total</b>		<b>\$667,814</b>

**CAPITAL IMPROVEMENT  
PLANNING COMMITTEE**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 4:** (FY12 Capital Budget –Water Enterprise)

To see if the Town will vote to raise, borrow or appropriate the sum of \$1,000,000 for Fiscal Year 2012 from the Water Enterprise Fund for the purpose of funding the following items, including associated engineering, personnel, maintenance, and legal services costs, or act in any manner relating thereto.

<b>Item</b>	<b>Amount</b>
Replace Water Main – West St	\$935,000
Replace Water Utility Truck	\$65,000
<b>Total</b>	<b>\$1,000,000</b>

**CAPITAL IMPROVEMENT  
PLANNING COMMITTEE**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 5:** (FY12 Capital Budget – Main St Water Main)

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$1,200,000 for Fiscal Year 2012 for the purpose of funding the replacement of the Main Street water main, including associated engineering, personnel, maintenance, and legal services costs, or act in any manner relating thereto.

**CAPITAL IMPROVEMENT**

**PLANNING COMMITTEE**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 6:** (FY 12 Capital Budget – Water Resources Mgmt. Program)  
To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$500,000 for Fiscal Year 2012 for the purpose of funding the development of an integrated water resources management program, including associated engineering, personnel, maintenance, and legal services costs, or act in any manner relating thereto.

**CAPITAL IMPROVEMENT  
PLANNING COMMITTEE**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 7:** (Appropriation: FY12 Water Enterprise Fund)  
To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,603,119 for the maintenance of the Water Department Enterprise fund as follows, or to act in any manner relating thereto:

Direct Costs

	Amount
Salaries	\$484,375
Expenses	542,150
Long Term Debt – Principal	395,000
Long Term Debt – Interest	161,594
Short Term Debt – Interest	20,000
<b>Direct Costs Total</b>	<b>\$1,603,119</b>

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$217,090 for indirect costs consisting of health insurance, workers’ compensation, Medicare, liability insurance, administrative and operational services.

<b>Indirect Costs Total</b>	<b>\$217,090</b>
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<b>Total</b>	<b>\$1,820,209</b>
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And further that the above listed appropriations be funded as follows:

Fees for Service [User Fees]	\$1,820,209
	<b>\$1,820,209</b>

**WATER SEWER COMMISSION**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 8:** (Appropriation: FY12 Sewer Enterprise Fund)  
 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$791,208 for the maintenance of the Sewer Department Enterprise fund as follows, or to act in any manner relating thereto:

Direct Costs

	Amount
Salaries	\$149,416
Expenses	451,815
Long Term Debt – Principal	144,850
Long Term Debt – Interest	45,127
<b>Direct Costs Total</b>	<b>\$791,208</b>

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$59,802 for indirect costs consisting of health insurance, workers’ compensation, Medicare, liability insurance, administrative and operational services.

<b>Indirect Costs Total</b>	<b>\$59,802</b>
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<b>Total</b>	<b>\$851,010</b>
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And further that the above listed appropriations be funded as follows:

Fees for Service [User Fees]	\$851,010
<b>Total</b>	<b>\$851,010</b>

**WATER SEWER COMMISSION**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 9:** (Appropriation: FY12 Solid Waste Enterprise Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$1,224,162 to operate the Solid Waste/Recycling Department Enterprise Fund as follows, or to act in any manner relating thereto.

Direct Costs

	Amount
Salaries	\$253,682
Expenses	970,480
<b>Direct Costs Total</b>	<b>\$1,224,162</b>

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$89,735 for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

<b>Indirect Costs Total</b>	<b>\$89,735</b>
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<b>Total</b>	<b>\$1,313,897</b>
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And further that the above listed appropriations be funded as follows:

Trash Recycling Fees/Bag Revenues	\$1,313,897
<b>Total</b>	<b>\$1,313,897</b>

**PUBLIC SERVICES DEPT.**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 10:** (Appropriation: FY12 Ambulance Enterprise Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$277,310 to operate the Ambulance Enterprise Fund as follows, or act in any manner relating thereto.

Direct Costs

	Amount
Salaries	\$162,155
Expenses	115,155
<b>Direct Costs Total</b>	<b>\$277,310</b>

Indirect Costs

And further to raise and appropriate or transfer from available funds the sum of \$46,801 for indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

<b>Indirect Costs Total</b>	\$46,801
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<b>Total</b>	<b>\$324,111</b>
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And further that the above listed appropriations be funded as follows:

Insurance and Fees for Service	\$324,111
<b>Total</b>	<b>\$324,111</b>

**FIRE DEPARTMENT**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 11:** (Appropriation: Community Preservation Committee)  
 To see if the Town will vote to act on the report of the Community Preservation Committee for the Fiscal Year 2012 Community Preservation budget and to appropriate, or reserve for later appropriations, monies from the Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the Fiscal Year 2012, or act in any manner relating thereto.

Appropriation

	Amount
Salaries	\$ 5,000
Expenses	15,000
<b>Total</b>	<b>\$20,000</b>

Reserves

	<u>10% of Estimated Fund Revenues</u>
Open Space	\$65,887
Community Housing	\$65,887

Historical Preservation	\$65,887
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**COMMUNITY PRESERVATION COMMITTEE**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 12:** (CPC Transfer to Affordable Housing Trust Fund)  
 To see if the Town will vote to transfer the sum of \$433,000 from the community housing set-aside balance within the Community Preservation Fund to the Medway Affordable Housing Trust Fund, as provided in General Laws Chapter 44B, Section 5, for the purposes and in the amounts set forth below, and further to authorize the Board of Selectmen and Community Preservation Committee to enter into a grant agreement with the Medway Affordable Housing Trust with respect to the use of said funds, or act in any manner relating thereto.

<i>FY12</i>	<i>Amount</i>
Administrative	\$5,450
Legal	5,250
Community Housing Specialist	22,300
Potential Land Purchase	100,000
Support Private Development	125,000
Retain Existing Affordable Units	175,000
<b>Total Expense</b>	<b>\$433,000</b>

**COMMUNITY PRESERVATION COMMITTEE**

**BOARD OF SELECTMEN RECOMMENDATION: To Be Determined**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 13:** (New Article for Water Supply Projects Account)  
 To see if the Town will vote to appropriate \$50,000 from the Water Enterprise Retained Earnings for the purpose of funding new Water Supply Projects or act in any manner relating thereto.

**DEPT. OF PUBLIC SERVICES**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 14:** (New Article for Water Distribution Projects Account)

To see if the Town will vote to appropriate \$50,000 from the Water Enterprise Retained Earnings for the purpose of funding new Water Distribution Projects or act in any manner relating thereto.

**DEPT. OF PUBLIC SERVICES**

**BOARD OF SELECTMEN RECOMMENDATION:** Approve

**FINANCE COMMITTEE RECOMMENDATION:** Approve

**ARTICLE 15:** (New Article for Sewer Collections System Account)

To see if the Town will vote to appropriate \$35,000 from the Sewer Enterprise Retained Earnings for the purpose of funding a new Sewer Collection System Project or act in any manner relating thereto.

**DEPT. OF PUBLIC SERVICES**

**BOARD OF SELECTMEN RECOMMENDATION:** Approve

**FINANCE COMMITTEE RECOMMENDATION:** Approve

**ARTICLE 16:** (Revolving Accounts: Annual Authorization)

To see if the Town will vote to re-authorize the following revolving funds pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws for Fiscal Year 2011 as follows:

<b>FUND</b>	<b>REVENUE SOURCE</b>	<b>AUTHORITY TO SPEND</b>	<b>USE OF FUND</b>	<b>SPENDING LIMIT</b>
Parks and Recreation	Permit Fees	Board of Parks Commissioners	Self supporting recreation and parks services	\$90,000
Council on Aging	Donations/fees paid by riders and GATRA reimbursement	Council on Aging	Pay for dial-a-ride van service for seniors and disabled; shuttle service to Norfolk commuter rail station, and other necessary transportation services	\$79,709
Library Printer/Copier	Public printer use and copy machine revenues	Board of Library Trustees	Printer and copy machine expenses.	\$1,000
Library Meeting Room	Meeting room use fees	Board of Library Trustees	Meeting room maintenance, repairs and upgrades	\$500

**BOARD OF SELECTMEN  
(For the Various Departments Indicated)**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 17:** (Special Appropriation: Health Care Reimbursement Account)  
To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute, or transfer from available funds the amount of \$60,000 for a special purpose appropriation to establish a Health Care Reimbursement Account, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 18:** (Appropriation: Medway 300<sup>th</sup>)  
To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute, or transfer from available funds the amount of \$10,000.00, under Massachusetts General Laws Chapter 44, Section 53I, for the purpose of appropriating funds for the celebration of Medway's 300th anniversary of its incorporation, herein called "Medway 300", or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 19:** (Approve Settlement(s): Sewer Ext. Project Claims)  
To see if the Town will vote to approve, pursuant to Article II, Section 2.6 of the General Bylaws, the proposed settlements of Rocco Derrigo v. the Town of Medway and David A. Newton and Wilma J. Newton v. the Town of Medway, claims arising out of the industrial park sewer extension project, subject to the approval of all needed settlement documents by Town Counsel, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 20:** (Establish OPEB Trust Fund)  
To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act substantially the same as the special act set forth below.

An Act Establishing a Post Employment Benefit Trust Fund in the Town of Medway

Section 1. There shall be in the Town of Medway an account called “Other Post-Employment Benefits Trust Fund” or “OPEB Trust Fund” as defined in Governmental Accounting Standards Board, Statements 43 and 45, which shall be under the supervision and management of the Town Administrator and Finance Director. The Town Treasurer shall be the custodian of the OPEB Trust Fund.

Section 2. The OPEB Trust Fund shall be credited with all amounts appropriated or otherwise made available by the town, including an earnings or interest accruing from the investment of these funds, to offset the anticipated cost of health/life insurance contributions or other benefits for retired employees, their spouses and eligible dependents and the surviving spouses and eligible dependents of deceased retirees.

Section 3. Amounts in the OPEB Trust Fund shall be expended only for the payment of the costs payable by the town for OPEB.

Section 4. The Town Treasurer shall invest and reinvest the funds prudently. The Town Treasurer may employ and qualified bank, trust company, corporation, firm or person to advise it on the investment of the fund and pay such expense from the fund. The funds could be invested with the commonwealth as part of the Pension Reserves Investment Trust Fund, the Norfolk Retirement System or other stock/bond mutual fund available for other trust investments.

Section 5. The act shall take effect upon its passage.

Or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 21:** (Amend General Bylaw: Abandoned/Foreclosed Properties)  
To see if the Town will vote to amend the General Bylaws, Article 12, Penal Laws, Section 12.25 - REGISTRATION AND MAINTENANCE OF ABANDONED AND/OR FORECLOSED RESIDENTIAL PROPERTIES as follows:

**Revise the title of Section 12.25** to read as follows: REGISTRATION AND MAINTENANCE OF ABANDONED AND/ OR FORECLOSED and/or FORECLOSING PROPERTIES

In **paragraph (b) Definitions**, remove the numbering and insert, in alphabetical order, the following new definitions:

“Foreclosing” means the process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy a debt if the borrower of the loan defaults.

“Initiation of the foreclosure process” means taking any of the following actions:

- a. Taking possession of property pursuant to Massachusetts General Laws chapter 244, section 1
- b. Publishing the first foreclosure notice pursuant to Massachusetts General Laws chapter 244, section 14
- c. Delivering the mortgagee’s notice of intention to foreclosure pursuant to Massachusetts General Laws chapter 244, section 17B;
- d. Commencing a foreclosure action on a property in either the Land Court or the Superior Court.

“Vacant” means any real property which is not being actively used or occupied and which has not been actively used or occupied within the preceding ninety days. This definition shall not apply to property which is undergoing renovations or repairs due to fire or other casualty. For the purpose of this bylaw, “Vacant” also includes abandoned and/or foreclosed or foreclosing property(ies). Excepted from this definition is residential property that is temporarily vacant due to owner(s) seasonal absences.

**Delete and replace** the definition for “Property” as follows:

“Property” means any real property or portion thereof, located in the Town of Medway, which contains a building, structure or other improvement; excepted from this definition is any and all Town owned properties.

**Delete in its entirety** the definition for:

“Residential Property”

And in **paragraph (d) Maintenance Requirements**, amend item (2) to add “and exposure to the elements” at the end of the sentence.

Insert new items (3), (4) and (5) as follows:

(3) Maintain vacant properties subject to this section, including but not limited to maintaining and keeping in good repair any building(s), structures(s), and improvements, the removal of trash and debris, and the regular mowing of lawns, pruning and/or trimming of trees and shrubbery, and upkeep of other landscape features.

(4) Repair or replace broken windows or doors within thirty days of breakage. Boarding up any doors or windows is prohibited except as a temporary measure for no longer than thirty days.

(5) The Building Commissioner may order that a property vacant for six months or more shall have utilities shut off, removed, or cut and capped if any such utilities present a hazard or risk of accident.

And renumber the former item (3) to become item (6).

And correct numbering and lettering of subparagraphs under Section (d); correct the letter for Penalties from (g) to (f).

Or act in any manner relating thereto.

**BUILDING COMMISSIONER**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 22: (Gift of Land: Granite Estates)**

To see if the Town will vote to authorize the Board of Selectmen to accept as a gift from Granite Estates Inc. one parcel of land totaling .41 acres (more or less) identified as Parcel A on the *Granite Estates Definitive Subdivision Plan* dated November 1999, prepared by Dillis and Mische, Inc. of Ayer, MA. The plan was endorsed by the Medway Planning Board on 6-2-2000, a copy of which is on file with the Medway Town Clerk, and recorded at the Norfolk County Registry of Deeds on June 30, 2000 in Plan Book 475 as Plan 353 of 2000. The subject property is Parcel 28 on Medway Assessors Map 3, also known as 1 Tulip Way. The land will be used by the Town for stormwater management/drainage purposes.

And further to see if the Town will vote to authorize the Board of Selectmen to accept as a gift from Granite Estates Inc. one parcel of land totaling 3.53. acres (more or less) identified as Parcel B on the *Granite Estates Definitive Subdivision Plan* dated November 1999, prepared by Dillis and Mische, Inc. of Ayer, MA. The plan was endorsed by the Medway Planning Board on 6-2-2000, a copy of which is on file with the Medway Town Clerk, and recorded at the Norfolk County Registry of Deeds on June 30, 2000 in Plan Book 475 as Plan 353 of 2000. The subject property is Parcel 28B on Medway Assessors Map 3, also known as 13R Tulip Way. The land will be used by the Town for general municipal purposes. .

Or act in any manner relating thereto.

**PLANNING AND ECONOMIC DEVELOPMENT BOARD**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 23:** (Street Acceptances)

To see if the Town will vote to accept as public ways, the following streets 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:

**Ivy Lane (partial)** from Station 1+73.10 to its southern end where it intersects with Hunter Lane as a public way, as laid out by a vote of the Board of Selectmen and as shown on the *Birch Hill Acres Street Acceptance Plan of Land* prepared by J.D. Marquedant & Associates, Inc. of Hopkinton, MA., dated June 29, 2009, last revised October 28, 2009.

**Hunter Lane (partial)** from Station 7+00 to its western end at Station 15+26.83 as a public way as laid out by a vote of the Board of Selectmen and as shown on the *Birch Hill Acres Street Acceptance Plan of Land* prepared by J.D. Marquedant & Associates, Inc. of Hopkinton, MA., dated June 29, 2009, last revised October 28, 2009.

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 streets and any associated drainage, utility, snow, slope or other easements for said streets, and for any trail or public access easements and to appropriate a sum of money for this purpose and any related expenses;

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 act in any manner relating thereto.

**PLANNING AND ECONOMIC DEVELOPMENT BOARD**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 24:** (Amend Zoning Bylaw: Adaptive Use Overlay District)

To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section W. Adaptive Use Overlay District as follows:

**To delete item a) in Paragraph 2 General Requirements in its entirety and replace it as follows:**

- a) Location: The Adaptive Use Overlay District is superimposed on:
  - 1) That portion of the ARII zoning district along the north side of Main Street between Mechanic Street and a line formed by the extension of the centerline of Cottage Street across Main Street except for Choate Park/Pond (Assessors Map 5, Parcel A) and along the south side of Main Street between a line

formed by the extension of the centerline of Mechanic Street across Main street and the western boundary of the Commercial I zoning district at Elm Street; and

- 2) The entire Commercial III district and portions of the ARII zoning district in the Medway Village area on the north and south sides of Village Street.

Both as shown on maps on file with the Town Clerk's office.

**To delete item b) in Paragraph 2 General Requirements and replace it as follows:**

- b) Frontage: Only properties with a minimum of 50' of frontage on a Town way within the Adaptive Use Overlay District shall qualify for a special permit granted by the Planning and Economic Development Board (hereinafter referred to as an "Adaptive Use Special Permit".

**To delete item a) in Paragraph 3 Permitted Uses in its entirety and replace it as follows:**

- a) Uses Allowed As of Right: All uses allowed as of right in the underlying zoning district shall remain as of right within the Adaptive Use Overlay District

**To delete item b) in Paragraph 5 Site Development Standards in its entirety and replace it as follows:**

- b) Each Adaptive Use project shall include the restoration, renovation or improvement of the primary existing building (s) on the site sufficient to maintain or enhance the building's original architectural integrity and character. Construction of an addition to an existing building or construction of a new building on the premises may be permitted provided that it is designed to be compatible with the other building (s) on the lot and maintain the overall character of the underlying zoning district.

**To add new items j) and k) in Paragraph 5 Site Development Standards as follows:**

j) Sidewalks shall be provided or replaced along the entire frontage of the AUOD parcel along existing Town ways, including the frontage of any lots held in common ownership with the parcel within five (5) years prior to the submission of the AUOD Special Permit application. In those instances where sidewalk construction is not feasible or practical, the Planning and Economic Development Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Medway Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Special Sidewalk Account in an amount determined by the Board at the recommendation of the Town's Consulting Engineer.

k). Business signage is permitted as specified in SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations of the Medway Zoning Bylaw.

**AND to amend the Medway Zoning Map** to show the additional AUOD in the Medway Village area as shown on a map on file with the Medway Town Clerk.

Or act in any manner relating thereto.

## **PLANNING AND ECONOMIC DEVELOPMENT BOARD**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 25:** (Amend Open Space Residential Development Bylaw)  
To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section T. Open Space Residential Development (OSRD) as follows:

In **Paragraph 1 Purpose and Intent**, delete “discourage sprawl and” in item e) and delete the word “diversity” in item k) and replace it with “diversify”

**Delete Paragraph 4 Pre-Application Phase in its entirety and replace it as follows:**

### 4. *Pre-Application Phase*

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

- 1) outline the proposed OSRD (including presentation of a preliminary Site Context and Analysis Plan prepared with input from a Registered Landscape Architect)
- 2) seek preliminary feedback from the Planning and Economic Development Board and/or its agents,
- 3) review potential open space, trails and trail connections

- 4) present a preliminary concept for handling stormwater runoff
- 5) discuss potential mitigation measures pursuant to paragraph 13. B) herein
- 6) and set a timetable for submittal of a formal application.

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

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

**Delete Paragraph 5. Four-Step Design Process in its entirety and replace it as follows:**

5. *Four-Step Design Process* - At the time of the application for an OSRD Special Permit, an applicant is required to demonstrate to the Planning and Economic Development Board that the following *Four-Step Design Process* was performed with the assistance of a Registered Landscape Architect (RLA) and considered in determining the layout of proposed streets, house lots and/or dwelling units, and open space.

- a) *Identify Conservation & Potential Development Areas*
  - 1) Identify and delineate Conservation Areas. This includes:
    - a. *Primary Conservation Areas* such as wetlands, riverfront areas, and floodplains regulated by state or federal law, and verified by the Medway Conservation Commission through an Abbreviated Notice of Resource Area Delineation (ANRAD)
    - b. *Secondary Conservation Areas* including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views.
  - 2) Identify and delineate Potential Development Area(s). To the maximum extent feasible, the Potential Development Area(s) shall consist of land outside identified *Primary and Secondary Conservation Areas*.

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

- b) *Locate Dwelling Unit Sites* - Locate the approximate sites of individual houses and/or attached dwelling units within the Potential Development Area(s) and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.
- c) *Align the Streets and Trails* - Align streets in order to access the house lots or dwelling units. Additionally, new streets and trails shall be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, existing or proposed new open space parcels and trails on abutting public or private property.
- d) *Draw in Parcel Lines*

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

**Delete Paragraph 6. a) in its entirety and replace it as follows:**

**6. *OSRD Application***

- a) Contents - An application for an OSRD Special Permit shall include
  - 1) *Site Context and Analysis Plan* - The *Site Context and Analysis Plan* shall illustrate the tract's existing conditions and its relationship with adjoining parcels and the surrounding neighborhood. Using existing data sources and field inspections, it should indicate the important natural resources or features within the site as well as on adjoining lands. Such resources include, but are not limited to, wetlands, streams and riparian areas, floodplains, steep slopes, ledge outcroppings, woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (including old structures and stone walls), unusual geologic formations and scenic views.
  - 2) *Concept Plan* - The *Concept Plan* shall be prepared by a Registered Landscape Architect, or by a multi-disciplinary team of which one member must be a Registered Landscape Architect. The *Concept Plan* shall show the proposed Development Area(s) and proposed Open Space Parcels and shall address the general features of the land, give approximate configurations of the lots, building footprints, open space, stormwater management facilities, utilities and roadways, pedestrian ways and include the information listed in Preliminary Plan section of the *Subdivision Rules and Regulations*. The *Concept Plan* shall incorporate the results of the Four-Step Design Process, according to Paragraph 5 above, and the Design Standards according to Paragraph 10 below, when determining a proposed design for the development.  
*(Revised June 15, 2009)*

- 3) *Yield Plan* – See Paragraph 7 herein.
- 4) *Design Plan* – The Design Plan shall include a preliminary design scheme for the development including, at a minimum, sample façade designs for the buildings and a preliminary landscaping plan identifying typical features, such as fences, stone walls, light posts, or other items in addition to vegetation that are being considered.
- 5) *Mitigation Plan* – Proposed mitigation measures in compliance with Sub-section 13 (b) shall be included as part of the application.
- 6) Narrative statement that describes how the proposed OSRD meets the general purposes and evaluation criteria of this bylaw and why it is in the best interests of the Town to grant the OSRD Special Permit rather than approve a conventional subdivision plan.
- 7) *Other Information* - The submittals and permits of this section shall be in addition to any other applicable requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw, including, but not limited to the Affordable Housing provisions of Section X.

**Delete Paragraph 8. Reduction of Dimensional Requirements in its entirety and replace it as follows:**

8. *Adjustment of Dimensional Requirements* - The Planning and Economic Development Board may authorize modification of lot size, shape, and other bulk requirements for lots within an OSRD, subject to the following limitations:

- a) Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning and Economic Development Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.
- b) Lot frontage shall not be less than fifty feet (50’).
- c) Each structure shall have a front setback of at least twenty-five feet (25’) unless a reduction is otherwise authorized by the Planning and Economic Development Board.
- d) Each lot shall have a minimum of fifty percent (50%) of the minimum required lot area for the zoning district in which it is located.
- e.) In order to allow flexibility and creativity in siting building locations while also promoting privacy, buildings shall be separated as follows:

Type/Size of Building	Average Separation
-----------------------	--------------------

	<b>Distance (feet)</b>
Single family detached dwelling units with 2500 ft <sup>2</sup> or less of habitable space	20
Two or three attached dwelling units with an average of 2500 ft <sup>2</sup> or less of habitable space each	
Single family detached dwelling units with more than 2500 ft <sup>2</sup> of habitable space	30
Four or five attached dwelling units with an average of 2500 ft <sup>2</sup> or less of habitable space each	
Four or five attached dwelling units with an average of more than 2500 ft <sup>2</sup> of habitable space each	35

The average separation distances shall be calculated based on the buildings that can be connected with an imaginary line that does not cross a roadway. Thus, on a through road, the separation distances on each side of the road shall be calculated separately. On a cul-de-sac, all of the buildings that can be connected by an imaginary line on both sides and around the bulb of the cul-de-sac shall be counted. On a loop road, the buildings on the exterior and interior of the loop will be calculated separately. Detached accessory buildings such as garages or sheds shall not be considered in the calculations.

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

**In Paragraph 9. Open Space Requirements, delete item e) and replace it as follows:**

- e) The following shall not qualify toward the required minimum open space area:
- 1) Surface stormwater management systems serving the OSRD such as retention and detention ponds.
  - 2) Sub-surface drainage, septic and leaching systems per Title 5
  - 3) Seventy-five percent (75%) of the land area subject to any type of utility easement
  - 4) Land within thirty feet (30') of any dwelling unit
  - 5) Local Convenience Retail buildings or Community buildings or other buildings housing common facilities and any associated parking.
  - 6) Median strips, landscaped areas within parking lots or landscaped areas on

- individual home lots.
- 7) Strips of land equal to or less than fifteen feet (15') wide, unless, in the opinion of the Planning and Economic Development Board, they serve as necessary pedestrian connectors to a public way, trail, or another open space parcel.
  - 8) Buffer areas in the Development Area as required in Subsection 10 (i).

**In Paragraph 9. Open Space Requirements, delete item g) and replace it as follows:**

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

**In Paragraph 10. General Design Standards, delete item i) in its entirety and replace it as follows:**

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

**In Paragraph 10, General Design Standards, delete item j) Parking in its entirety and replace it as follows:**

j) Parking – A minimum of three (3) off-street parking spaces shall be required for each dwelling unit. The Planning and Economic Development Board may require additional off-street parking areas for use in common by residents and their guests. Locations for additional guest parking shall be shown on the Concept Plan.

**In Paragraph 10, Design Standards, add item l) and m) as follows:**

l) Pedestrian circulation measures shall be provided to facilitate movement within the Development Area as well as between it and the Open Space and the abutting existing neighborhood(s).

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

**In Paragraph 11, Decision of the Planning and Economic Development Board, correct the labeling of item l) to k) and item m) to l).**

Or act in other manner relating thereto.

**PLANNING AND ECONOMIC DEVELOPMENT BOARD**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 26:** (Amend Zoning Bylaw: Section V, LED Illumination)  
To see if the Town will vote to amend the Medway Zoning Bylaw, SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations as follows:

To add the following item 3) in Paragraph 4. m) Types of Illumination

3) *Light emitting diodes (LED)* - An electronic semi-conductor device that emits visible light in one direction when applied voltage (electric current) passes through it; used in lamps and digital displays

And to add item t) in Paragraph 6 Prohibited Signs

t) Signs which use light emitting diodes (LED) for illumination.

Or act in any manner relating thereto.

**PLANNING AND ECONOMIC DEVELOPMENT BOARD**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 27:** (Amend Zoning Map)  
To see if the Town will vote to amend the Medway Zoning Map as follows:

Revise the boundaries between the Commercial III and Agricultural Residential I (AR1) and Agricultural Residential II (AR2) zoning districts by rezoning the following parcels so that the zoning district boundaries generally follow Medway Assessor map parcel lines:

- from AR2 to Commercial III:
  - 1B-111            7 Sanford Street
  - 1B-112            139 Village Street
  - 1B -113           131 Village Street

- from AR1 to Commercial III
  - 1B-6            45 Broad Street
  - 1B-5            43 Broad Street
  - 1B-4            41 Broad Street
  - 1B-3 & 3A      39 Broad Street
  - 1B-7            42 Broad Street
  - 1B-7a           40 Broad Street
  
- from AR1 to split AR1 and Commercial III
  - 1B-2            0-R Broad Street
  - (That portion, approximately .2 acres, of Lot 1B-2 that lies between Lots 1B- 3 & 3A and Lot 1B-4 and east of a line formed by connecting the rear lot lines of Lots 1B-3 & 3A and Lot 1B-4 would become Commercial III; the rest of Lot 1B-2 remains AR1)*
  
- from split AR2 and Commercial III to being completely in Commercial III
  - 1B-41           25 Barber Street
  - 1B-52           35 Broad Street
  - 1B-97           171 Village Street
  - 1B-98           169 Village Street
  - 1B-100A        155A Village Street
  - 1B-119          125 Village Street
  - 1B-164          136 Village Street
  - 1B-165          144 Village Street
  - 1B-198          16 Broad Street
  - 1B-207          3 Barber Street
  
- from split AR2 and Commercial III to being completely in AR2
  - 1B-42           23 Barber Street
  - 1B-43           21 Barber Street
  - 1B-44           19 Barber Street
  - 1B-46           23 North Street
  - 1B-117          3 John Street
  - 1B-118          1 John Street
  - 1B-202          15 Barber Street
  - 1B-203          11 Barber Street
  - 1B-203-1        13 Barber Street
  - 1-47            12R River Street
  
- from split AR2 and Commercial III to split AR2 and Commercial III but with an adjusted boundary line
  - 1B-51           37 Broad Street
  - (That portion, approximately .25 acres, of Lot 1B-51 that lies east of a line formed by a northerly extension of the rear lot line of Lot 1B-52 is zoned AR2; the remainder of Lot 1B-51 is zoned Commercial III)*

All as shown on a map on file with the Medway Town Clerk

Or act in any manner relating thereto.

**PLANNING AND ECONOMIC DEVELOPMENT BOARD**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: No Recommendation**

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

Given under our hands in Medway, this 16<sup>th</sup> day of May 2011.

A TRUE COPY:

SELECTMEN OF THE TOWN OF MEDWAY

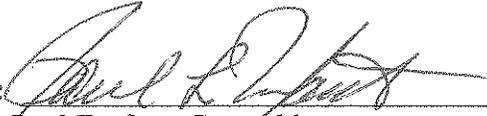
  
\_\_\_\_\_  
Dennis Crowley, Chairman

  
\_\_\_\_\_  
Richard Dunne, Vice Chairman

  
\_\_\_\_\_  
John Foresto, Clerk

\_\_\_\_\_  
Andrew Espinosa, Member

  
\_\_\_\_\_  
Glenn Trindade, Member

ATTEST:   
\_\_\_\_\_  
Paul Trufant, Constable