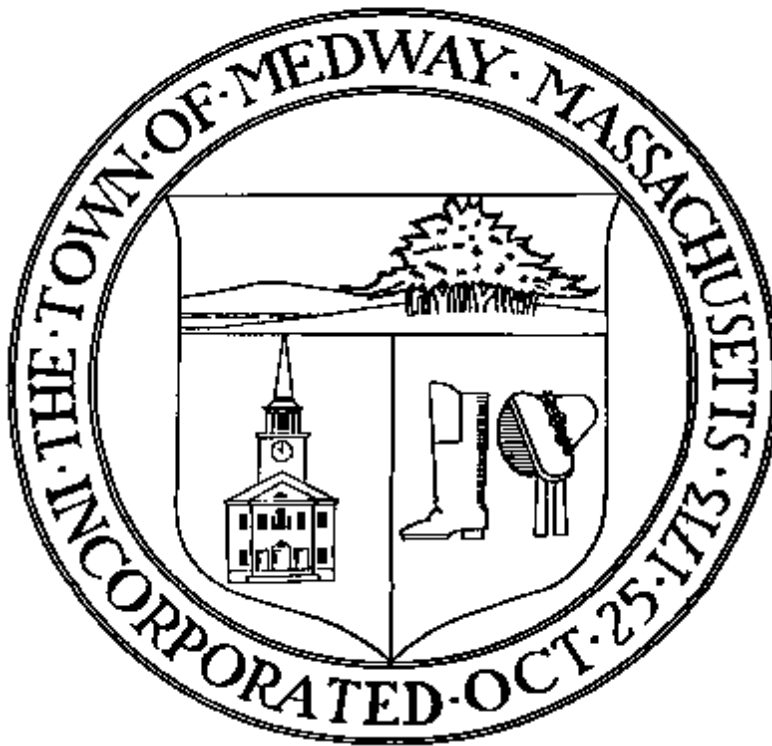


# **TOWN OF MEDWAY MASSACHUSETTS**

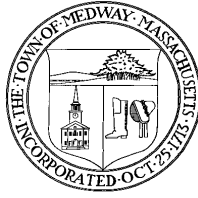


*Official Publication*  
**ZONING BYLAW & MAP**

**Medway Planning Board  
Medway, Massachusetts**

*Updated – December 22, 2004*

*Includes amendments approved by Town Meeting on May 10, 200 and June 28, 2004*



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

*Daniel J. Hooper, Chairman*  
*Matthew J. Hayes, P.E., Vice-Chairman*  
*Alan DeToma, Clerk*  
*Karyl Spiller-Walsh*  
*Eric Alexander*

*December 22, 2004*

***PREFACE***

In 1951, the Town of Medway adopted its first Zoning Bylaw. There were major changes made to the Bylaw in 1966 and 1968. It was completely recodified in 1975. Since then, a variety of amendments have been approved by Town Meeting from time to time.

Starting with the November 13, 2003 publication of the Medway Zoning Bylaw, a listing of recently adopted amendments is provided.

<b><u>Date of Enactment</u></b>	<b><u>Nature of Amendment</u></b>	<b><u>Date Approved by Attorney General</u></b>
June 28, 2004 ( <i>Article 19</i> )	Added new sub-section W. Adaptive Use Overlay District to SECTION V; Amended Zoning Map	October 8, 2004
June 28, 2004 ( <i>Article 20</i> )	Revised sub-section Q. Signs of SECTION V (in its entirety) (Retitled to sub-section R. Sign Regulation)	October 8, 2004
May 10, 2004 ( <i>Article 37</i> )	Added provision in SECTION V. E to allow accessory family dwelling unit in the AR I district by special permit	August 18, 2004
May 10, 2004 ( <i>Article 38</i> )	Added provision in SECTION V. F to allow accessory family dwelling unit in the AR II district by special permit	August 18, 2004
May 10, 2004 ( <i>Article 39</i> )	Amended 3 <sup>rd</sup> paragraph of SECTION V. E	August 18, 2004
May 10, 2004 ( <i>Article 40</i> )	Amended 3 <sup>rd</sup> paragraph of SECTION V. F	August 18, 2004

<u><i>Date of Enactment</i></u>	<u><i>Nature of Amendment</i></u>	<u><i>Date Approved by Attorney General</i></u>
May 10, 2004 ( <i>Article 41</i> )	Added new sub-section K. Commercial District V to SECTION V and relettered former sub-sections “K” through “T” to “L” through “U”; Amended Zoning Map	August 18, 2004
May 10, 2004 ( <i>Article 42</i> )	Added new sub-section V. Groundwater Protection District to SECTION V; Amended Zoning Map	August 18, 2004
May 10, 2004 ( <i>Article 43</i> )	Updated list of zoning districts in SECTION IV	August 18, 2004
May 10, 2004 ( <i>Article 44</i> )	Added definition for “ <i>Shed</i> ” to SECTION II.	August 18, 2004
June 23, 2003 ( <i>Article 5</i> )	Added definition for “ <i>Accessory Family Dwelling Unit</i> ” to SECTION II.	October 22, 2003
May 12, 2003 ( <i>Article 25</i> )	Added definitions for: “ <i>Affordable Housing Unit</i> ”, “ <i>Automobile Service Station</i> ”, “ <i>Automobile Car Wash</i> ”, “ <i>Low or Moderate Income</i> ”, and “ <i>Shopping Center</i> ” to SECTION II.	September 25, 2003
May 12, 2003 ( <i>Article 26</i> )	Amended 4 <sup>th</sup> paragraph in SECTION V. A.	September 25, 2003
May 12, 2003 ( <i>Article 28</i> )	Amended SECTION V. G, 1. c) & d)	September 25, 2003
May 12, 2003 ( <i>Article 29</i> )	Amended SECTION V. H, 1. j)	September 25, 2003
May 12, 2003 ( <i>Article 30</i> )	Added SECTION V. K, 1. f)	September 25, 2003
May 12, 2003 ( <i>Article 31</i> )	Amended Zoning Map - Changed Industrial IV District to Agricultural Residential II District; Deleted all provisions of SECTION V. O - Industrial IV District	September 25, 2003
May 12, 2003 ( <i>Article 33</i> )	Amended SECTION V. T, 4. c) 8)	September 25, 2003
June 24, 2002 ( <i>Article 6</i> )	Amended Zoning Map - Enlarged Commercial District I	August 30, 2002
May 13, 2002 ( <i>Article 26</i> )	Amended SECTION V. Q, 4. k)	August 28, 2002
May 13, 2002 ( <i>Article 27</i> )	Amended opening paragraph of SECTION V. C	August 28, 2002
May 13, 2002 ( <i>Article 31</i> )	Amended SECTION V. D, 4.	August 28, 2002
May 13, 2002 ( <i>Article 32</i> )	Amended SECTION V. H, 2. g) 2)	August 28, 2002

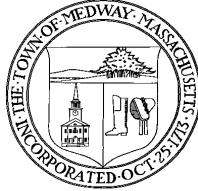
<u><i>Date of Enactment</i></u>	<u><i>Nature of Amendment</i></u>	<u><i>Date Approved by Attorney General</i></u>
May 13, 2002 ( <i>Article 33</i> )	Amended SECTION V. K, 2. h)	August 28, 2002
November 5, 2001 ( <i>Article 1</i> )	Amended SECTION V. M, 1. g)	January 24, 2002
November 5, 2001 ( <i>Article 2</i> )	Added definition for “ <i>Detention and Retention Basins</i> ” to SECTION II.	January 24, 2002
November 5, 2001 ( <i>Article 4</i> )	Amended SECTION V. G, 2. g) 2)	January 24, 2002
November 5, 2001 ( <i>Article 5</i> )	Amended SECTION V. T, 4. d) 1) and added SECTION V. T, 4. d) 8), 9) & 10)	January 24, 2002
November 5, 2001 ( <i>Article 6</i> )	Amended SECTION III by adding I.	January 24, 2002
November 5, 2001 ( <i>Article 24</i> )	Amended Zoning Map - Expanded boundaries of Commercial District I	January 24, 2002
February 12, 2001 ( <i>Article 3</i> )	Amended opening paragraph of SECTION V. C	March 14, 2001
February 12, 2001 ( <i>Article 4</i> )	Amended SECTION V. M, 1. e) & f)	March 14, 2001
February 12, 2001 ( <i>Article 5</i> )	Amended SECTION V. M. 2. f)	March 14, 2001
October 16, 2000 ( <i>Article 6</i> )	Amended SECTION II re: numbering of Definitions	February 12, 2001
October 16, 2000 ( <i>Article 7</i> )	Amended SECTION V. by adding 1. f) to sub-sections L, M, N and O	February 12, 2001
October 16, 2000 ( <i>Article 8</i> )	Added definitions for “ <i>Business</i> ”, “ <i>Office</i> ,” & “ <i>Professional Use</i> ” to SECTION II	February 21, 2001
October 16, 2000 ( <i>Article 10</i> )	Amended opening paragraph of SECTION V. C.	February 12, 2004
October 16, 2000 ( <i>Article 11</i> )	Amended SECTION V. C, 3. a)	February 12, 2001
October 16, 2000 ( <i>Article 12</i> )	Amended SECTION V. C, 3. b)	February 12, 2001
October 16, 2000 ( <i>Article 13</i> )	Added Sub-Section T. Adult Retirement Community Overlay District to SECTION V.	February 12, 2001
May 8, 2000 ( <i>Article 28</i> )	Amended Zoning Map – Expanded Commercial District VI	September 22, 2000

# **TOWN OF MEDWAY, MASSACHUSETTS ZONING BYLAW**

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**JUNE 30, 2001 MEDWAY ZONING MAP (with Updates Information – 12-22-04) Appendix**



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*December 22, 2004*

The following pages contain the provisions of the Medway Zoning Bylaw as amended through the June 28, 2004 Special Town Meeting.

It is anticipated that the Planning Board will update and republish this booklet annually during the fall.

Although every effort is made to ensure the accuracy of the content of this booklet, the Town of Medway expressly disclaims any liability for errors. If any such errors are noted, they should be brought to the attention of the Medway Planning Board. If there are any questions concerning any of the provisions as set forth in this booklet, the official records of the town meetings at which those zoning provisions were adopted should be consulted. Those records are on file in the Office of the Town Clerk, Medway Town Hall, 155 Village Street, Medway, MA 02053.

It is hoped that this booklet will be a useful resource to the citizens of Medway and to those who own, use, or develop real estate within the community. However, readers are advised and encouraged to consult with their attorney before attempting to act upon its content.

All questions regarding interpretation of the Zoning Bylaw should be directed to Zoning Enforcement Officer Robert Speroni at 508-533-3253.

## **TOWN OF MEDWAY, MASSACHUSETTS ZONING BYLAW**

### **SECTION I. AUTHORITY AND PURPOSE**

**A. AUTHORITY** - This Bylaw shall be known and may be cited as the “Zoning Bylaw of the Town of Medway, MA”, and is adopted by virtue of and pursuant to the provisions of Massachusetts General Laws, Chapter 40A, as amended by Chapter 80 of the Acts of 1975 as amended.

**B. PURPOSE** - The objectives of this Bylaw include, but are not limited to the following: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution to the environment; to encourage the most appropriate use of land throughout the town, including consideration of the recommendations of the master plan, if any, adopted by the planning board and the comprehensive plan, if any, of the regional planning agency; and to preserve and increase amenities by the promulgation of regulations to fulfill these objectives under the provision of General Laws, Chapter 40 A.

Said Regulations may include, but are not limited to restricting, prohibiting, permitting or regulating the use, erection, establishment, movement, enlargement, alteration, height, area, and location of buildings and structures and the use of premises in the Town of Medway.

**C. PURPOSE AND INTENT** - After serious study of the secondary effects of various “Adult Uses”, it has been determined that such secondary effects are inconsistent with the public good, public safety and neighborhood objectives of the citizens of the Town of Medway.

The minutes and study materials used to make these recommendations are hereby made part of the public record and are filed with the Town Clerk.

The Town of Medway does not desire to suppress any speech activities protected by the First Amendment, but rather to enact a content neutral ordinance concerned with the secondary effects of adult uses on the surrounding community, especially crime and effects upon children and family life, and therefore desires reasonable regulation of the location of adult uses in order to provide for the protection of the image of the community, its property values and to protect the residents of the community from any adverse affects of such adult entertainment and uses.

In recommending these currently accepted standards of dispersal and spacing, no consideration has been given to whether or not there exists an “attractive” business site, as we believe that existing commercially zoned areas have been previously adopted by the Town with absolutely no consideration for such “Adult Uses”.

It is not the Town’s responsibility, nor its intent therefore, to make changes which expressly accommodate or discriminate against the location of “Adult Uses” in any currently zoned commercial area as limited by those currently accepted standards of dispersal and spacing in order to preserve the public good, public safety and neighborhood objectives of the citizens of the Town of Medway.

## SECTION II. DEFINITIONS

In this Bylaw, the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

Accessory Building or Use: A building or use customarily incidental to and located on the same lot with a principal building or use or on an adjoining lot under the same ownership.

Accessory Family Dwelling Unit: A separate and complete housekeeping unit contained within, or being an extension of, a single family dwelling to accommodate additional family members of a resident of the primary dwelling. (Added June 23, 2003)

Adult Day Care Facility: A facility that offers to seniors daytime programs, health care and assessment, personal care, social programs, recreational activities, and meals and transportation, but does not provide a residence or overnight accommodations.

Affordable Housing Unit: A dwelling unit for residents of low or moderate income. Affordable units are administered by the Medway Housing Authority or its designee and shall remain as affordable units in perpetuity. These units shall have the same construction methods, physical characteristics as, and be intermingled with other units in the subdivision or development. (Added May 13, 2003)

Adult Retirement Community Planned Unit development (ARCPUD): A master-planned development of land as a unified, self-contained residential community, constructed expressly for use and residency by persons who have achieved a minimum age requirement for residency of fifty-five (55) years of age or older in accordance with M.G.L. Chapter 151B, Section 4, Subsection 6, and also incorporating the preservation of natural open space areas as an integral element of the development. An ARCPUD shall be permitted only in an Adult Retirement Community Overlay District and only upon the granting of a special permit by the Planning Board. An ARCPUD shall be either a Continuing Care Retirement Facility or shall include at least two (2) types of adult retirement community residential uses, or at least one (1) type of Local Convenience Retail use. The Planning Board in its granting of the ARCPUD special permit may specifically authorize other appropriate uses. An ARCPUD may include a variety or combination of housing types that may be sold or leased to individual residents, or may be operated or sponsored as a coordinated unit by a corporation or organization having among its principal purposes the provision of housing and resident services for retired and/or aging persons.

Adult Use: Adult bookstores, Adult Cabarets, Adult Motion Picture theaters, Adult Paraphernalia Stores and Adult Video Stores as further defined below:

- a) Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL Ch. 272, Sec. 31.
- b) Adult Cabaret: A nightclub, bar restaurant, tavern, dance hall, or similar commercial establishment which regularly features persons or entertainers who appear in a state of nudity or live performances which are distinguished or characterized by nudity, sexual conduct or sexual excitement as defined in MGL Ch. 272, Sec 31.



- c) Adult Motion Picture Theater: An enclosed building or any portion thereof used for presenting material (motion picture films, video cassettes, cable television, slides or any other visual media) distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL Ch. 272, Sec. 31.
- d) Adult Paraphernalia Store: An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity including sexual conduct or sexual excitement as defined in MGL Ch. 272, Sec. 31.
- e) Adult Video Store: An establishment having as a substantial or significant portion of its stock in trade, for sale or rent, motion picture films, video cassettes, and similar audio/visual media, which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL Ch. 271, Sec. 31. for sale or rent

Applicant: The person or entity having the legal authority and who is seeking a permit or approval from the Town of Medway to construct or use property subject to the provisions of this Bylaw, or the authorized agent of any such person or entity.

ARCPUD: See “Adult Retirement Community Planned Unit Development”.

ARCPUD Community Center or Community Building(s): A building or group of buildings erected solely for the use of the residents of an ARCPUD and their guests that provides educational, recreational or social services such as: adult education center, adult day care facility, library, place of worship, game room, entertainment room, sewing room, kitchen, cafeteria or dining room, laundry facilities, exercise room, toilet facilities, locker rooms for men and women and similar facilities.

ARCPUD Coordinated Unit(s): A building or group of buildings under common management and serving purposes that assist the elderly in maintaining an independent lifestyle.

ARCPUD Resident Service(s): A nursing home; drug store or other Local Convenient Retail Use; transportation services for residents; laundry facilities; financial services; barber/beautician; medical evaluation; home health care; adult day care facility; meals on wheels program; exercise or physical therapy center; recreational and education activities; and other similar services or activities. All Resident Services shall be operated primarily for the benefit of residents of the ARCPUD.

ARCPUD Residential Subdivision (an Adult Retirement Community Residential Use): A subdivision of land within an ARCPUD that results in creation of individual lots to serve as Home Sites upon which individual single-family dwellings are to be constructed for residency by Seniors. The individual single-family dwellings may be detached homes, attached townhouses or other building type(s) approved by the Planning Board that is/are each designed for occupancy by an individual family.

Assisted Living or Congregate Living Residence Facility (an Adult Retirement Community Residential Use): An assisted living residence facility as defined by M.G.L. Chapter 19D.

Automobile Car Wash: Any building or premises or portions thereof containing facilities for the commercial washing of automobiles and motor vehicles.

Automobile Service Station: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale of vehicular fuels, the servicing and repair of automobiles and motor vehicles; and may include as an accessory use the sale and/or installation of lubricants, tires, batteries and similar

vehicle accessories. (*Added May 13, 2003*)

**Basement:** That portion of a building which is partially below and partially above grade.

**Building:** An independent structure having a roof supported by columns or walls resting on its own foundations and designed for the shelter, housing, or enclosure of persons, animals, chattels, or property of any kind.

**Business:** Any lawful commercial endeavor to engage in the purchase, sale, lease, exchange or provision of goods and for the provision of services or instruction.

**Continuing Care of Life Care Retirement Facility (an Adult Retirement Community Residential Use):** A facility that includes a combination of types of dwellings or a lifetime continuum of accommodations and care for elder residents, including independent living, assisted/congregate living and long-term care facilities.

**Detention and Retention Basins:** Areas for the open collection and management of storm water. Area included as part of these basins shall include any area where slope of surrounding terrain is altered to create a berm or retaining wall.

**Dwelling Unit:** A one or more rooms providing complete living facilities for one family including equipment for cooking or provisions for same, and including room or rooms for living, sleeping and eating.

**Dwelling:** A building or portion thereof designed exclusively for residential occupancy, including single family, two family, and multiple family dwellings, but not including hotels, motels, boarding houses, trailers, or structures solely for transient or overnight occupancy.

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

**Fur Animals:** Animals usually kept and raised for the use and sale of their skins and fur.

**Home Site:** A specific lot within an ARCPUD Single Family Subdivision that is designated for the placement of a single-family dwelling.

**Independent Living Residence Facility (an Adult Retirement Community Residential Use):** A facility that provides residential accommodations for senior adults who are in good health and do not require medical or skilled nursing care. Residents shall have individual dwellings with living and bathroom facilities, and which may have individual kitchen facilities. The Independent Living Residence Facility may include an ARCPUD Community Center or Community Building(s), or similar common areas such as a common dining facility and space for the provision of social, physiological and educational programs. The facility may provide home health care or other community-based services on an individual basis and offer meals, linen and housekeeping services. The Independent Living Residence Facility may provide residence for a superintendent or for maintenance staff, but there shall be no on-site residence of medical or other staff.

**Kennel:** One pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes, and including any shop where dogs are on sale, and also including every pack or collection of more than three dogs three months old or over owned or kept on a single premises irrespective of the purposes for which they are maintained.

**Local Convenience Retail:** A store that primarily serves the needs of residents of a local neighborhood, which includes, but is not limited to a store renting or retailing food, baked goods, groceries, drugs, videos, computer software, tobacco products, clothing, dry goods, books and periodicals, flowers, paint hardware, and minor household applicants, but does not include an adult bookstore, bakery or liquor store.

**Long-Term Care Facility (an Adult Retirement Community Residential Use):** A building or group of buildings which is licensed or approved by the Massachusetts Department of Public Health to provide 24-hour, intensive, skilled and supportive nursing care, convalescent or chronic care under medical supervision to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. A Long-Term Care Facility also typically provides personal care services in a supervised environment and may contain common areas for therapy, recreation and dining. Further, the facilities may also include on-premise medical offices and treatment facilities related to the care of the residents.

**Lot Line:** The established division line between lots or between a lot and the street.

**Lot:** A single area of land in one ownership defined by bounds or boundary lines in a recorded deed or shown on a recorded plan.

**Low or Moderate Income:** Household income that is 80% or less than the area median household income as determined by the United States Department of Housing and Urban Development (HUD), then in effect. (Added May 13, 2003)

**Mobile Home or Trailer:** the following shall be considered a Mobile Home or Trailer:

- Mobile Home – As defined under Massachusetts General Laws
- Pick-Up Coach – A structure mounted on a vehicle chassis (self-propelled or otherwise) intended for use as a dwelling for travel, recreation or vacation use.
- Motor Home – A portable dwelling used for travel, recreation or vacation and constructed as an integral part of a self-propelled vehicle.

**Modular Home:** A dwelling that is prefabricated at a factory or other off-site location and containing complete electrical, plumbing and sanitary facilities, which is designed to be installed on a permanent foundation for permanent living quarters. A Modular Home shall comply with the Massachusetts State Building Code. The definition of Modular Home shall specifically exclude Mobile Homes or Trailers.

**Motel:** A building intended and designed solely for transient or overnight occupancy divided into separate units within the same building and with or without public dining room facilities.

**Multifamily Dwelling or Apartment House:** A building intended and designed to be occupied by more than two families living independently in separate dwelling units.

**Office:** A room or group of rooms lawfully used and maintained for conducting the affairs of a business, profession, service industry, or government exclusive of the receipt, retail sale or processing of merchandise.

**One-Ownership:** An undivided ownership by one person or by several persons whether the tenure be joint, in common, or by entirety.

**Person:** An individual(s), corporation(s), owner(s), Lessee(s), or licensee(s), as well as the agent(s) for each of them.

**Premises:** A lot together with all buildings, structures, and uses thereon.

**Professional Use:** The lawful use of a building or premises by a person or persons involved in the dispensation of a service that involves some specialized skills or knowledge, a learned occupation, or special education in the liberal arts or sciences, or that requires connections to other businesses not easily or readily available to the general public including, but not limited to, medical practitioners, lawyers, accountants, architects, financial services, insurance agents, stockbrokers, engineers, realtors or other members of a recognized profession which may or may not require licensing by the Commonwealth of Massachusetts, or certification by a private accreditation society.

**Public Utility:** A public service corporation, either private or municipal, supplying or transmitting gas, water, electricity, or communications to any or all members of the public and subject to Federal, State, or Town regulations by virtue of its natural or legal monopoly.

**Recorded or Of Record:** A recorded or registered in the Norfolk County Registry of Deeds or a record title to a parcel of land disclosed by any or all pertinent public records.

**Senior:** An individual who is fifty-five (55) years of age or older.

**Shed:** A detached accessory structure not exceeding one hundred and twenty (120) square feet in gross floor area and ten (10) feet in height. *(Added May 10, 2004)*

**Shopping Center:** A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site and provision for good delivery separated from customer access. *(Added May 13, 2003)*

**Single Family House:** A dwelling intended and designed to be occupied by a single family, but not including a trailer whether detached or attached to the ground.

**Street:** Public way established by or maintained under public authority or a way shown on a plan approved or endorsed by the Planning Board.

**Structure:** Anything constructed or erected at a fixed location on the ground to give support or to provide shelter.

**Tourist Home:** A building of residential character with a resident family, offering lodging with or without meals to transients for compensation.

**Town House:** A residential building of two (2) or more stories in height containing a single dwelling that is one (1) of a group of three (3) or more such buildings that are attached or semi-attached to one another sharing at least one (1) common or party or fire wall and with each building having at least one (1) floor at ground level with a separate entrance. A town house may be constructed on its own individual and separate lot or may be one of several individual dwellings on a common lot, but if it is part of an ARCPUD Single Family Subdivision, each town house shall be constructed on an individually defined Home Site on an individual lot.

**Trailer:** A vehicle without motive power designed to be drawn by a motor vehicle; used for living or sleeping purposes and standing on wheels or rigid supports.

**Two Family House:** A dwelling intended and designed to be occupied by two families living independently in separate dwelling units.

### **SECTION III. ADMINISTRATION**

#### **A. THE PLANNING BOARD**

The Medway Zoning Bylaw, prepared in accordance with the Zoning Enabling Act, Chapter 40A of the General Laws, adopted on February 1, 1951 by vote of a Town Meeting, and subsequently amended in accordance with Chapter 40A, shall be reviewed from time to time and, when appropriate, its further amendment shall be recommended by the Planning Board.

#### **B. PERMITS**

1. No building shall be erected or externally altered by increasing the exterior dimensions without a permit from the Building Inspector; and the Building Inspector shall withhold such permit until the plans or specifications for such erection or alteration are in conformity with this Bylaw.
2. Construction or operations under a building or special permit shall conform to any subsequent amendment of this Bylaw unless the use or construction authorized by this permit is commenced within a period of six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

#### **C. BYLAW ENFORCEMENT**

1. This Bylaw shall be enforced by the Inspector of Building/Local Inspector.
2. Any person violating any provision of this Bylaw shall be subject to the following:

Maximum fine allowed: \$100.00

Fine Schedule:

First Offense:	Warning
Second Offense:	\$ 25.00
Third Offense:	\$ 50.00
Fourth and each subsequent offense:	\$100.00
Maximum/per day/per violation.	

#### **D. BOARD OF APPEALS**

There shall be a Board of Appeals of five members appointed by the Board of Selectmen and two associate members, and no person during the same period of time shall be a member or associate member, or any combination thereof, of both the Planning Board and the Zoning Board of Appeals. The members shall be appointed by the Board of Selectmen as provided in Chapter 4 of the General Laws which shall act on all matters within its jurisdiction under the Bylaw in the manner prescribed in Chapter 40A of the General Laws.

In the case of every appeal made to the Board of Appeals, every petition for a variance and every application for a special permit to said Board under the provisions of this Bylaw, the Board shall hold a public hearing thereon. Notice of the hearing shall be given by publication in a newspaper of general

circulation in the Town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting said notice in the Town Hall. Notice shall be sent by mail, postage prepaid, to the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners of land within three hundred feet of the property line including owners of land in another municipality as they appear on the most recent applicable tax lists, and the planning board of every abutting municipality.

In the case of an appeal from a decision of the Building Inspector and of a variance, a petition shall be filed with the Town Clerk who shall transmit it to the Board of Appeals. That Board shall hold a public hearing within sixty-five days of the receipt of the petition from the Town Clerk and shall render a decision within seventy-five days from the date of filing. Failure by the Board to take final action upon an application within the seventy-five day period shall be deemed to be a grant of the appeal or the variance applied for.

In the case of a special permit, an application shall be filed with the Town Clerk who shall forthwith transmit it to the Board of Appeals. The Board shall hold a public hearing within sixty-five days of the filing date and shall render a decision within ninety days from the date of the public hearing. Failure to take action upon an application within the said ninety-day period shall be deemed to be a grant of the permit applied for.

The Board of Appeals is hereby designated to act as a permit granting authority and a special permit granting authority and shall have the following powers:

1. Appeals: To hear and decide an appeal taken by any person aggrieved by reason of his/her inability to obtain a permit or enforcement action from the Building Inspector under the provisions of the General Laws, Chapter 40A and/or this Bylaw, by the Metropolitan Area Planning Council or by any person including an officer or board of the Town of Medway or of an abutting town aggrieved by an order or decision of the Building Inspector in violation of any provision of General Laws, Chapter 40A or of this Bylaw .
2. Special Permits: To hear and decide an application for a special permit, as provided in this Bylaw, only for uses in specified districts which are in harmony with the general purposes and intent of this Bylaw and which shall be subject to any general or specific rules prescribed herein and to set any appropriate conditions, safeguards and limitations on time and use. A special permit shall lapse within a two year period or a shorter period if so specified including time required to pursue or await the determination of an appeal pursuant to Chapter 40A, Section 17 of the General Laws, and if a substantial use thereof has not sooner commenced except for good cause or in the case of a permit for construction if construction has not begun within the period except for good cause.
3. Variances: To hear and decide a petition with respect to particular land or structures for a variance from the terms of the Bylaw, including a variance authorizing a use or activity not otherwise permitted in a particular zoning district, where the Board specifically finds that owing to circumstances relating to soil condition, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provision of this Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw . The Board of Appeals may impose conditions, safeguards and limitations both of time and use, including the continued existence of any particular structures but excluding any condition, safeguard or limitation based upon the continued ownership of the land or structure to which the variance pertains by the applicant, petitioner or any owner. If the rights authorized by a variance are not exercised within one year of the date of the authorization, they shall

lapse and may be reestablished only after a new notice and hearing.

***E. AMENDMENT***

This Bylaw may be amended from time to time at an annual or special town meeting. An amendment may be initiated by the submission to the Board of Selectmen of a proposed change by the Board of Selectmen, the Board of Appeals, any individual owning land in the Town, registered voters of the Town to be affected by the amendment pursuant to General Laws, Chapter 39, Section 10, the Planning Board and the Metropolitan Planning Council. Within fourteen (14) days of the receipt of a proposed change, the Board of Selectmen shall submit it to the Planning Board. A public hearing shall be held by the Planning Board within sixty-five (65) days after the proposed change is submitted to the Planning Board.

***F. REPETITIVE PETITIONS***

1. No proposed change in this Bylaw which has been unfavorably and finally acted upon by the Town Meeting shall be considered by the Town Meeting within two (2) years after the date of such unfavorable action unless adoption of the proposed change has been recommended in the final report of the Planning Board to the Town Meeting.
2. No appeal, application or petition which has been unfavorably and finally acted upon by the Board of Appeals shall be acted favorably upon within two (2) years after the date of final unfavorable action unless (a) all but one of the members of the Planning Board consent to a re-petition after notice is given to parties in interest of the time and place of the proceeding to consider consent, and (b) the Board of Appeals finds specific and material changes in the conditions upon which the previous unfavorable action was based, describes such changes in its records and similarly consents.

***G. VALIDITY***

The invalidity of any section or provision of this Bylaw shall not invalidate any other Section or provision thereof.

***H. EFFECTIVE DATE***

The effective date of an amendment to the Bylaw shall be the date on which such amendment was adopted by a favorable two-thirds vote of Town Meeting subject to approval by the Attorney General and its publication in a town bulletin or pamphlet and posting or its publication in a newspaper as provided in Chapter 40, Massachusetts General Laws, Section 32.

***I. PLANNING BOARD ASSOCIATE MEMBER***

There shall be added to the elected Planning Board an Associate Member, to be appointed for a two (2) year term jointly by the Planning Board and the Board of Selectmen, for the purpose of sitting as a member of the Planning Board to hear and act on special permit applications in the case of the absence, inability to act, or conflict of interest, on the part of any elected member of the Planning Board or in the event of a vacancy on the Planning Board. At the discretion of the Planning Board Chairman, said Associate Member shall sit on the board for purposes of hearing and acting on special permit applications.

## **SECTION IV. DISTRICTS**

For the purposes of this Bylaw, the Town of Medway is hereby divided into the following districts:

Agricultural and Residential I	Industrial I
Agricultural and Residential II	Industrial II
Commercial I	Industrial III
Commercial II	
Commercial III	Flood Plain/Wetland Protection
Commercial IV	Open Space Residential Development
Commercial V	Adult Retirement Community Overlay District
Commercial VI	Groundwater Protection District

Said districts are located as shown in the Protective Zoning Bylaw Map dated February 1, 1951, as amended, and filed with the Town Clerk.

Said Flood Plain/Wetland Protection District and boundaries are located as shown on a map entitled “Flood Plain/Wetland Protection District, Medway, Mass. 1975”, which is hereby made a part of the Protective Zoning Bylaw map.

The Zoning Map, with all explanatory matter thereon, is hereby made part of this Bylaw.

*(Updated May 10, 2004)*



## SECTION V. USE REGULATIONS

### A. GENERAL REQUIREMENTS

The use of premises or the erection, reconstruction, alteration, or moving of buildings or structures in the Town of Medway shall be in conformity with the provisions of this Bylaw. Any building, structure, or land shall be used only for a purpose or in a manner which is permitted within the district in which such building, structure, or land is located, or as set forth as permissible by special permit in said district and so authorized.

Any use not specifically authorized herein for such district shall be deemed prohibited.

In accordance with General Laws, Chapter 40A, and notwithstanding any provisions to the contrary, this Bylaw shall not prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the Commonwealth, or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination of nonprofit educational corporation provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard size, lot area, setbacks, open space, parking and building coverage requirements.

No automotive type of trailer, either mobile or immobile, hereafter put in place upon any land within the Town shall be occupied for living or business purposes for a period exceeding sixty (60) days in the aggregate in any one (1) year, except as provided for by General Laws Chapter 40A, Section 3. The Board of Appeals may permit the use of such a trailer, such permit to be issued for a period of not more than one (1) year. *(Revised May 13, 2003)*

Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided that the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.

Any increase in the area, frontage, width, yard or depth requirements of this Bylaw shall not apply to a lot for single and two-family residential use which at the time of recording or endorsement whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirement, but at least five thousand square feet of area and fifty feet of frontage. The provisions of this paragraph shall not be construed to prohibit a lot being built upon if at the time of the building, building upon such a lot is not prohibited by this Bylaw.

No kennel is allowed in any district unless permitted by a special permit granted by the Zoning Board of Appeals.

**B. AREA STANDARDS**

No land or building shall be used or occupied in any district in any manner which will produce a hazard or nuisance from fire, explosion, radioactivity, electrical disturbance, smoke, fly ash, dust, fumes, vapors, or other forms of air pollution, liquid or solid wastes, vibration, noise, odors, or glare in a manner or amount as to affect the surrounding area. However, any use may be undertaken and maintained provided that it conforms to the use regulations schedule as applied to the district wherein the use is established and to the performance standards listed below:

1. The following performance standards shall apply to all districts and shall be determined at the location of use:
  - a) Fire and Explosion Hazards: All activities and all storage of flammable and explosive materials, at any point, shall be provided with adequate fire fighting and fire-suppression equipment and devices.
  - b) Radioactivity or Electrical Disturbance: No activities which emit dangerous radioactivity at any point shall be permitted. No electrical disturbances (except from domestic household appliances and from communications equipment subject to control of Federal Communications Commission or appropriate federal agencies) adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance shall be permitted.
  - c) Smoke: No emission of visible smoke of a shade darker than No. 2 on the Ringlemann Smoke Chart published by The U.S. Bureau of Mines shall be permitted.
  - d) Fly Ash, Dust, Fume, Vapors, Gases, Other Forms of Air Pollution: No emission which can cause damage to health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point shall be permitted. In no event shall any emission from any chimney or otherwise of any solid or liquid particles in concentration exceeding 0.3 grain per cubic foot of the conveying gas or air be permitted. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 °F and 50% excess air.
  - e) Liquid or Solid Waste: No discharge, at any point, into a private sewage disposal system, stream, or the ground, of any materials in such a way or of such a nature or temperature as can contaminate any running streams or water supply, or otherwise cause the emission of dangerous or objectionable elements, shall be permitted except in accord with standards approved by the Massachusetts Department of Public Health.
2. The following performance standards shall apply to all districts and shall be determined at the property line of the use.
  - a) Vibration: No vibration which is discernible to the human sense of feeling for 3 minutes or more in any hour between 7 A.M. and 7 P.M. or of 30 seconds or more in any one hour from 7 P.M. to 7 A.M. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range or Table 7, U.S. Bureau of Mines Bulletin NO. 442.

- b) Noise: Maximum permissible sound pressure levels-measured at the property line nearest to the noise source for noise radiated continuously from the noise source between 10 PM and 7 AM shall be as follows:

<i>Frequency Band</i> (Cycles per second)	<i>Sound Pressure Level</i> (Decibels re. 0.0002 Dyne/CM <sup>2</sup> )
2 - 72	69
75 - 150	54
150 - 300	47
300 - 600	41
600 - 1,200	37
1,200 - 2,400	34
2,400 - 4,800	31
4,800 - 10,000	28

For noise levels between 7 A.M. and 10 P.M., and if the noise is not smooth and continuous, the following corrections shall be added to each of the decibel levels given above:

Daytime operation only	+5
Noise source operated less than 20% of any 1-hour period	+5

3. The following performance standards shall apply to all districts:

- a) Odors: No emission of odorous gases or odoriferous matter in such quantities as to be offensive shall be permitted. Any process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001201 oz. per thousand cubic feet of hydrogen sulfide or any odor threshold as defined in Table III in Chapter 5 of "AIR POLLUTION ABATEMENT MANUAL" (copyright 1951 by Manufacturing Chemists Assoc., Inc., Washington, DC) shall be permitted.

- b) Glare: No direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding shall be permitted.

4. For all zones, no dwelling or structure shall be erected unless the lot has upland building area within it, which encompasses a minimum of 50% of the required minimum lot area for that zoning district. This upland building area shall be contiguous land within which no land is subject to protection under the Wetlands Protection Act, General Laws, Chapter 131, Section 40.
5. Lot Shape Factor: No lot shall be created so as to be so irregularly shaped or extended that it has a "Shape Factor" in excess of twenty-two (22). Shape Factor equals the square of the lot perimeter divided by the lot area. That portion of the lot in excess of the required lot area may be excluded from the computation of the Shape Factor using an imaginary lot line, provided that the entire required frontage is included in the portion used for the calculation.

**C. SITE PLAN APPROVAL**

In all districts, no building shall be constructed, no exterior enlargement or substantial exterior alteration or any new use shall be allowed on a lot or tract of land until a site plan has been approved by the Board of Selectmen unless Site Plan Approval is specifically waived herein. This provision shall not apply to single-family homes, and two-family homes, including additions or enlargements. The procedure for site plan approval is as follows:

1. Procedures for Approval:

- a) Any applicant desiring approval of a site plan under this section shall submit one (1) copy of the site plan with an application for approval directly to the Board of Selectmen or their designee, and one (1) copy to the Town Clerk and eleven (11) copies with the appropriate fee to the Planning Board.
- b) The Board of Selectmen shall give notice of receipt of such plan at the next regularly scheduled meeting.
- c) The Planning Board shall, within twenty-one (21) days of receipt thereof, transmit one (1) copy of the site plan to each of the following agencies: Board of Assessors; Board of Health; Conservation Commission; Inspector of Buildings; DPS Administrator; any other agencies, boards, commissions or departments as required by the Planning Board. These agencies shall, at their discretion, evaluate the site plan and report their recommendations to the Planning Board. The Planning Board shall not take final action on a site plan until it has received reports from the aforementioned agencies or until aforementioned agencies have been allowed twenty-one (21) days to submit a written report.
- d) The Planning Board shall develop Site Plan Approval Regulations which shall more fully define the site plan requirements and supporting information. The Site Plan Approval Regulations shall also include reasonable review and inspections fees and performance bonds. In exercising its jurisdiction under this section, the Planning Board shall conform to the requirements for notice, public hearings and appeals required by MGL Ch. 40A, Sec. 11 and 17.
- e) Following the Planning Board's review and public hearings, a written recommendation, including copies of reports received from other agencies, shall be made to the Board of Selectmen regarding the site plan within ninety (90) days of receipt unless the applicant requests an extension. The Board of Selectmen shall have the final authority to approve, conditionally approve, or deny the site plan.
- f) Building permits shall not be issued until the Board of Selectmen shall approve, or conditionally approve the site plan, or shall allow one hundred and twenty (120) days to elapse from the date of receipt of submission of the application by the Board of Selectmen.
- g) Within twenty (20) days after the approval of the site plan, a copy bearing thereon the approval of the Board of Selectmen shall be filed with the Town Clerk, and the plan as approved shall be carried into effect and completed by the applicant or their assignees within one (1) year of the date of approval. Upon receipt of an application filed prior to the original date of expiration of the one (1) year period, the Board of Selectmen may grant an extension.

2. Site Plan Contents: A site plan shall be prepared by a Professional Engineer (PE) and a Registered Surveyor (RLS) as appropriate and certified by same with their seal stamp and signature. The site plan shall show, among other things, all existing and proposed buildings, structures and roadways, freestanding signs including traffic control signs, driveways, walkways, parking spaces, service areas, buffer areas, open spaces, proposed utility lines, proposed landscape features, storm water drainage system and existing topography and natural features including wetlands. The site plan shall also include a locus map showing existing buildings structures, freestanding signs driveways, and walkways on abutting properties.
3. Waiver of Site Plan Requirements:
  - a) Upon written request by an applicant to the Board of Selectmen, the Inspector of Buildings, acting as the agent for the Board of Selectmen, may waive the requirement for the submission of a site plan to the Board of Selectmen, if the applicant provides to the Inspector of Buildings, written statements and/or plans showing the site as it has been used and as it is proposed to be used and also showing how the area(s) within the structure(s) have been used and are proposed to be used and demonstrating that all the following conditions apply:
    - 1) The new use is no more intensive than the existing use and that the new use is permitted as a matter of right under this Bylaw for the zoning districts in which the site is located.
    - 2) The new use will not require additional parking spaces and will not create more traffic than the current use.
    - 3) The new use will not change the existing buildings structure, roadways, traffic control signs, driveways, walkways, service areas, buffer areas, open spaces, utility lines, landscape features, storm water drainage systems and capacity, existing topography and natural features including wetlands.
    - 4) The existing building has been continuously occupied, that is the building has not been fully vacant for a period of time greater than twenty-three (23) months.
    - 5) The proposed exterior alterations will not exceed 40% of the existing structure's exterior surface area excluding the roof area.
  - b) If the Inspector of Buildings determines that conditions one through five (1-5) above are met by the proposed new use, and that the proposed new use will not have any increased impact on the neighborhood or adjacent properties, the Inspector of Buildings may waive the site plan requirement for the proposed new use. If the Inspector of Buildings does not waive the site plan requirement, the applicant shall comply with the site plan procedure set forth in Number One (1) (Procedures for Approval) of this Article.
  - c) No waiver of site plan requirements shall be given for any restaurant, coffee shop, bakery, convenience store, liquor store, adult use, or financial institution; nor granted for any site which through continuous use or proposed use may be detriment to the infrastructure or to public safety.
4. Penalties: Any applicant, individual, property owner or business entity who violates or permits a violation of this Bylaw shall be subject to a fine as follows:

Maximum fine allowed:	\$100.00
Enforcement Agent:	Inspector of Buildings/Local Inspector

Fine Schedule:

First Offense:	Warning
Second Offense:	\$ 25.00
Third Offense:	\$ 50.00
Fourth and each subsequent offense:	\$100.00

Maximum per day each day to constitute a separate violation.

**D. NON-CONFORMING USES**

1. Continuation and Restoration: Any lawful building or structure or use of a building, structure or premises existing at the time this Bylaw is adopted, even if not in conformity with its provisions may be continued, rebuilt if damaged or destroyed and, if authorized by the Board of Appeals, may be enlarged or changed to a specific new use.
2. Abandonment: All non-conforming horticultural, and floricultural uses, which have been abandoned or discontinued for more than 5 years, shall not be reestablished. All other non-conforming uses except agricultural which have been abandoned or discontinued for more than 2 years shall not be reestablished. In either case, any future use shall be in conformity with this Bylaw.
3. Changes: Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use without obtaining a variance from the Zoning Board of Appeals.
4. Alteration:
  - a) A non-conforming building or structure may be structurally altered, enlarged or reconstructed provided that such alteration, enlargement or reconstruction is in accordance with the applicable intensity regulations or other dimensional requirements of this Bylaw and does not increase the extent of non-conformity and provided further that the Board of Appeals determines by the grant of a special permit that such alteration is not substantially more detrimental to the neighborhood than the existing non-conforming use except where alteration to non-conforming single or two-family dwelling does not increase the non-conforming nature of the building.
  - b) The Inspector of Buildings may issue a building permit for the alteration, enlargement or reconstruction of a one or two family dwelling and/or its attached appurtenance including for not limited to porches and decks, which is or was non conforming only by reason of its failure to conform to the setback requirements of this Bylaw, provided that the altered, enlarged or reconstructed dwelling and/or appurtenance does not violate the setback requirements to a greater extent than the dwelling prior to such alteration, enlargement or reconstruction.

***E. AGRICULTURAL AND RESIDENTIAL DISTRICT I***

1. Buildings, structures, and premises may be used for lawful residential, municipal, or nonprofit recreational purposes, for any agricultural use, except piggeries and fur farms, and for uses customarily accessory thereto, and for the following commercial purposes but no others:
  - a) The display and sale at a roadside stand or otherwise of natural products, the major portion of which are raised on the premises of the owner.
  - b) The office of a doctor or dentist or other member of a recognized profession residing on the premises, providing there is no display or advertising except for permitted signs.
  - c) Any of the following uses, provided it is not injurious, noxious, or offensive and only if authorized by the Board of Appeals subject to appropriate conditions where such are deemed necessary to protect the Town:
    - 1) Greenhouse or sawmill.
    - 2) Aviation field, golf course, boathouse, livery riding stable or ski tow.
    - 3) Gravel, loam, sand, or stone removal. No authorization by the Board of Appeals shall be required when the removal of such materials is incidental to the construction or alteration of buildings thereon for which a permit has been issued by the Board of Selectmen or to the construction of a street or way in the subdivision which has been approved by the Planning Board.
    - 4) Veterinary hospital.
    - 5) The use of a room in a dwelling or accessory building for a customary home occupation.
    - 6) Any other use determined by the Board of Appeals to be similar to one or more of the uses specifically authorized and not detrimental to a neighborhood.
2. An accessory family dwelling unit is authorized by special permit only. The special permit must be recorded prior to the issuing of an occupancy permit. The special permit shall expire three (3) years from the date of issue. Upon transfer of property, the special permit shall become null and void. An accessory use in a single family dwelling is subject to the following conditions:
  - a) The single-family dwelling or access family dwelling shall be occupied by the owner of the premises. For the purpose of this section, the "owner" shall be one or more individuals who hold legal or beneficial title to the premises and for whom the premises is the primary residence for voting and tax purposes.
  - b) The accessory family dwelling unit only may be occupied by the following family members: mother/father, mother-in-law/father-in-law, son/daughter, son-in-law/daughter-in-law, sister/brother, sister-in-law/brother-in-law, grandmother/grandfather, step-mother/step-father, step-son/step-daughter, step-sister/step-brother, step-grandmother/step-grandfather. A notarized statement of the relevant relationship shall be provided to the Inspector of Buildings prior to the issue of a certificate of occupancy for the accessory family dwelling unit.
  - c) There shall not be more than one (1) bedroom in the accessory family dwelling unit.
  - d) The accessory dwelling unit shall have an exterior design such that the structure is not changed from the character of a single-family dwelling.



- e) There shall be no additional driveway or curb cut providing access to the premises. All parking to be off-street.
- f) A certificate of occupancy for the accessory family dwelling unit is required, and shall be issued to the owner only, and is not transferable. Upon transfer of ownership of the premises, the certificate of occupancy for the accessory dwelling unit shall be null and void.

*(Paragraph 2 added May 10, 2004)*

- 3. Only single-family residences shall hereafter be erected in this district.
- 4. Any dwelling hereafter erected in this district shall be located on a lot having a continuous frontage of not less than 180 ft. on a street or streets, and an area of not less than 44,000 sq. ft.  
*(Revised May 10, 2004)*
- 5. All buildings shall extend no nearer to any street line than 35 ft., and shall not be less than 15 ft. from the side lot lines and 15 ft. from the rear lot line. The Board of Appeals may make exception to this upon appeal or written request if the setbacks of buildings on adjoining lots vary from its requirement.
- 6. No person shall sell or convey a portion of his land whereby the remaining land shall become non-conforming. A lot or parcel of land containing two or more dwellings at the time of the adoption of this Bylaw, which cannot be divided in conformity with these requirements may, under a special permit of the Board of Appeals, be divided in a manner complying as closely as possible with these requirements.

**F. AGRICULTURAL AND RESIDENTIAL DISTRICT II**

1. Buildings, structures and premises may be used for lawful residential, municipal, religious, educational or nonprofit recreational purposes, for any agricultural use except piggeries and fur farms, and for uses customarily accessory thereto, except that livestock and poultry are prohibited on premises having a total land area less than 44,000 sq. ft., and for the following purposes but no others:
  - a) The display and sale at a roadside stand or otherwise of natural products, the major portion of which are raised on the premises of the owner.
  - b) The office of a doctor or dentist or other member of a recognized profession residing on the premises, providing there is no display or advertising except for permitted signs.
  - c) Any of the following uses, provided it is not injurious, noxious, or offensive and only if authorized by the Board of Appeals subject to appropriate conditions where such are deemed necessary to protect the Town:
    - 1) Greenhouses.
    - 2) Aviation field, golf course, boathouse, livery riding stable or ski tow.
    - 3) Gravel, loam, sand, or stone removal. No authorization by the Board of Appeals shall be required for the removal of such materials when incidental to the construction or alteration of buildings thereon for which a permit has been issued by the Board of Selectmen or to the construction of a street or way in the subdivision which has been approved by the Planning Board.
    - 4) The use of a room in a dwelling or accessory building for a customary home occupation.
    - 5) Any other use determined by the Board of Appeals to be similar to one or more of the uses specifically authorized and not detrimental to a neighborhood.
2. An accessory family dwelling unit is authorized by special permit only. The special permit must be recorded prior to the issuing of an occupancy permit. The special permit shall expire three (3) years from the date of issue. Upon transfer of property, the special permit shall become null and void. An accessory use in a single-family dwelling is subject to the following conditions:
  - a) The single-family dwelling or access family dwelling shall be occupied by the owner of the premises. For the purpose of this section, the "owner" shall be one or more individuals who hold legal or beneficial title to the premises and for whom the premises is the primary residence for voting and tax purposes.
  - b) The accessory family dwelling unit only may be occupied by the following family members: mother/father, mother-in-law/father-in-law, son/daughter, son-in-law/daughter-in-law, sister/brother, sister-in-law/brother-in-law, grandmother/grandfather, step-mother/step-father, step-son/step-daughter, step-sister/step-brother, step-grandmother/step-grandfather. A notarized statement of the relevant relationship shall be provided to the Inspector of Buildings prior to the issue of a certificate of occupancy for the accessory family dwelling unit.
  - c) There shall not be more than one (1) bedroom in the accessory family dwelling unit.
  - d) The accessory dwelling unit shall have an exterior design such that the structure is not changed from the character of a single-family dwelling.

- e) There shall be no additional driveway or curb cut providing access to the premises. All parking to be off-street.
  - f) A certificate of occupancy for the accessory family dwelling unit is required, and shall be issued to the owner only, and is not transferable. Upon transfer of ownership of the premises, the certificate of occupancy for the accessory dwelling unit shall be null and void.  
*(Paragraph 2 added May 10, 2004)*
- 3. Only single-family residences shall hereafter be erected in this district except that two-family dwellings will be permitted when authorized by the Zoning Board of Appeals.
  - 4. Any dwelling hereafter erected in this district shall be located on a lot having a continuous frontage of not less than 150 ft. on a street or streets, and an area of not less than 22,500 sq. ft.  
*(Revised May 10, 2004)*
  - 5. Any two-family dwelling hereafter erected in this district shall be located on a lot having a frontage of not less than 150 ft. on a street or streets, and an area of not less than 30,000 sq. ft. For two-family dwellings, there shall be provided on each lot an off-street parking area or areas, indoor or outdoor, of sufficient size to allow two parking spaces for each dwelling unit. No parking area shall be located nearer than 10 ft. to the line of an adjoining lot. No space shall be considered available for parking which reduces the effective width of a driveway providing access to this or any other dwelling.
  - 6. Alteration and conversion of a single-family dwelling to accommodate two families may be permitted when authorized by the Zoning Board of Appeals provided that the exterior design of the structure is not changed from the character of a single-family dwelling. For all such converted or altered dwellings, there shall be provided on each lot an off-street parking area or areas, indoor or outdoor, of sufficient size to allow two parking spaces for each dwelling unit. No parking area shall be located nearer than 10 ft. to the line of an adjoining lot. No space shall be considered available for parking which reduces the effective width of a driveway providing access to this or any other dwelling.
  - 7. All buildings shall extend no nearer to any street line than 35 ft., and shall not be less than 15 ft. from the side lot lines and 15 ft. from the rear lot line. The Board of Appeals may make exception to this upon appeal or written request, if the setbacks of buildings on adjoining lots vary from its requirement.
  - 8. No person shall sell or convey a portion of his land whereby the remaining land shall become non-conforming. A lot or parcel of land containing two or more dwellings at the time of the time of adoption of this Bylaw, which cannot be divided in conformity with these requirements may, under a special permit of the Board of Appeals, be divided in a manner complying as closely as possible with these requirements.

**G. COMMERCIAL DISTRICT I**

1. Buildings, structures and premises may be used for any of the following purposes and uses customarily accessory thereto but no others, subject to the regulations and conditions enumerated herein:
    - a) Municipal, public utility, federal or state use.
    - b) Retail stores, the primary function of which is the distribution of merchandise for sale, rental or repair to the general public. Said merchandise being offered for distribution shall be stocked and displayed within the building except that the occasional conduct of an outdoor/sidewalk sale or the external display of merchandise, both meeting health and safety standards, is allowed but only by permit from the Board of Selectmen.
    - c) Offices for business or professional use
    - d) Any of the following uses if authorized by special permit of the Board of Appeals:
      - 1) Restaurant or other establishment providing food and beverages within the building.
      - 2) Automobile service station
      - 3) Automotive car wash
      - 4) Shopping center
- (Revised May 13, 2003)*
2. Permitted and allowable uses shall comply with the following dimensional regulations:
    - a) Minimum lot size: 20,000 sq. ft.
    - b) Maximum lot coverage, including accessory buildings: 30%
    - c) Minimum lot width: 100 ft.
    - d) Minimum front-yard setback: 50 ft. of which the first 10 ft. nearest the street line shall not be used for the parking or storage of vehicles but shall be suitably landscaped, and the next 20 ft. shall be utilized for through traffic to adjoining lots.
    - e) Minimum side-yard and rear-yard setback: 25 ft. of which the first 10 ft. nearest each lot line, if the adjacent use is residential in whole or in part, shall not be used for the parking or storage of vehicles but shall be suitably landscaped.
    - f) Maximum building height: 40 ft.
    - g) Off-Street parking:
      - 1) For every 200 sq. ft. of gross floor space, at least one off-street parking space.
      - 2) For each employee, an off-street parking space; and for each three seats in restaurants or other establishments providing food and beverages, at least one off-street parking space.
      - 3) For all other permitted uses, off-street parking as required by the Planning Board.
    - 4) All off-street parking spaces shall be located on the same lot as the principal use they are intended to service and each space shall consist of approximately 300 sq.

ft. of appropriate dimensions for the parking of an automobile, including maneuvering area and aisles.

- h) “Adult Uses”, as defined herein, except as otherwise restricted, will be subject to the following dispersal and separation standards established to preserve the public good, public safety, and neighborhood objectives and protect against the documented secondary effects of such uses:
  - 1) 1,000 feet in any direction from other establishments of such “Adult Uses;
  - 2) 500 feet in any direction from residential zoned land; and
  - 3) 500 feet in any direction from a residence, schools, places of worship, day care centers, playgrounds or other existing uses judged by the Board of Selectmen to be similarly vulnerable to the secondary effects of such “Adult Uses”.

**H. COMMERCIAL DISTRICT II**

1. Buildings, structures, and premises may be used for any of the following purposes and uses customarily accessory thereto but no others, subject to the regulations enumerated herein:
  - a) Church or other religious purpose or any educational purpose which is religious, sectarian, denominational or public.
  - b) Municipal, public utility, federal or state use.
  - c) Sales and storage of building materials.
  - d) Salesroom for motor vehicles, trailers, boats, farm implements or machinery with repair services and storage permitted but not including auto body, welding, or soldering shops.
  - e) Greenhouse.
  - f) Undertaking establishment or funeral home.
  - g) Restaurant or other establishment providing food and beverage within a building.
  - h) Offices for business or professional use.
  - i) Bank or other financial institution.
  - j) Any of the following uses if authorized by special permit of the Board of Appeals:
    - 1) Restaurant or other establishment providing food and beverages, and live entertainment within the building.
    - 2) Motel or Hotel
    - 3) Commercial indoor amusement or recreation place, or place of assembly
    - 4) Automobile service station
    - 5) Automotive car wash
    - 6) Shopping center
2. Permitted and allowable uses pertaining to this district shall comply with the following dimensional regulations:
  - a) Minimum lot size: 20,000 sq. ft.
  - b) Maximum lot coverage, including accessory buildings: 30%
  - c) Minimum lot width: 100 ft.
  - d) Minimum front-yard building setback: 50 ft. of which the first 10 ft. nearest the street line shall not be used for the parking or storage of vehicles but shall be suitably landscaped, and the next 20 ft. shall be utilized for through traffic to adjoining lots.

*(Revised May 13, 2003)*

- e) Minimum side-yard and rear-yard setback: 25 ft. of which the first 10 ft. nearest each lot line, if the adjacent use is residential in whole or in part, shall not be used for the parking or storage of vehicles but shall be suitably landscaped.
- f) Maximum building height: 40 ft.
- g) Off-Street parking:
  - 1) For every 200 sq. ft. of gross floor space in offices for business or professional use, at least one off-street parking space.
  - 2) For each employee, one (1) off-street parking space; and for each three (3) seats in restaurants or other establishments providing food and beverages, at least one off-street parking space.
  - 3) For all other permitted uses, off-street parking as required by the Planning Board.
  - 4) All off-street parking spaces shall be located on the same lot as the principal use they are intended to service and each space shall consist of approximately 300 sq. ft. of appropriate dimensions for the parking of an automobile, including maneuvering area and aisles.
- h) “Adult Uses”, as defined herein, except as otherwise restricted, will be subject to the following dispersal and separation standards established to preserve the public good, public safety, and neighborhood objectives and protect against the documented secondary effects of such uses:
  - 1) 1,000 feet in any direction from other establishments of such “Adult Uses;
  - 2) 500 feet in any direction from residential zoned land; and
  - 3) 500 feet in any direction from a residence, schools, places of worship, day care centers, playgrounds or other existing uses judged by the Board of Selectmen to be similarly vulnerable to the secondary effects of such “Adult Uses”.

***I. COMMERCIAL DISTRICT III***

1. Buildings, structures, and premises may be used for any of the following purposes and uses customarily accessory thereto but no others, subject to the regulations and conditions enumerated herein:
  - a) Municipal, public utility, federal or state use.
  - b) Retail stores, the primary function of which is the distribution of merchandise for sale, rental or repair to the general public. Said merchandise being offered for distribution shall be stocked and displayed within the building except that the occasional conduct of an outdoor/sidewalk sale or the external display of merchandise, both meeting health and safety standards, is allowed but only by permit from the Board of Selectmen.
  - c) Bank or other financial institution.
  - d) Restaurant or other establishment providing food and beverages within a building.
  - e) Offices for business or professional use.
  - f) Undertaking establishment or funeral home.
2. No dwelling other than single-family residences may hereafter be erected in this district.
3. Permitted and allowable uses pertaining to this district shall comply with the following dimensional regulations:
  - a) Minimum lot size: 20,000 sq. ft.
  - b) Maximum lot coverage, including accessory buildings: 30%
  - c) Minimum lot width: 100 ft.
  - d) Minimum front-yard building setback from street line for any building or structure hereafter erected including roadside stands or accessory buildings shall be 35 ft. The Board of Appeals may make exception to this upon appeal or written request if the setbacks of buildings on adjoining lots vary from this requirement.
  - e) Minimum side-yard and rear-yard setback shall be 15 ft. of which the first 10 ft. nearest each lot line, if the adjacent use is residential in whole or in part, shall not be used for the parking or storage of vehicles but shall be suitably landscaped.
  - f) Maximum building height: 40 ft.
  - g) Off-Street parking: For every 300 sq. ft. of gross floor space, at least one off-street parking space.



- h) “Adult Uses”, as defined herein, except as otherwise restricted, will be subject to the following dispersal and separation standards established to preserve the public good, public safety, and neighborhood objectives and protect against the documented secondary effects of such uses:
  - 1) 1,000 feet in any direction from other establishments of such “Adult Uses;
  - 2) 500 feet in any direction from residential zoned land; and
  - 3) 500 feet in any direction from a residence, schools, places of worship, day care centers, playgrounds or other existing uses judged by the Board of Selectmen to be similarly vulnerable to the secondary effects of such “Adult Uses”.

***J. COMMERCIAL DISTRICT IV***

1. Buildings, structures, and premises may be used for any of the following purposes and uses customarily accessory thereto but no others, subject to the regulations and conditions enumerated herein:
  - a) Municipal, public utility, federal or state use.
  - b) Retail stores, the primary function of which is the distribution of merchandise for sale, rental or repair to the general public. Said merchandise being offered for distribution shall be stocked and displayed within the building except that the occasional conduct of an outdoor/sidewalk sale or the external display of merchandise, both meeting health and safety standards, is allowed but only by permit from the Board of Selectmen.
  - c) Bank or financial institution.
  - d) Restaurant or other establishment providing food and beverages within a building.
  - e) Offices for business or professional use.
  - f) Undertaking establishment or funeral home.
2. No dwelling other than single-family residences may hereafter be erected in this district.
3. Permitted and allowable uses pertaining to this district shall comply with the following dimensional regulations:
  - a) Minimum lot size: 20,000 sq. ft.
  - b) Maximum lot coverage, including accessory buildings: 30%
  - c) Minimum lot width: 100 ft.
  - d) Minimum front-yard building setback from street line for any building or structure hereafter erected including roadside stands or accessory buildings shall be 35 ft. The Board of Appeals may make exception to this upon appeal or written request if the setbacks of buildings on adjoining lots vary from this requirement.
  - e) Minimum side-yard and rear-yard setback: 15 ft. of which the first 10 ft. nearest each lot line, if the adjacent use is residential in whole or in part, shall not be used for the parking or storage of vehicles, but shall be suitably landscaped.
  - f) Maximum building height: 40 ft.
  - g) Off-Street parking: For every 300 sq. ft. of gross floor space, at least one (1) off-street parking space.

- h) “Adult Uses”, as defined herein, except as otherwise restricted, will be subject to the following dispersal and separation standards established to preserve the public good, public safety, and neighborhood objectives and protect against the documented secondary effects of such uses:
  - 1) 1,000 feet in any direction from other establishments of such “Adult Uses;
  - 2) 500 feet in any direction from residential zoned land; and
  - 3) 500 feet in any direction from a residence, schools, places of worship, day care centers, playgrounds or other existing uses judged by the Board of Selectmen to be similarly vulnerable to the secondary effects of such “Adult Uses”.

**K. COMMERCIAL DISTRICT V**

1. Buildings, structures and premises may be used for any of the following purposes and uses customarily accessory thereto but no others, subject to the regulations and conditions enumerated herein:
  - a) Municipal, public utility, federal or state use.
  - b) Retail store, the primary function of which is the distribution of merchandise for sale, rental or repair to the general public. Said merchandise being offered for distribution shall be stocked and displayed within the building except that the occasional conduct of an outdoor/sidewalk sale or the external display of merchandise, both meeting health and safety standards, is allowed but only by permit from the Board of Selectmen.
  - c) Restaurant or other establishment providing food and beverages within the building.
  - d) Office for business or professional use.
  - e) Studio for artists, photographers, interior decorators and similar design-related uses.
  - f) Personal care services such as barber shops, beauty parlors and nail salons.
  - g) Nursery and florist.
  - h) Greenhouse.
  - i) Undertaking establishment or funeral home.
  - j) Bank or other financial institution.
  - k) Warehouse and distribution.
2. Permitted and allowable uses shall comply with the following dimensional regulations:
  - a) Minimum lot size: 20,000 sq. ft.
  - b) Maximum lot coverage, including accessory buildings: 30%
  - c) Minimum lot width: 100 ft.
  - d) Minimum front-yard setback: 50 ft. of which the first 10 ft. nearest the street line shall not be used for the parking or storage of vehicles.
  - e) Minimum side-yard and rear-yard setback: 15 ft. of which the first 10 ft. nearest each lot line, if the adjacent use (within the Commercial V district) is residential in whole or in part, shall not be used for the parking or storage of vehicles but shall be suitably landscaped.
  - f) Residential buffer: Side or rear lot lines that abut a residentially-zoned district shall maintain a suitably landscaped buffer zone of at least 15 feet, unless the buffer area includes an existing alternative egress or access for the principal use. However, if in the opinion of the Planning Board, an access/egress from a second way is necessary, the buffer zone may be

used for this purpose.

g) Maximum building height: 40 ft.

h) Off-Street parking:

- 1) For every 200 sq. ft. of gross retail floor space, at least one off-street parking space. For every 250 sq. ft. of gross floor space for business or professional offices, at least one off-street parking space.
- 2) For each employee, an off-street parking space; and for each three seats in restaurants or other establishments providing food and beverages, at least one off-street parking space.
- 3) For all other permitted uses, off-street parking as required by the Planning Board.
- 4) All off-street parking spaces shall be located on the same lot as the principal use they are intended to service and each space shall consist of approximately 300 sq. ft. of appropriate dimensions for the parking of an automobile, including maneuvering area and

3. No residences may hereafter be erected in this district.

*(New Commercial V district added May 10, 2004)*

**L. COMMERCIAL DISTRICT VI**

1. Buildings, structures, and premises may be used for any of the following purposes and uses customarily accessory thereto but no others, subject to the regulations and conditions enumerated herein:
  - a) Municipal, public utility, federal or state use.
  - b) Retail stores, the primary function of which is the distribution of merchandise for sale, rental or repair to the general public. Said merchandise being offered for distribution shall be stocked and displayed within the building except that the occasional conduct of an outdoor/sidewalk sale or the external display of merchandise, both meeting health and safety standards, is allowed but only by permit from the Board of Selectmen.
  - c) Bank or financial institution.
  - d) Restaurant or other establishment providing food and beverages within a building.
  - e) Offices for business or professional use.
  - f) Any of the following uses if authorized by special permit of the Board of Appeals:
    - 1) Automobile service station
    - 2) Automotive car wash
    - 3) Shopping center
2. Permitted and allowable uses pertaining to this district shall comply with the following dimensional regulations:
  - a) Minimum lot size: 20,000 sq. ft.
  - b) Maximum lot coverage, including accessory buildings: 30%
  - c) Minimum lot width: 100 ft.
  - d) Minimum front-yard building setback from street line for any building or structure hereafter erected including roadside stands or accessory buildings shall be 35 ft.
  - e) Minimum side-yard and rear-yard setback shall be 15 ft. of which the first 10 ft. nearest each lot line, if the adjacent use is residential in whole or in part, shall not be used for the parking or storage of vehicles but shall be suitably landscaped.
  - f) There shall be a 50-foot wide buffer zone along the south boundary
  - g) Maximum building height: 40 ft.

*(Added May 13, 2003)*

- h) Off-Street parking:
  - 1) For every 300 sq. ft. of gross floor space, at least one (1) off-street parking space.
  - 2) For each employee, one (1) off-street parking space; and for each three (3) seats in restaurants or other establishments providing food and beverages, at least one off-street parking space.
- i) “Adult Uses”, as defined herein, except as otherwise restricted, will be subject to the following dispersal and separation standards established to preserve the public good, public safety, and neighborhood objectives and protect against the documented secondary effects of such uses.
  - 1) 1,000 feet in any direction from other establishments of such “Adult Uses;
  - 2) 500 feet in any direction from residential zoned land; and
  - 3) 500 feet in any direction from a residence, schools, places of worship, day care centers, playgrounds or other existing uses judged by the Board of Selectmen to be similarly vulnerable to the secondary effects of such “Adult Uses”.

***M. INDUSTRIAL DISTRICT I***

1. Buildings, structures, and premises may be used for any of the following purposes and uses customarily accessory thereto but no others, subject to the regulations and conditions enumerated herein:
  - a) Municipal, public utility, federal or state use.
  - b) Churches or other religious institutions.
  - c) Schools, colleges and dormitories accessory thereto.
  - d) Wholesale offices or showrooms including indoor warehouse facilities.
  - e) General industrial uses including manufacturing, storage, processing, fabrication, packaging and assembly, except the following:
    - 1) Abattoir and commercial slaughtering.
    - 2) Manufacturing of corrosive, poisonous or malodorous acids and chemicals
    - 3) Cement, lime, gypsum and plaster-of-paris manufacture.
    - 4) Fertilizer manufacture or fat rendering in manufacture of tallow, grease, and oils.
    - 5) Glue, size and gelatin manufacture.
    - 6) Petroleum and kerosene refining or distillation and derivation of by-products.
    - 7) Manufacture of explosives and the storage of explosives in bulk.
    - 8) Smelting and reduction of copper, tin, zinc and iron ores.
    - 9) A yard for the storage and sale of used building and junk material.
    - 10) Asphalt plants.
  - f) Offices for business or professional use.
2. Permitted and allowable uses pertaining to this district shall comply with the following dimensional regulations:
  - a) Minimum lot size: 20,000 sq. ft.
  - b) Maximum lot coverage, including accessory buildings: 40%
  - c) Minimum lot width: 100 ft.
  - d) Minimum front and rear-yard setbacks: 30 ft.
  - e) Minimum side-yard setback: 20 ft.
  - f) Maximum building height: 40 ft.
  - g) Off-Street parking requirements: One space for each two persons employed or anticipated to be employed on the largest shift for all types of permitted industrial buildings and one additional space for each 1,000 sq. ft. of floor space. Adequate docking space shall be provided so that no loading or unloading operation shall take place from any public or private way.



- h) A green belt not less than 30 ft. wide shall be provided adjacent to residential district boundary lines, in a manner which will best shield said residential district. For the purpose of this section, a green belt is defined as a protective screen which shall be planted and maintained with evergreen trees or shrubs, not more than 15 feet apart or less than 6 feet high at the time of planting.

**N. INDUSTRIAL DISTRICT II**

1. Buildings, structures, and premises may be used for any of the following purposes and uses customarily accessory thereto but no others, subject to the regulations and conditions enumerated herein:
  - a) Municipal, public utility, federal or state use.
  - b) Churches or other religious institutions.
  - c) Schools, colleges and dormitories accessory thereto.
  - d) Wholesale offices or showrooms including indoor warehouse facilities.
  - e) Electric Generation.
  - f) General industrial uses including manufacturing, storage, processing, fabrication, packaging and assembly, except the following:
    - 1) Abattoir and commercial slaughtering.
    - 2) Manufacturing of corrosive, poisonous or malodorous acids and chemicals.
    - 3) Cement, lime, gypsum and plaster-of-paris manufacture.
    - 4) Fertilizer manufacture or fat rendering in manufacture of tallow, grease, and oils.
    - 5) Glue, size and gelatin manufacture.
    - 6) Petroleum and kerosene refining or distillation and derivation of by-products.
    - 7) Manufacture of explosives and the storage of explosives in bulk.
    - 8) Smelting and reduction of copper, tin, zinc and iron ores.
    - 9) A yard for the storage and sale of used building and junk material.
    - 10) Asphalt plants.
  - g) Offices for business or professional use.
2. Permitted and allowable uses pertaining to this district shall comply with the following dimensional regulations:
  - a) Minimum lot size: 20,000 sq. ft.
  - b) Maximum lot coverage, including accessory buildings: 40%
  - c) Minimum lot width: 100 ft.
  - d) Minimum front and rear-yard setbacks: 30 ft.
  - e) Minimum side-yard setback: 20 ft.
  - f) Maximum building height: 40 ft.; provided, however that exhaust stacks associated with an electric generating facility may be up to 70 ft. in height.

- g) Off-Street parking requirements: One space for each two persons employed or anticipated to be employed on the largest shift for all types of permitted industrial buildings and one additional space for each 1,000 sq. ft. of floor space. Adequate docking space shall be provided so that no loading or unloading operation shall take place from any public or private way.
- h) A green belt not less than 30 ft. wide shall be provided adjacent to residential district boundary lines, in a manner which will best shield said residential district. For the purpose of this section, a green belt is defined as a protective screen which shall be planted and maintained with evergreen trees or shrubs, not more than 15 feet apart or less than 6 feet high at the time of planting.

***O. INDUSTRIAL DISTRICT III***

1. Buildings, structures, and premises may be used for any of the following purposes and uses customarily accessory thereto but no others, subject to the regulations and conditions enumerated herein:
  - a) Municipal, public utility, federal or state use.
  - b) Churches or other religious institutions.
  - c) Schools, colleges and dormitories accessory thereto.
  - d) Wholesale offices or showrooms including indoor warehouse facilities.
  - e) General industrial uses including manufacturing, storage, processing, fabrication, packaging and assembly, except the following:
    - 1) Abattoir and commercial slaughtering.
    - 2) Manufacturing of corrosive, poisonous or malodorous acids and chemicals.
    - 3) Cement, lime, gypsum and plaster-of-paris manufacture.
    - 4) Fertilizer manufacture or fat rendering in manufacture of tallow, grease, and oils.
    - 5) Glue, size and gelatin manufacture.
    - 6) Petroleum and kerosene refining or distillation and derivation of by-products.
    - 7) Manufacture of explosives and the storage of explosives in bulk.
    - 8) Smelting and reduction of copper, tin, zinc and iron ores.
    - 9) A yard for the storage and sale of used building and junk material.
    - 10) Asphalt plants.
  - f) Offices for business or professional use.
2. Permitted and allowable uses pertaining to this district shall comply with the following dimensional regulations:
  - a) Minimum lot size: 40,000 square feet.
  - b) Maximum lot coverage, including accessory buildings: 40%
  - c) Minimum lot width: 100 ft.
  - d) Minimum front and rear-yard setbacks: 30 ft.
  - e) Minimum side-yard setback: 20 ft.
  - f) Maximum building height: 40 ft.
  - g) Off-Street parking requirements: At least one space for each two persons employed or anticipated to be employed on the largest shift for all types of permitted industrial buildings and at least one additional space for each 1,000 sq. ft. of floor space. Adequate docking space shall be provided so that no loading or unloading operation shall take place from any public or private way.

- h) No part of any industrial operation shall be located nearer than 200 ft. to any pre-existing residence. A green belt not less than 30 ft. wide shall be provided adjacent to residential district boundary lines, in a manner which will best shield said residential district. For the purpose of this section, a green belt is defined as a protective screen which shall be planted and maintained with evergreen trees or shrubs, not more than 15 feet apart or less than 6 feet high at the time of planting.

***P. INDUSTRIAL DISTRICT IV*** *(Deleted in its entirety May 13, 2003)*

***Q. FLOOD PLAIN/WETLAND PROTECTION DISTRICTS***

1. Purpose: In addition to the purpose in Section I of this Bylaw, the purposes of this district are:

- a) To provide that lands in the Town of Medway subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof, or the public generally, or to burden the public with costs resulting from the unwise individual choices of land use.
- b) To protect, preserve and maintain the water table and water recharge areas within the town so as to preserve present and potential water supplies for the public health and safety of the Town and the Metropolitan area.
- c) To assure the continuation of the natural flow pattern of the watercourses within Medway and to preserve natural floodwater storage areas so as to protect persons and property against the hazards of flood inundation.

2. Flood Plain District:

- a) The Flood Plain District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain District includes all special flood hazard areas designated as Zone A, A1-30 on the Medway Flood Insurance Rate Maps (FIRM), and the Flood Boundary and Floodway Maps dated June 18, 1980 on file with the Town Clerk, Planning Board and Town Engineering Department. These maps as well as the accompanying Medway Flood Insurance Study are incorporated herein by reference.
- b) All that land bordering any natural waterbody that lies within a horizontal distance of twenty-five (25) feet from the mean high water line except as otherwise defined on the Flood Plain/Wetland Protection District Map.
- c) All water bodies encircled by boundary lines of the District.
- d) All that land along the following named brooks and their tributaries: Stall Brook, Hopping Brook, Chicken Brook and certain unnamed brooks and streams that lie within a horizontal distance of twenty-five (25) feet of the thread of said brooks and streams except as otherwise defined on the Flood Plain/Wetland Protection District Map.
- e) All those wetlands which may be described as upland swamps or marshes which lie at the source of the brooks or their tributaries or which lie in surface depressions without drainage outlets, as defined on the Flood Plain/Wetland Protection District Map.

3. Use Regulations:

- a) The Flood Plain/Wetland Protection District shall be considered as overlying other districts established by this Bylaw. Any uses permitted in the portion of the districts so overlaid shall be permitted except that:
  - 1) No new building or structure shall be erected or constructed;
  - 2) No existing building or structure shall be moved, altered or enlarged so as to

- 3) increase its ground coverage by more than a total of twenty (20) percent; and
  - 4) No dumping or filling or relocation of earth materials shall be permitted except as may be required for the uses permitted in paragraphs b. (7) and (8) below.
  - 4) No storage of road salt, fertilizer, manure or other organic or chemical leachable material shall be permitted.
- b) In addition, the following uses shall be permitted in the Flood Plain/Wetland Protection District subject specifically to paragraphs 3, a, 1, 2, 3 and 4 above, above as applicable provided that prior approval of the Conservation Commission under the provisions of the General Laws, Ch. 131, S. 40 has been given.
- 1) Uses directly related to the conservation of water, plants and wildlife.
  - 2) Outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted.
  - 3) Wildlife management areas, landings, foot, bicycle and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any water course.
  - 4) Grazing and farming, including truck gardening and harvesting of crops.
  - 5) Forestry and nurseries.
  - 6) Small non-residential structures of less than 100 square feet of floor area used in connection with recreation or the growing, harvesting, storage or sale of crops raised on the premises.
  - 7) Creation of ponds with a total water surface area at normal elevation not in excess of 40,000 square feet.
  - 8) Removal of salt and other accumulated debris from a water course which tends to interfere with natural flow patterns of the water course.
  - 9) Access driveways to land outside the Flood Plain/Wetland Protection District not otherwise accessible.
4. Lot Area Allowance: If any area of a lot in a single family residence district is overlaid by the Flood Plain/Wetland Protection District, said portion may be used to meet the area regulations of that district provided that no building or structure may be erected on the portion remaining outside the Flood Plain/Wetland Protection District unless appropriate space on that portion is available for siting a building or structure, for installation of adequate sewage disposal facilities in accordance with Article XI of the State Sanitary Code and for meeting the setback, frontage and other dimensional requirements in this Bylaw , but in no case less than 10,000 square feet.
- A lot with a dwelling existing thereon at the time of the adoption of this Bylaw shall not be deemed a non-conforming lot because any portion of it lies within the Flood Plain/Wetland Protection District.
- If any portion of a lot in a commercial or industrial district is overlaid by the Flood Plain/Wetland Protection District, any use of the lot shall require a special permit from the Board of Appeals.
5. Boundary Line Plot Plan: Whenever an application is made for a building permit which the Building Inspector believes may be affected by a Flood Plain/Wetland Protection District boundary, the Inspector shall require the applicant for such permit to provide as part of such application a plan, certified by a registered land surveyor, of the lot on which such building is intended to be built showing the exact location of the District boundary as described on the Zoning Map, "Flood Plain/Wetland Protection District, Medway, Mass. 1975" and in paragraph 2 herein. In the case of a building permit for an interior improvement to a building or structure where the outside dimensions and the total ground coverage are not to be increased, the boundary line location shall not be required.

6. Determination of Flooding and Suitability: If any land in the Flood Plain/Wetland Protection District is proven to the satisfaction of the Board of Appeals as being in fact not subject to flooding or not unsuitable because of drainage conditions for a use or structure which would otherwise be prohibited by this section, and the Board of Appeals determines that the use of such land for such use or structure will not interfere with the general purposes for which the District has been established, and will not be detrimental to the public health, safety and/or welfare, the Board of Appeals may grant a special permit for such use or structure which will comply with all respects with all other provisions of the underlying District or Districts within which the land is located, provided that any and all necessary permits, orders or approvals required by local, State or Federal law are obtained. The Board of Appeals shall refer each question to the Planning Board, Conservation Commission and Board of Health and shall not act until these agencies have reported their recommendations or 45 days have elapsed after such referral and no report have been received.
7. Special Permit Requirements: Any other Bylaw or regulation to the contrary notwithstanding, no construction requiring any utility, including electric, water, gas and telephone lines or waste disposal or drainage facilities shall be permitted within the District unless the Board of Appeals shall determine that all utilities are located, elevated and constructed so as to minimize or eliminate flood damage and that methods of disposal of sewage, refuse and other wastes and methods of providing drainage are adequate to reduce flood hazards.
8. If the Conservation Commission shall determine it necessary to require engineering, hydrological, or general site review in order to make an informed decision on the applicability of wetlands regulations to a given site, it may require the applicant to undertake the needed investigation. No such study shall be initiated until the applicant has provided written guarantee to the Commission that he/she will assume responsibility for its costs and terms of payment. The selection of a consultant for the study shall be subject to the approval of the Commission.

Any permit or Order of Condition issued under this requirement shall be released to the applicant only after receipt from the consultant of acknowledgment of payment or other satisfactory arrangement.

This requirement shall apply only to those projects or sites which the Conservation Commission shall determine to have a potentially significant impact upon the environment.



**R. SIGN REGULATION**

1. **PURPOSE:** It is recognized that signs perform important functions in the community. Signs are essential for the public safety and general welfare as well as for providing information about goods and services and providing orientation to the traveling public. It is further recognized that because of their impact on the visual and perceptual environment, signs must be regulated through restrictions on their size, height, location, type, design, texture, construction quality, quantity, maintenance and illumination. Therefore, the purposes of Sub-Section Q. Sign Regulation of SECTION V. USE REGULATIONS of the Medway Zoning Bylaw are to:
  - a) protect the public safety and convenience of the streets and roads, sidewalks and other pedestrian spaces along with the public property and private property within public view by providing a comprehensive and reasonable Sign Permit process;
  - b) ensure, through sign definitions, usage and regulations, that signs in the Town of Medway are appropriately scaled and proportional to the land, building and/or use to which they refer;
  - c) create a reasonable guidance and review process for signs to better protect and enhance property values, private investment in buildings, business viability, and economic opportunity;
  - d) minimize the current and potential visual clutter and height of signs by requiring conformance to the Bylaw and encouraging sign design excellence pursuant to the Design Review Guidelines as adopted by the Planning Board for use by the Design Review Committee.
  - e) prevent potential sign related hazards to vehicular and pedestrian traffic and minimize confusion and distraction resulting from excessive and/or disorganized sign displays by requiring easy recognition and legibility of all permitted signs;
  - f) protect, preserve and enhance for the Town of Medway, and its present and future inhabitants, the aesthetic, natural, scenic, historic, visual, and cultural qualities of the community by providing the process by which to guide and review signage applications and construction, with the ultimate intent of distinguishing the Town of Medway as a highly desirable community;
  - g) encourage sign design that is compatible with building architecture and neighborhood character and that promotes consistency among sign types while promoting legibility for sign efficiency and effectiveness;
  - h) provide processes to better assist the Town in meeting the goals, objectives and implementing actions of the Medway Master Plan.
2. **APPLICABILITY:** Except as provided herein, no sign shall be erected, constructed, reconstructed, enlarged, redesigned, repaired, replaced, relocated or altered in any way until a Sign Permit has been issued by the Inspector of Buildings.
3. **OVERVIEW:** A Sign Permit issued by the Inspector of Buildings shall be required for all permanent signs unless specifically exempted from this requirement pursuant to this section of the Zoning Bylaw . The Inspector of Buildings shall review all applications for a Sign Permit to determine the extent of permitting necessary and whether the proposed sign complies with this Bylaw . Before acting on an application for a Sign Permit for any sign of eight (8) or more square feet of sign surface area or for any freestanding sign, the Inspector of Buildings shall forward such application to the Design Review Committee for consultation and recommendation. For such applications, a recommendation from the Design Review Committee shall be provided to the Inspector of Buildings prior to the issuance of a Sign Permit.

4. **DEFINITIONS:** In Sub-Section Q, the following terms shall have the meaning as defined herein.

- a) *Building Sign Frontage* - The distance in feet of the interior width of space occupied by an establishment based on the building side that faces a public or private street, way, or parking area.
- b) *Eave* - The projecting lower edges of a roof overhanging the walls of a building.
- c) *Establishment* - A separate and distinct use, business, enterprise, institution or organization occupying space within a building.
- d) *Façade* - The substantially vertical exterior surface of a building or structure exposed to public view.
- e) *Master Signage Plan* – A written and graphic document, submitted during the Site Plan process and reviewed by the Design Review Committee, that portrays a coordinated signage scheme for all signs for a building that contains two or more establishments, or a multi-tenant development. A Master Signage Plan shall address sign type, design, location, dimensions, surface area, materials, and lighting.
- f) *Multi-Tenant Development* - A group of two or more establishments located in one or more buildings on one or more lots of land under single or multiple ownership, that is designed, planned, constructed or managed as a single entity, with customer and employee parking provided on-site. This includes but is not limited to what is commonly understood and recognized to be a shopping center, office park, or industrial park.
- g) *Parapet* – A low wall or railing that extends above the roof.
- h) *Roof* – The primary outside protective covering of the top of a building. This includes but is not limited to hip, gable, flat, gambrel, mansard and shed roof types. Roof shall also mean the exterior protective covering affixed to the top of all other elements projecting from a building façade or its roof including but not limited to porches, dormers or other similar appurtenances.
- i) *Sign* - Any object, design, device, display or structure intended for public view from outside a building, used by a private or public entity to identify, announce, advertise or direct attention to any place or location, object, business, institution, organization, profession, merchandise, product, activity, service, event, person, idea or statement, or to communicate information of any kind to the public by any means including words, letters, figures, designs, pictures, symbols, fixtures, colors, and illumination. Sign shall mean and include any permanent or temporary structure, models, objects, banners, pennants, insignias, trade flags, or other representations that are on a public way or on private property within public view from a public or private street, way or parking area. Any exterior structural surface that is internally or indirectly illuminated or decorated with gaseous tubes or other lights is considered to be a Sign.
- j) *Sign Height* – The shortest vertical distance from grade at sign structure base to the top of the sign structure.
- k) *Sign Structure* - All physical components of and related to a sign including the base, supports, framing elements and detailing, but not including the sign face.
- l) *Sign Surface Area/Sign Face*
  - (1) The sign surface area /sign face shall be considered to be that of the smallest single rectangle as measured with vertical and horizontal lines, enclosing the entire graphic display area of a sign including all lettering and wording, all accompanying designs,

logos, or symbols, and the extreme limits thereof of the accompanying mounting panel that is attached to the building façade.

- (2) In calculating the sign surface area, there shall be no deductions for open space or other irregularities between letters and designs, symbols and logos. For a freestanding sign, all open spaces between individual sign panels shall be included in calculating the sign surface area/sign face.
- (3) All faces of a multi-faced sign shall be counted in computing a sign's total sign surface area.
- (4) Structural members, framework and bracing for awning, marquis and canopy structures that are incidental to the sign itself and do not bear advertising matter shall not be included in computing sign surface area unless such are internally illuminated.

m) *Types of Illumination*

(1) *External*

(a) *Direct* - Artificial illumination from a light source/fixture/device which provides light directly onto the sign face, or portions of the sign face, or its background, which light is then reflected back to the viewer, e.g. overhead or ground mounted spotlights.

(b) *Indirect* - A form of external illumination whereby the placement of the artificial light device is such that the source of light cannot be seen from a public way.

- (2) *Internal* – Artificial illumination from a light source located behind the sign face and which transmits or allows light to pass through the front of the sign face or portions of the sign face to the viewer, e. g. exposed neon tubing and individually illuminated channel letters.

n) *Types of Signs*

- (1) *Back Lighted Letter Sign* – An internally illuminated reverse channel letter sign comprised of letters, symbols, or logos, where the front and side sign faces are fabricated of an opaque material, and the back face is open or has a translucent surface, such that the light from the sign is directed against the surface behind the sign producing a halo effect around it.
- (2) *Banner* – A sign of lightweight fabric or similar material that is affixed at one or more edges or corners to a substantially vertical surface including but not limited to a pole, tree, fence or building. Official flags of any institution, organization or business are banners.
- (3) *Beacon* – Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source. Also, any light with one or more beams that rotate or move.
- (4) *Box/Cabinet Sign* – An enclosed sign structure with a distinct frame and face components. This includes but is not limited to a pan face sign as defined herein and sign panels for individual establishments that may be included in a freestanding sign.
- (5) *Channel Letter Sign* – A sign of fabricated or formed three dimensional letters, symbols or logos that contains an internal light source, where the back and side faces of the sign are fabricated of an opaque material and the face is translucent such that the light is directed outward and away from the sign face.

- (6) *Construction Sign* – A sign, erected on a premises or lot on which construction is taking place, that is in place only during the period of such construction. Such sign typically indicates the names of owners, developers, architects, engineers, landscape architects, contractors, lenders, realtors, and other similar individuals or firms having a role or interest with respect to the structure or project.
- (7) *Dimensional Letter Sign* – Letters, logos, or symbols that are cut out, cast, molded or fabricated to create a raised condition from the surface to which they are attached.
- (8) *Development Sign* – A permanent, freestanding sign used to display the name and address of a multi-tenant development as defined herein.
- (9) *Directory Sign* – A one-sided sign that identifies the names and/or locations of establishments in a multi-tenant building or multi-tenant development. A directory sign may be attached to a building or structure. A directory sign may also be a freestanding sign placed along a road or access way leading to multi-tenant building or though a multi-tenant development, or in a pedestrian area. A directory sign may include arrows to assist in guiding vehicular and pedestrian traffic to the establishments so listed.
- (10) *Drive-Thru Menu Sign* – A freestanding sign that displays the menu of a drive-thru restaurant.
- (11) *Freestanding Sign* - A non-movable sign not affixed to any building, but constructed on a permanently fixed location on the ground with its own support structure and displaying a sign face on one or more sides. Freestanding signs include but are not limited to:
  - (a) *Pole Sign* – A sign that is mounted on a freestanding pole(s), column (s) or other support device; also often referred to as a pylon sign.
  - (b) *Ground/Monument Sign* - A sign, other than a pole sign, with a lower overall height in which the entire bottom is in contact with or close to the ground, independent of any other structure.
  - (c) *Tower Sign* – A sign, other than a pole or ground/monument sign, that is incorporated into a built structure with more than two sign faces.
- (12) *Inflatable Sign* – Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise an establishment, product or event.
- (13) *Moveable Sign* - A sign which is not permanently attached to the ground or to a building or permanent structure, but is intended to be portable or transported including but not limited to signs designed to be transported by means of wheels; signs converted to an A-Frame, H-Frame or T-Frame placed on the surface of the ground or temporarily staked into the ground; menu and sandwich board signs; balloons used as signs; umbrellas used as advertising; and signs attached to or painted on or placed on a vehicle parked and visible from the public right-of-way unless said vehicle is regularly used in the normal day-to-day operations of the businesses. This shall not apply to moveable signs related to agricultural products.
- (14) *Off-premises sign* – A sign which advertises a business, service, product, commodity, entertainment or similar object or activity which is conducted, sold or offered on a lot other than the lot on which the sign is permanently erected, or for an establishment or development which is not located on the street to which the sign is oriented.
- (15) *Pan Face Sign* – A sign in which the face is molded into a three (3) dimensional shape. Also referred to as molded face, molded and embossed face, or molded and debossed

face.

- (16) *Pavement Sign* – A sign that is marked on the pavement around or adjacent to an establishment's location.
- (17) *Pennant* – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, or other such device, usually in series, designed to move in the wind.
- (18) *Political Sign* – A temporary sign announcing or supporting political candidates or issues in connection with any national, state, county, or local election.
- (19) *Product Sign* – Any sign which bears advertising directly related to specific brands/products/services for sale at the establishment to which the sign is accessory.
- (20) *Projecting Sign* – A sign, other than a wall sign, affixed to a building or wall in such a manner that its leading edge extends more than eight (8) inches beyond the surface of such building or wall. Projecting signs include but are not limited to:
  - (a) *Awning/Canopy Sign* – Any sign that is part of, attached to, or incorporated within an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area.
  - (b) *Banner* – A banner shall be considered to be a projecting sign if the sign face projects more than eight (8) inches from any face of the building.
  - (c) *Marquee Sign* – Any sign attached to a permanent roof-like structure projecting beyond a building or extending along and projecting beyond any face of the building, generally designed and constructed to provide protection from the weather.
  - (d) *A Suspended Sign* - A sign that is suspended or cantilevered from and supported by a building, wall, or pole in such a way that the sign is perpendicular to the façade, wall or pole to which it is attached. Also referred to as a shingle or blade sign.
- (21) *Push Through Sign* – A sign in which the letters, symbols and logos are cut out of the sign face and where a backing material is mounted on the inside of the sign face so that the backing material is flush with or extends through and beyond the front plane of the sign face. Push through signs are normally internally illuminated so that only the letters, symbols, and logos, not the background, are visibly lit.
- (22) *Real Estate Sign* – A sign advertising information about the sale, lease or rental of the premises to which it is accessory.
- (23) *Residential Development Sign* – A permanent sign positioned at the entrance to a residential neighborhood such as a single-family subdivision, multi-family apartment or condominium complex
- (24) *Restaurant Menu Sign* – A wall mounted sign which displays the menu of a restaurant located in the building to which the sign is accessory
- (25) *Roof Sign* – A sign that is affixed to or in any way projected above or on the roof. This shall include but is not limited to any sign affixed to the sloping face of a mansard, gambrel, gable, hip, or shed roof.

- (26) *Special Event Sign* - A sign which by its design and/or use is temporary in nature, frequently composed of paper, poster board, cardboard, fabric, canvas, vinyl, plastic, or other durable material, displayed for a period not to exceed fifteen (15) days, or the period to which the information on the sign is relevant, whichever is less, advertising a special event, sale, or service. The date of sign posting shall be included on the sign.
- (27) *Temporary Business Sign* – A sign normally fabricated of vinyl, plastic, canvas, plywood, or other durable material, designed or intended to be displayed for a period not to exceed ninety (90) days, for purposes of temporarily identifying the location of an establishment until a permanent sign is installed. The date of the sign posting shall be included on the sign.
- (28) *Variable Message Sign* – A sign that includes provisions for message changes. Also referred to as a changeable copy panel, changeable copy sign, or reader board sign.
- (29) *Wall Sign* - A sign which is permanently affixed to the façade of a building or structure, or to its porch, canopy, awning, such that its exposed face and all sign surface areas are parallel or approximately parallel to the plane of the building or wall to which it is attached or mounted, including such signs as may be affixed to a parapet. Wall signs may include but are not limited to window, channel letter, back lighted letter, dimensional letter, box/cabinet, pan face, and push through type signs.
- (30) *Window Sign* – A sign located, positioned, attached or affixed on or behind the glass surface of a window or door and intended to be visible from the outside of a building.
- o) *Vehicle, stationary* - A motor vehicle, not customarily used to transport persons, properties, merchandise or materials, which is regularly positioned and intended for public view from a public or private street, way or parking area.

5. ***SIGNS EXEMPT FROM REGULATION:*** The following signs meeting the criteria below do NOT require a Sign Permit from the Inspector of Buildings but must be constructed and maintained as specified in Paragraph 7. Exempt signs, if illuminated, shall be done so by external or indirect means only. Internal illumination of exempt signs is not permitted.

- a) *Exempt Signs in All Zoning Districts*
  - (1) Flags, emblems and insignia of any governmental agency except when displayed in connection with commercial promotion.
  - (2) Legal notices, or informational devices erected or required by public agencies.
  - (3) Standard fuel signs on service station fuel pumps bearing thereon in usual size and form, the name, type, and price of gasoline or other fuels
  - (4) Integral decorative or architectural features of a building, except letters, trademarks, moving parts, or parts internally illuminated or decorated with gaseous tube or other light
  - (5) On-premise devices guiding and directing traffic and parking such as entrance and exit signs, each not exceeding four (4) square feet in sign surface area, bearing no advertising matter.
  - (6) Official historic markers and commemorative tablets or plaques erected by a recognized historical agency or governmental body, not exceeding four (4) square feet in sign surface area.

- (7) Signs up to two (2) square feet in sign surface area, used for identifying rest rooms, telephones and other public facilities.
- (8) Temporary festive lighting in observance of a national or religious occasion.
- (9) Construction Signs - One (1) construction sign per residential or business development, not exceeding thirty-two (32) square feet in sign surface area with a single face not exceeding twenty-four (24) square feet. Such signs shall not be erected prior to the endorsement of a subdivision or site plan approved by the Town and shall be removed within fourteen (14) days after completion of construction or the issuance of the occupancy permit for the last building, whichever occurs first.
- (10) Real Estate Signs – One real estate sign per lot, not in excess of eighteen (18) square feet in sign surface area.
- (11) Political signs.
- (12) Signs not to exceed one (1) square foot in sign surface area per sign relative to the posting of “*Private Property*.”
- (13) Barber shop poles of usual size and form.
- (14) “*Open*” or “*Welcome*” signs not exceeding six (6) square feet in sign surface area, not to exceed one such sign per establishment
- (15) Traffic control or directional signage owned or installed by a governmental entity including handicap-parking signs.
- (16) Religious organizations - The following signs are allowed without permit:
  - (a) One (1) bulletin or announcement board, identification sign, or entrance marker for the premise upon which a church, synagogue, mosque, temple, or other officially recognized religious institution is located, not exceeding thirty-two (32) square feet in sign surface area with a single face not exceeding twenty-four (24) square feet.
  - (b) Temporary non-commercial signs advertising an event or activity related to or conducted by a church, synagogue, mosque, temple, or other officially recognized religious institution, not exceeding twelve (12) square feet in sign surface area.
  - (c) Other signs on the property shall be subject to regulations pertaining to the sign standards in Paragraphs 7 & 8.
- (17) Seasonal signs advertising produce and horticultural goods provided that such sign shall not exceed twenty (20) square feet of sign surface area nor shall any sign exceed six (6) feet in height, or be exhibited for more than one-hundred and twenty (120) days.
- (18) Banner signs affixed to poles, not in excess of three (3) square feet of sign surface area per side, incorporating only seasonal graphic designs.
- (19) Wall mounted restaurant menu signs not exceeding six (6) sq. ft. in sign surface area.
- (20) Special event signs not exceeding twenty-four (24) sq. ft. in sign surface area advertising community oriented events sponsored by local civic and non-profit organizations.
- (21) Pavement signs that provide direction to vehicular traffic and bear no advertising matter.

b) *Exempt Signs in all Agricultural and Residential Zoning Districts*

- (1) Resident identification signs not exceeding six (6) square feet in sign surface area displaying the name of the owner or occupant, street number and name, and any accessory permitted use or occupation engaged in thereon as approved by the Zoning Board of Appeals or provided for by the Zoning Bylaw.
- (2) Temporary non commercial signs not exceeding six (6) square feet in sign surface area advertising home, bake, yard, rummage or garage sales, or personal messages and announcements, provided that such signs shall not be displayed more than seven (7) days.

c) *Exempt Signs in all Commercial and Industrial Zoning Districts*

- (1) Special event signs which shall not occupy an area in excess of twenty (20) percent of the area of the window glass to which they are affixed, and shall pertain only to the establishment's own special sale, event or service lasting no more than fifteen (15) days.
- (2) Temporary business sign.
- (3) One (1) wall mounted directory sign, as defined herein, attached to the front of a building adjacent to its main entrance not exceeding eight (8) square feet in sign surface area.
- (4) One (1) permanent window sign, as defined herein, per establishment located above the first story of the building in which the establishment is located provided that:
  - (a) The sign surface area does not exceed twenty (20) percent of the area of the glass of the window or six (6) square feet, whichever is less.
  - (b) The window is part of the premises to which the sign is accessory;
  - (c) The sign consists of individual letters or symbols affixed to the window or mounted on a clear, transparent background;
  - (d) The individual symbols or letters do not exceed six (6) inches in height;
- (5) One (1) permanent wall or projecting sign per establishment located on the building façade above the first floor of the building in which the establishment is located provided that:
  - (a) the sign surface area of the sign shall not exceed six (6) square feet.
  - (b) the location on the façade where the sign is attached is part of the premises to which the sign is accessory.
- (6) Permanent, signs painted on or attached flat against the surface of an awning on the ground floor of a building provided that:
  - (a) The total sign surface area does not exceed two (2) square feet and the height of individual letters or symbols does not exceed six (6) inches;
  - (b) The sign consists of individual letters or symbols affixed to or printed on the fabric of the awning;
  - (c) No other form of graphic, logo or symbol appears on the awning.
- (7) All exempt signs as specified in Paragraph 5 b).

6. **PROHIBITED SIGNS:** Any sign not expressly permitted under this Bylaw, or exempt from regulation as specified in Paragraph 5 is prohibited. Prohibited signs include, but are not limited to:



- a) Beacons
- b) Signs that advertise or call attention to any activity, business, product or service no longer sold, produced, or conducted on the premises upon to which the sign is accessory.
- c) Signs which contain or consist of pennants, ribbons, streamers, spinners, or other similar devices which flash, rotate or make noise, except that the date and time of day, indicated by moving hands of a clock, may be displayed, and only if the clock face and support structure bear no advertising matter
- d) Signs which have blinking, flashing, or fluttering lights, strings of light bulbs, or other illuminating devices except that the date and time of day, or temperature may be displayed by numerals which may change periodically
- e) Roof signs and signs affixed to any type of roof.
- f) Moveable or portable signs
- g) Signs which overhang any public way or public property except projecting signs as allowed herein
- h) Signs which by reason of illumination, location, shape, size, or color interfere with traffic or confuse or obstruct the view or effectiveness of any official traffic sign, traffic signal, or traffic markers. Any imitation of official traffic signs or signals and the use of such words as STOP, LOOK, DANGER, GO SLOW, CAUTION, or WARNING, which may be confused with or obstruct the view of any authorized traffic sign or signal
- i) Signs erected so as to obstruct the visibility at intersections, driveways or outlets, or block any door, window, stairway or fire escape on a building
- j) Neon tubing outlining the perimeter of a window, affixed to the interior or exterior of a window
- k) Variable message signs
- l) Signs on stationary vehicles, not including “*For Sale*” signs
- m) Tower signs
- n) Product signs fastened to a pole or between poles, or staked in the ground
- o) Inflatable signs
- p) Pavement signs that contain advertising matter
- q) Signs that are attached to utility poles other than special event signs that advertise community-oriented events sponsored by local civic and non-profit organizations

## **7. *SIGN STANDARDS - ALL ZONING DISTRICTS***

- a) For individual establishments, all signs shall be located on the same lot with the principal use to which they pertain except as provided in Paragraph 10. However, a freestanding directory and a development sign may be located on any lot within the multi-tenant development to which the sign is accessory.

- b) No sign shall be painted or posted directly on the exterior surface of any building or wall. All signs shall be painted, posted or otherwise securely affixed to a substantial intermediary removable surface that shall be securely affixed to the building. The foregoing, however, shall not prevent the installation of a sign consisting of individual letters or devices that are securely affixed to the exterior wall of the building.
- c) No sign, portion of a sign, or structural support for such sign shall be located on the roof of a building, except that for a one-story building having a continuous parapet above the roof line, signs may be placed below the highest point of such parapet rather than below the roof line.
- d) Except as may be provided herein for temporary signs, all signs shall be permanently mounted on a building or structure or permanently installed in the ground.
- e) Each individual establishment shall be restricted to no more than three (3) permanent signs for which a permit shall be secured.
- f) Signs near traffic signals or intersections shall not obscure visibility or create confusion when viewed from a vehicle stopped at or approaching a signal or intersection.
- g) *Projecting Signs* - The height of a projecting sign where it is affixed to a façade shall not exceed twelve (12) feet provided that the top of the sign structure is below the sill line of the second floor windows or below the height of the eave, whichever is less. If positioned over a pedestrian walkway, projecting signs shall be at least eight (8) feet above the finished grade immediately below the sign.
- h) Special event signs displayed in the windows and doors of ground floor establishments shall not occupy an area in excess of thirty (30) percent of the area of the window or door glass to which the sign is affixed.
- i) For a ground floor establishment occupying a location that provides two or more building sign frontages, the maximum sign surface area permitted for wall signs shall be 2X the amount of sign surface area that is allowed by the sign standard requirements of the respective zoning district. Said factor shall be applied to the building sign frontage where the establishment's main public entrance is located or, in the instance of a corner entrance, to the longest building sign frontage.
- j) *Sign Illumination* – Where illumination of signs is allowed by the Sign Standards of the respective zoning districts, the allowed illumination must conform to the following:
  - (1) All lighting shall be continuous and installed in a manner that will prevent direct light from shining onto any street or adjacent property. External light fixtures shall be hooded or shielded to reduce light pollution in the sky. Flashing, traveling or intermittent light creating flashing, moving, changing or animated graphics is prohibited, except that a warning sign, a device intended to tell the time and temperature, day and date, or official traffic and directional signs may have changing illumination.
  - (2) Except for clocks, sign illumination is permitted only between the hours of 7:00 a.m. and 11:00 p.m., except that the signs of commercial and industrial establishments may be illuminated during any hours that these establishments are open to the public or in operation. Illuminated signs on public buildings and land are exempt from this provision when such signs pertain to the public's safety and general welfare.
  - (3) Only white lights shall be used for the external illumination of a sign. Such illumination shall be shaded, shielded, directed and maintained at a sufficiently low intensity and brightness that it shall not affect the safe vision of operators of vehicles moving within the premises or on any adjacent public or private ways.
  - (4) In all zoning districts, no outdoor floodlighting or decorative lighting shall be permitted except lighting primarily designed to illuminate walks, driveways, outdoor living areas, or outdoor

recreational facilities, and except temporary holiday lighting in use for not longer than a six (6) week period in any calendar year. Any permanent lighting permitted by the preceding sentence shall be continuous, external or indirect, and installed in a manner that will prevent direct light from shining onto any street or adjacent property.

- (5) The front faces of internally illuminated channel letter type signs shall have non-clear surfaces such that the neon tubing is not directly visible.
- k) Freestanding directory signs shall be set back a minimum of seventy-five (75) feet from a public way and shall not exceed sixteen (16) sq. ft. in sign surface area per sign. The design and placement of freestanding directory signs shall be prescribed in the master sign plan developed during the site plan approval process.
- l) *Sign Maintenance*
  - (1) Signs shall be constructed and maintained in a structurally sound and attractive manner in compliance with the State Building Code.
  - (2) All signs, together with their structural elements, shall be kept in good repair, in a proper state of preservation, and in a safe condition to the satisfaction of the Inspector of Buildings.
  - (3) When any sign structure becomes insecure, in danger of falling, or is otherwise unsafe or poorly maintained as evidenced by illegibility or excessive defacement or missing sections, or if any sign is unlawfully installed, erected or maintained in violation of any of the provisions of the Zoning Bylaw, the Inspector of Buildings may enforce this and direct the owner, or the lessee thereof, or the person or firm maintaining same, to make such sign structure conform to the provisions of this Bylaw. Failure to maintain and/or correct said sign structure(s) as directed by a written notice from the Inspector of Buildings may constitute immediate non-conformance with this Bylaw.
  - (4) In any zoning district, an existing sign structure shall be removed within sixty (60) days, or such further reasonable period as allowed by the Inspector of Buildings, following the permanent closing of the establishment. The expense of such removal shall be that of the owner or lessee thereof.
- m) Landscaping is required around the base of all freestanding signs and a landscaping plan shall be provided with the sign permit application.
- n) For any restaurant approved for drive-thru service, two (2) one-sided freestanding drive-thru menu signs are permitted; one sign shall not exceed forty (40) sq. ft. of sign surface area and the other sign shall not exceed twenty (20) sq. ft. of sign surface area. The sign height of drive-thru menu signs shall not exceed eight (8) feet. Such signs shall not be viewable beyond the boundaries of the restaurant site.
- o) Special event signs shall not exceed sixty-four (64) sq. ft in sign surface area.
- p) The size of a temporary business sign shall be the size allowed for a wall sign for the zoning district in which the establishment is located.

8. **SIGN STANDARDS** - Except as exempted in Paragraph 5 and limited as provided in Paragraph 7, signs which do not exceed the criteria as specified in the following tables are allowed by right through application for a Sign Permit from the Inspector of Buildings. When noted in the tables, NA means non applicable.

**TABLE 1**

<b>Agricultural and Residential Districts I and II</b>					
	<b>Total Maximum Sign Surface Area (square feet)</b>	<b>Maximum # of Signs</b>	<b>Maximum Sign Height (feet)</b>	<b>Minimum Setback from any Street Lot Line (feet)</b>	<b>Illumination</b>
<b>Freestanding Sign</b>	12	1 per lot	6	10	External
<b>Projecting Sign</b>	8	1 per establishment	See Paragraph 7 g)	NA	External
<b>Residential Development Sign</b>	32	1 per development	6	10	External

**TABLE 2**

<b>Commercial Districts I, II &amp; VI - (i.e. "Route 109 Business Districts")</b>					
<b>Individual Freestanding Establishment</b> <i>NOT Located in a Multi-Tenant Development (such as Burger King)</i>					
	<b>Total Maximum Sign Surface Area (square feet)</b>	<b>Maximum # of Signs</b>	<b>Maximum Sign Height (feet)</b>	<b>Minimum Setback from any Street Lot Line (feet)</b>	<b>Illumination</b>
<b>Wall Sign</b>	Building Sign Frontage x 1.0 not to exceed 120 per establishment *	2 per establishment not to exceed 1 per building face	NA	NA	External Internal
<b>Freestanding Sign</b>	48 not to exceed 36 per sign face	1 per establishment	8	10	External
<b>Projecting Sign</b>	12	1 per establishment	See Paragraph 7 g)	NA	External

Unless an establishment has two or more building sign frontages. If so, see Paragraph 7, i).

**TABLE 2 – Continued**

<b>Commercial Districts I, II &amp; VI - ( i.e. “Route 109 Business Districts”)</b>					
<b>Multi-Tenant Development – 5 Acres or More</b> (On a Lot or Lots Comprised of 5 or More Acres such as Medway Commons)					
	<b>Total Maximum Sign Surface Area (square feet)</b>	<b>Maximum # of Signs</b>	<b>Maximum Sign Height (feet)</b>	<b>Minimum Setback from any Street Lot Line (feet)</b>	<b>Illumination</b>
<b>Development Sign</b>	<b>Primary</b> 100 not to exceed 75 per sign face  <b>Secondary</b> 30 not to exceed 20 per sign face	1 per approved curb cut not to exceed 1 per street frontage.  One sign shall be considered to be the primary sign and all others shall be considered to be secondary signs.	<b>Primary</b> 12  <b>Secondary</b> 6	<b>Primary</b> 15  <b>Secondary</b> 10	External
<b>Individual Establishment Wall Sign</b>	Building Sign frontage X 1.0 not to exceed 120 per establishment *	3 for a freestanding establishment not to exceed 1 per façade  1 for an establishment located in a multi-tenant building	NA	NA	External Internal
<b>Individual Establishment Projecting Sign</b>	12	1 per establishment	See Paragraph 7 g)	NA	External
<b>Freestanding Directory Sign</b>	16	Per Master Signage Plan	6	See Paragraph 7 k)	External
<b>Multi-Tenant Development – Less Than 5 Acres</b> (On a Lot or Lots Comprised of Less Than 5 Acres such as Gould's Plaza)					
<b>Development Sign</b>	60 not to exceed 40 per sign face	1 per development	8	10	External Indirect
<b>Individual Establishment Wall Sign</b>	Building Sign Frontage X 1.0 not to exceed 80 per establishment *	1 per establishment	NA	NA	External Internal
<b>Individual Establishment Projecting Sign</b>	12	1 per establishment	See Paragraph 7 g)	NA	External
<b>Freestanding Directory Sign</b>	16	Per Master Signage Plan	6	See Paragraph 7 k)	External

\* Unless an establishment has two or more building sign frontages. If so see Paragraph 7, i )

**TABLE 3**

<b>Commercial Districts III &amp; IV – “Village Districts” Commercial District V – Intersection of Routes 109/126</b>					
	<b>Total Maximum Sign Surface Area (square feet)</b>	<b>Maximum # of Signs</b>	<b>Maximum Sign Height (feet)</b>	<b>Minimum Setback from any Street Lot Line (feet)</b>	<b>Illumination</b>
<b>Wall Sign</b>	Building Sign Frontage x 1.0 not to exceed 30 per establishment*	1 per establishment	NA	NA	External
<b>Freestanding Sign or Development Sign</b>	40 not to exceed 30 per sign face	1 per lot	6	8	External
<b>Projecting Sign</b>	12	1 per establishment	See Paragraph 7 g)	NA	External

\* Unless an establishment has two or more building sign frontages. If so, see Paragraph 7, i).

**TABLE 4**

<b>Industrial Districts I, II, III &amp; IV</b>					
	<b>Total Maximum Sign Surface Area (square feet)</b>	<b>Maximum # of Signs</b>	<b>Maximum Sign Height (feet)</b>	<b>Minimum Setback from any Street Lot Line (feet)</b>	<b>Illumination</b>
<b>Development Sign</b>	<div>Primary 80 not to exceed 60 per sign face</div> <hr/> <div>Secondary 30 not to exceed 20 per sign face</div>	<div>1 per approved curb cut not to exceed 1 per street frontage.</div> <div>One sign shall be considered to be the primary sign and all others shall be considered to be secondary signs.</div>	<div>Primary 12</div> <hr/> <div>Secondary 6</div>	<div>Primary 15 from any street lot line</div> <hr/> <div>Secondary 10 from any street lot line</div>	External
<b>Individual Establishment Wall Sign</b>	Building Sign Frontage x 1.0 not to exceed 100 per establishment*	2 per establishment	NA	NA	External Internal
<b>Individual Establishment Freestanding Sign</b>	40 not to exceed 30 per sign face	1 per establishment	6	10	External
<b>Freestanding Directory Sign</b>	16	Per Master Sign Plan	6	See Paragraph 7 k)	External

\* Unless an establishment has two or more building sign frontages. If so, see Paragraph 7, i).

9. **ADMINISTRATION – Sign Permits**

- a) **Sign Permit:** No sign shall be erected, constructed, reconstructed, enlarged, redesigned, repaired, replaced, relocated or altered in any way without a Sign Permit issued by the Inspector of Buildings in conformance with the Zoning Bylaw, unless specifically exempted from this requirement as provided in Paragraph 5 herein.
- b) **Application:** Application for a Sign Permit shall be made to the Inspector of Buildings on a specified form. The applicant shall provide the following information:
  - (1) the name, address, telephone number, and signature of the sign owner, sign maker/installer and property owner, developer or their designee
  - (2) the proposed location and position of the sign in relation to the site and building;
  - (3) a scaled drawing/sketch/rendering depicting the design, dimensions including all sign surface areas and sign heights as defined herein, construction materials, means of support, and sign colors.
  - (4) the proposed illumination plan including the type of lighting, fixture specifications, and dimensions of sign area to be illuminated;
  - (5) photographs showing existing building with signs to be maintained on the premises;
  - (6) a sketch showing the building sign frontage calculation;
  - (7) for any freestanding sign, a landscape design plan that illustrates the proposed landscape treatment including placement and type of all plant beds and plant matter and any accent lighting and supplementary landscape features such as walls, fencing and paving.
  - (8) such other pertinent information as the Inspector of Buildings may require to insure compliance with this Bylaw and other applicable Laws, all of which constitutes a complete application.
- c) **Fees:** Fees for Sign Permits shall be paid in accordance with a schedule of fees set forth by the Inspector of Buildings as approved by the Board of Selectmen.
- d) **Disapproval** – The Inspector of Buildings shall determine if the sign application is complete and if the proposed sign complies with the Zoning Bylaw. Proposed signs that are specifically prohibited herein shall be grounds for the Inspector of Buildings to immediately disapprove an application for a Sign Permit.
- e) **Referral to Planning Board**
  - (1) Upon receipt, the Inspector of Buildings shall immediately forward a complete Sign Permit application for any freestanding sign and for any individual sign that has eight (8) square feet or more of sign surface area which complies with the requirements of the Zoning Bylaw, to the Design Review Committee for review and consultation.
  - (2) The Design Review Committee shall review an application for a Sign Permit that has been forwarded to it from the Inspector of Buildings for consistency with Paragraph 1 herein and for compliance with the Planning Board's *Design Guidelines*. The Design Review Committee shall also review the Sign Permit application for consistency with any applicable Master Signage Plan that may have been approved for a project during the site plan process.
  - (3) An Applicant for a Sign Permit that is referred to the Design Review Committee shall meet with the Design Review Committee so that sign plans may be reviewed and modifications may be suggested that would result in signage more in keeping with Paragraph 1 and the Planning Board's *Design Guidelines*.

- (4) Within eighteen (18) days of its receipt of an application from the Inspector of Buildings, the Design Review Committee shall provide a written recommendation to the Inspector of Buildings and the applicant. The recommendation shall reference the proposed sign's consistency and/or inconsistency with Paragraph 1 herein and the Planning Board's *Design Guidelines*. Failure on the part of the Design Review Committee to provide a written recommendation to the Inspector of Buildings within the required time shall be deemed to be a positive recommendation.
- f) **Timetable**
  - (1) The Inspector of Buildings shall issue a Sign Permit or denial thereof within thirty (30) days of the date that a complete Sign Permit application is received.
  - (2) For signs referred to the Design Review Committee, the Inspector of Buildings shall not act on such a Sign Permit application until he has received a recommendation from the Design Review Committee, or eighteen (18) days have elapsed from the date the Inspector of Buildings provided the sign application to the Design Review Committee or thirty (30) days have passed since the date a complete Sign Permit application was received by the Inspector of Buildings.
- g) **Lapse of Sign Permit:** A Sign Permit shall lapse if the business activity specific to a sign(s) is discontinued for a period of one hundred twenty (120) days.
- h) **Nullification:** A Sign Permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months from the date the permit was issued, provided however, that the Inspector of Buildings may, at his discretion, issue extensions covering a period not to exceed one (1) year from the date of issue of the original Sign Permit.
- i) **Inspections:** The applicant or sign maker shall notify the Inspector of Buildings after the sign has been installed. Within thirty (30) days thereof, the Inspector of Buildings shall complete a final inspection. Any discrepancies between the approved sign and the sign as constructed shall be identified and may result in the halt of construction, or sign removal and reconstruction in accordance with the approved sign permit, if so ordered by the Inspector of Buildings.
- j) **Violations:** Any of the following shall be a violation of the Zoning Bylaw and shall be subject to the enforcement remedies and penalties provided herein and by state law:
  - (1) to install, create, erect or maintain any sign in a manner that is inconsistent with any approved site plan or permit governing such sign.;
  - (2) to install, create, erect or maintain any sign requiring a permit without having secured such a permit;
  - (3) to fail to remove any sign that is installed, created, erected, or maintained in violation of the Zoning Bylaw or for which the Sign Permit has lapsed;
  - (4) to continue any such violation.
- k) **Enforcement:** The Inspector of Buildings is authorized and directed to enforce the provisions of the Zoning Bylaw. Signs that are found to be in violation may be cited by the Inspector of Buildings, either by notice to be affixed to the sign, or by notification of the sign owner or property owner by certified mail. The Inspector of Buildings may remove or cause to be removed any sign that is not maintained, that is newly constructed but non-conforming, or endangers public safety, or for which no Sign Permit has been issued. Notwithstanding the above, it is the sign owner's responsibility to maintain the sign to protect the public.
- l) **Revocation:** The Inspector of Buildings may revoke a Sign Permit if it is found that there has



been concealment or misrepresentation of material facts in either the application or plans.

- m) **Remedies and Penalties** – Any violation of the Zoning Bylaw or of any condition or requirements adopted pursuant hereto shall be subject to any or all of the following actions by the Town:

(1) Issuing a stop-work order for any and all work on any signs

(2) Imposing any fines as follows:

Maximum Fine Allowed: \$100.00

Enforcement Agent: Inspector of Buildings/Local Inspector/ Police

Fine Schedule:

First Offense:	Warning
Second Offense:	\$25.00
Third Offense:	\$50.00
Fourth and each subsequent offense:	\$100.00
Maximum per day each day to constitute a separate violation.	

(3) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity.

The Town shall have such other remedies as are and as may from time to time be provided for or allowed by state law for violation of a Zoning Bylaw

All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

- n) **Appeal:** Actions and determinations of the Inspector of Buildings concerning signs may be appealed to the Zoning Board of Appeals in writing within thirty (30) days, as provided in M.G.L. Chapter 40A, Sections 8 and 15 and in SECTION III. ADMINISTRATION, Sub-Section D of this Zoning Bylaw. The Board of Appeals shall have the authority to overrule or uphold any such actions or determinations. The Zoning Board of Appeals shall notify the Inspector of Buildings and the Town Clerk of any action taken by it under the Zoning Bylaw. Any further appeal shall be through the courts.
- o) **Variances:** Applicants may petition the Zoning Board of Appeals for a variance as provided in M.G.L. Chapter 40A, Sections 8 and 15 and in SECTION III. ADMINISTRATION, Sub-Section D of this Zoning Bylaw. The Design Review Committee shall review all applications for sign variances in accordance with the Planning Board's *Design Guidelines* and shall provide a written recommendation to the Zoning Board of Appeals for its consideration.
- p) The Planning Board may produce a compilation of sign photographs and sketches for illustrative purposes to help applicants understand the definitions and various provisions of this sub-section. Such compilation is for explanatory and educational purposes only and is not to be considered part of the Zoning Bylaw.

## 10. SPECIAL PERMITS

- a) A permanent off-premises sign may be erected and maintained if authorized by Special Permit from the Zoning Board of Appeals upon the determination that such sign will promote the public interest, will not endanger the public safety, and will be of such size, location and design as will not be detrimental to the adjacent neighborhood. At locations where directions to more than one (1) establishment are to be provided, all such directional information shall be incorporated into a single sign. Such signs shall not exceed the standards specified in Table 4.

- b) In the Industrial III zoning district, wall signs that are designed to be viewed primarily from Interstate 495 and exceed the maximum sign surface area and dimensional standards of this Bylaw may be erected and maintained if authorized by a Special Permit from the Zoning Board of Appeals upon determination that such sign will promote the public interest, will not endanger the public safety, and will be of such size, location and design as will not be detrimental to the adjacent neighborhood.
- c) The Design Review Committee shall review all special permit applications for signs in accordance with the Planning Board's *Design Guidelines* and shall provide a written recommendation to the Zoning Board of Appeals for its consideration.

11. ***EXISTING NON-CONFORMING SIGNS:***

- a) No existing non-conforming sign structure shall be altered in any way unless it is brought into conformity with the provisions contained herein.
- b) Applicants seeking a sign permit to replace the sign face of an existing non-conforming sign may do so only to the extent that the proposed sign face is no more non-conforming than it was, as determined by the Inspector of Buildings.
- c) Any sign which has been destroyed or damaged to the extent that the cost of repair or restoration will exceed one-third of the replacement value as of the date of destruction shall not be repaired, rebuilt, restored, or altered unless in conformity with this Bylaw.

12. ***SEVERABILITY:*** The invalidity of any part or provision of this SECTION of the Medway Zoning Bylaw or of the application thereof to any particular subject matter, shall not invalidate any other part or provision hereof or affect the application hereof to any other subject matter.

(Revised in its entirety - June 28, 2004)

S. ***WIRELESS COMMUNICATIONS FACILITIES***

1. **Purpose:** The purpose of these regulations is to minimize adverse impacts of wireless

communication facilities on adjacent properties and residential neighborhoods and to limit the number and height of these facilities to only what is essential.

2. General Requirements:

- a) No wireless communications facility shall be constructed except in compliance with these guidelines and by special permit of the Zoning Board of Appeals.
- b) Only free standing monopoles, with associated antennas and/or panels are allowed. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed.
- c) To the greatest extent feasible, all service providers shall co-locate on a single facility. Wireless communication facilities shall be designed to accommodate the maximum number of users as technically practical.
- d) When co-location on an existing monopole is not feasible, the applicant must demonstrate that another site is definitely required and the location must, for technical reasons, be located in the Town of Medway.
- e) A facility shall not be erected or modified nearer to any property line than a distance equal to the vertical height of the facility (inclusive of any appurtenant devices), measured at the mean finished grade of the facility base.
- f) An attachment shall not exceed ten feet in height above the level of its attachment to structure.
- g) Any proposed extension in height, addition of cells, antennas or panels to an existing facility, as well as construction of any new facility or any replacement facility shall be subject to a new application.
- h) Wireless facilities shall be suitably screened from abutters and residential neighborhoods. Painting and landscaping, when deemed necessary by the Zoning Board of Appeals, will be required at the expense of the owner.
- i) Fencing shall be provided to control access to wireless facilities.
- j) There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number for twenty-four hour access to owner or agent.
- k) Night lighting is prohibited, except as required by the Federal Aviation Administration and for emergency service.
- l) All facilities or parts thereof or accessory facilities which have not been used for one year shall be dismantled and removed at the owner's expense within 90 days.

3. Location of Wireless Communication Facilities

- a) The primary wireless communication facility location for the Town currently exists at a

site on the south edge of property located at 113 Main Street. All new applications must demonstrate complete technical inability to co-locate at this site before consideration will be given to another site.

- b) The second location for wireless communication facilities shall be on any existing high-tension power structures. No addition to a power structure shall be within 200 feet from the base of that structure to a residential property line.

4. Procedures for Special Permit

- a) All applications for modification of existing or construction of new wireless communications facilities shall be made and filed in compliance with Medway Zoning Board of Appeals Application Process.
- b) A locus plan at a scale of 1" = 40' will be provided showing the exact location of proposed structure(s), abutting streets, landscape features, residential dwellings and all buildings within 500 feet of the tower base.
- c) The following information must be prepared by a professional engineer:
  - 1) Description of facility and technical, economic, and other reasons for the proposed location, height and design;
  - 2) Confirmation that the facility complies with all applicable Federal and State standards;
  - 3) Description of facility capacity including number of type of panels, antennas and/or transmitters that can be accommodated and basis for calculations;
  - 4) Written statement that proposed facility complies with FAA, FCC guidelines.

***T. OPEN SPACE RESIDENTIAL DEVELOPMENT***

***1. Purpose***

- a) To encourage the preservation of open space by permanently preserving open and wooded areas within the parcel.
- b) To provide green buffers, eco-corridors, and recreational areas consistent with the Town of Medway's "Open Space and Recreation Plan, 1996-2001", as amended.
- c) To permit maximum flexibility and creativity in design for the development of single-family subdivisions which will be superior to conventional plans.
- d) To promote the most harmonious use of the land's natural features, resources, and topography that will promote the general health and safety of the public.
- e) To discourage sprawled development, minimize environmental disruption, and provide a shorter network of streets and utilities that will promote a more efficient distribution of services.
- f) This Bylaw is not intended to make undevelopable land developable, or to permit an increase in the number of building lots that would otherwise be possible on a conventional plan, but rather to encourage the preservation of important site features.

***2. General Requirements***

- a) Tracts of land consisting of a minimum of ten (10) acres located in the Agricultural and Residential District I may be developed as an Open Space Residential Development (hereinafter referred to as "OSRD").
- b) OSRDs will be authorized only by Special Open Space Residential Development Permit (hereinafter referred to as "Special OSRD Permit") granted by the Planning Board (hereinafter referred to as "the Board").
- c) The number of building lots created in an OSRD may not exceed 100% of the number of building lots as permitted by Board of Health and Conservation Commission regulations, existing zoning and a conventional subdivision without waivers from the town's Planning Board Rules and Regulations Governing Subdivision of Land ("subdivision regulations"). Refer to Section C.b for further information.
- d) All lots and structures shall comply with the dimensional requirements of Section 5. Whenever possible the Board will require septic systems and housing units to be located outside of those areas of protected by Zone II regulations for public drinking water supply.
- e) Permitted Uses
  - 1) Detached single-family dwellings, including all accessory uses, as permitted in the Zoning Bylaw for the AR-I district;

- 2) Uses permitted within the dedicated open space as described in these regulations; and
  - 3) Recreational facilities consistent with open space use and design requirements.
3. Pre-Application Process: A pre-application review and public hearing are required. The intent of such is to allow the town the opportunity to discuss with the applicant and review each proposal prior to the Special OSRD Permit process. After the pre-application review, an applicant may then proceed to the Special OSRD process. A pre-application review will be conducted in accordance with the following procedure:
  - a) A pre-application package consisting of two preliminary sets of plans, one illustrating a conventional subdivision plan and one showing the proposed OSRD, shall be filed with the Town Clerk and the Board. The application shall be accompanied by 12 copies of the plans that must be prepared and stamped by a registered, professional civil engineer and land surveyor, and any other supporting materials that must be prepared by appropriate professionals (i.e. architects, landscape architects, hydrogeologists, certified soil evaluators, etc.). This submittal shall comply with the preliminary plan requirements of the subdivision regulations. In addition, the applicant must notify all abutters within three hundred (300') feet of the parcel in writing regarding the time, date, and nature of the public hearing at least 10 days prior to the hearing. Proof of this notice to each abutter must be provided to the Board. Failure to notify the abutters will result in an incomplete filing.

After an OSRD application has been submitted, no tree removal, utility installation, earthwork, road or building construction shall be done on the site until a decision on the application has been made by the Board, except soil testing may be allowed to satisfy project requirements.
  - b) The preliminary conventional plan shall be used by the Board to determine the maximum number of lots that could be created via a conventional subdivision. The number of lots allowed in an OSRD definitive subdivision submittal is equal to 100% of the number of lots allowed in the conventional layout.
    - 1) The burden of proof shall be upon the applicant to prove the proposed lot(s) are suitable for building. The Board reserves the right to challenge the status of any lot and not allow such to be included in any definitive plan filing.
    - 2) Formal percolation and depth to groundwater tests shall be conducted for each building lot unless town sewerage is available. The results of these tests shall be submitted with the application. Due to seasonal testing requirements, the Planning Board may accept an application without these certified tests. However, the applicant may only proceed at his or her own risk, and no development of a building lot may commence until approved by the Board of Health. In addition, test holes are also required as part of the preliminary submittal to determine the adequacy of drainage facilities.
    - 3) The boundaries of the Flood Plain/Wetland Protection District and all wetlands pursuant to MGL Ch. 131 shall be shown on the plans.
  - c) The preliminary OSRD plan shall contain the proposed location of the road(s), lots, drainage, and dedicated open space, and other information listed above

- d) The Board shall hold a public hearing and act on the preliminary plans within 45 days after the receipt of the application. Comments and recommendations shall be incorporated in plans included in any subsequent filings.
- e) If the preliminary conventional and conceptual OSRD plans are approved, the Board shall, in so far as practical under the law, allow the submittal of a combined Special OSRD Permit and definitive subdivision plan. A combined submission will not be authorized in those cases where either the preliminary conventional plan or OSRD is disapproved by the Board.

4. Special OSRD Permit Application and Review

- a) A Special OSRD Permit application for an OSRD shall include twelve (12) copies of a definitive subdivision plan. It shall be prepared in accordance with the Definitive Subdivision requirements of the subdivision regulations, and incorporate items from the pre-application review. In addition, the applicant shall provide the following information in a written narrative:
  - 1) A description of the existing site, including topography, wetlands, soil conditions, trees over six (6") inches in diameter in areas identified by the Board, areas within the 100-year flood plain, scenic vistas, significant natural and/or man-made features, and other items as the Board may request;
  - 2) A description of the proposed design characteristics of the site pursuant to these regulations;
  - 3) Engineering data showing effects of proposed development on both on- and offsite water resources (within one-hundred [100'] feet of the property line or further if within a Zone II of a public water supply well), wetlands, and natural recharge of the groundwater, yield from abutter's private wells and possible impacts upon the quality of surface and groundwater;
  - 4) A copy of any restrictive covenant(s) for the required buffer strips, association rules and regulations, and/or other documentation relating to the creation of a Homeowners Association or similar entity.
- b) The Board shall conduct a public hearing in accordance with the provisions of these Bylaw s.
- c) The Board may grant a Special OSRD Permit under this Section only if it finds each of the following:
  - 1) The proposed plan will be in harmony with the intent and requirements of this Section and the Zoning Bylaw;
  - 2) The development will not have a detrimental impact on the neighborhood or abutting properties;
  - 3) The purposes of the open space as stated in Section 1 are met;
  - 4) The dimensional standards contained in Section 5 are met;
  - 5) The open space design requirements specified in Section 6 and 7 are met;
  - 6) The parcel could be developed as a conventional subdivision under existing local, state, and federal regulations; and
  - 7) The OSRD provides for efficient use and delivery of municipal and other services and infrastructure.
- d) If the Board disagrees with any recommendations of another board, it shall state its reasons therefore in writing.

- e) The Board may impose conditions as a part of any approval which furthers the purposes of this Section and these Bylaws. Deed restrictions per Section 7 shall be recorded. All open space shall be dedicated at the time the permit holder proceeds with construction under a building permit.
- f) The Board shall require a performance guarantee to secure the proper completion of all infrastructure, as well as, the fulfillment of any conditions of approval.
- g) The Board reserves its right to grant or deny the Special OSRD Permit or modify the plan for any reason, at its discretion.

#### 5. Dimensional and Design Requirements

- a) The requirements noted in Table S-1 shall apply to all lots and dwelling units located within an OSRD. All accessory structures and uses shall comply with the requirements of the Zoning Bylaw unless otherwise provided for herein.

<b>TABLE S-1*</b>								
<i>OSRD DIMENSIONAL REGULATIONS</i>								
Zoning District	Min. Lot Dimensions Area Frontage		Min. Yard Dimensions (ft.)			Lot Width @ Front Yard	Maximum Building Height	
	(S.F.)	(ft.)	Front	Side	Rear	Setback (ft.)	Stories	Feet
AR-I	22,500	75	35	15	15	100	2.5	35
Minimum Requirements within Zone II of a Public Drinking Water Supply Well								
AR-II	30,000	75	35	15	15	100	2.5	35

#### **\*NOTES**

- 1) Within those areas governed by Zone II regulations, the minimum lot area shall be upland as defined in MGL, Ch. 131.
- 2) Each dwelling unit shall have sufficient parking for two vehicles.
- 3) The lot width shall be measured in a straight line between the points on the side lot lines 35 feet distant from the street line.
- b) Lots approved at the preliminary plan stage may be located on existing streets in the Special OSRD Permit filing and shall comply with the requirements of Table S-1.
- c) The site design shall preserve and, where possible, enhance the natural features of the property including scenic views by adapting the location and placement of structures and ways to the existing topography to minimize soil removal, tree cutting, and general disturbance to the landscape and surrounding properties. The plans shall identify and preserve significant and special natural features such as rock outcrops, specimen trees and clumps of trees and man-made features such as stonewalls.
- d) Screening and Buffering: The intent of this provision is to ensure and preserve the visual privacy between abutting dwellings and new lots within the OSRD. To accomplish this, fifty (50') feet of screening and buffering is required in those locations where dwellings



about the OSRD. This is in addition to the required dedicated open space buffer scope required per Section six (6). The Board may alter the width of this screening if it determines that the existing vegetation and/or topography, or the proposed method of screening fulfils the intent of these requirements. The distance between existing homes and the OSRD shall also be considered.

- 1) Screening/buffering may consist of landscaped berms, evergreen plantings, solid walls or fences complimented by suitable plantings, "no-cut" provisions (for existing vegetation), or a combination of these items.
  - 2) Buffer strip(s) on individual building lots, shall have a written deed restriction permanently preserving such, with no-cut provisions, conservation restrictions or other appropriate measures agreed to by the Board. This document shall be submitted for review by the Board and recorded at the Registry of Deeds with any approval.
  - 3) In those situations where the width of the screening/buffering is reduced, plantings and/or landscaped berms may be located within the dedicated open space. No walls or fences shall be allowed within the dedicated open space.
  - 4) The exact location of the screening/buffering and species of vegetation shall be noted on the definitive plan. All new plantings shall consist of nursery-quality stock and be situated in a manner acceptable to the Board. If required by the Board, a landscaping plan prepared by a landscape architect shall be prepared and submitted for review and approval.
- e) The Board may place limitations on the types and location of accessory structures which may be located within the buffer strips. Existing/proposed screening, distances between the OSRD and existing abutters and the topography shall all be considered. The intent is to minimize impacts on existing abutters. A deed restriction may be required if such limitations are applied.
- f) Swimming pools may not be located within thirty (30) feet of a property line of an existing single-family dwelling abutting the OSRD. The Board may increase this distance after considering those items noted in Subsection 5(e) above.

6. Dedicated Open Space

- a) A minimum of forty-five (45%) percent of the parcel shall become dedicated open space pursuant to MGL, Ch. 40A, Section 9. It shall not include land for paved parking lots, roads or for building lots. The Board may reduce this figure to a minimum of 35% if it determines there are unique circumstances (i.e. shape of parcel, topography, wetlands, etc.) which would individually or together preclude the construction of the OSRD.
  - 1) The minimum width of dedicated open space between abutting property and the OSRD shall be twenty-five (25) feet. An open space buffer of one-hundred (100') feet between an existing roadway and a building lot on a roadway within the OSRD is required, where possible, as determined by the Board. Other than new screening/buffering, these areas shall remain in a natural state. The Board may alter the width of this dedicated open space. When considering such, it shall review, among other things, the width of the required buffer strip, the density and type of existing vegetation, and the location of, distance and topography between existing structures abutting the OSRD.
  - 2) Unless required by the Board, dedicated open space is not required between an existing dwelling(s) located within the OSRD and parcels abutting the OSRD.

- b) Areas which have been designated as unsuitable for building (as per Chapter 131, MGL, Title V, or Zone A1 through the National Flood Insurance Program, otherwise) may be included in the dedicated open space. However, a minimum of seventy (70%) of the required, dedicated open space shall consist of upland areas.
- c) Drainage Facilities (i.e. detention and retention basins) shall not be located in the open space areas. Dedicated open space may be utilized as natural courses for disposal of storm runoff from impervious surfaces. Other than minor berming (maximum 3:1 slopes which shall blend into the landscape) and riprap at pipe outflows, no significant disruption of the land (contour changes greater than three feet) for drainage are permitted.
- d) The dedicated open space shall be designed and maintained in accordance with the following standards:
  - 1) Wherever possible, open space shall be laid out in conformance with the town's "Open Space and Recreation Plan, 1996-2001" as amended, to provide Eco-corridors and other areas identified for open space preservation. Refer to Section 8 of the Open Space and Recreation Plan for further information.
  - 2) Areas to remain as naturally-existing woods, fields, meadows and wetlands shall be maintained and may be improved in accordance with good conservation practices.
  - 3) Dedicated open space shall be planned as large contiguous units whenever possible. Strips of narrow parcels of open space shall be permitted only when necessary for access or as vegetated buffers along the site's perimeter.
  - 4) The open space may be more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses.
  - 5) The parcels shall be laid out so as to promote convenient access by the homeowners within the OSRD, the general public or both, whatever the case may be. Wherever practical, parcels shall be accessible via upland areas.
  - 6) No more than twenty (20%) of the dedicated open space shall be covered with man-made impervious surfaces.
  - 7) The open space may be used for active and passive recreation, conservation, forestry, agriculture, natural buffers, structures necessary for approved uses, utilities and other facilities necessary for the convenience and enjoyment of the residents, subject to the approval of the Board.

## **7. Ownership of Dedicated Open Space**

- a) As agreed upon by the applicant and the Board, dedicated open space shall be permanently preserved as such, and shall be conveyed to one of the following:
  - 1) The Town for park and open space;
  - 2) A non-profit organization, the principal purpose of which is the conservation of open space; or
  - 3) A corporation or trust owned or to be owned by the owners of all building lots within the development. If such corporation or trust is utilized, ownership thereof shall pass with the conveyances of the lots or residential units.

In any case, where such land is not conveyed to the Town, a restriction enforceable by the Town pursuant to (MGL, Ch. 40A, Section) shall be recorded providing that such land shall be kept in an open, natural state and shall not be developed for residential homes or roadways. If necessary, such restrictions shall further provide for maintenance for the common land in a manner which will ensure its suitability for its function, appearance, cleanliness and proper maintenance of drainage, utilities and the like.

- 1) If the dedicated open space is not to be conveyed to the town, then the applicant shall include, as part of the covenant, a provision that the dedicated open space will be deeded as approved by the Board. In addition, the covenant shall not be released until proof of ownership of the open space has been provided to the Board.
  - 2) If the dedicated open space is not to be conveyed to the town, the applicant must provide a written program describing how the open space will be maintained in perpetuity to standards satisfactory to the Board. The applicant shall also provide an agreement empowering the town to perform maintenance of the open space in the event of failure to comply with the program. This agreement shall provide that, if the town is required to perform any maintenance work, the owner(s) of the open space shall pay the cost thereof and any unpaid costs shall constitute liens upon the homeowners' property until said costs have been paid.
  - 3) If the dedicated open space is to be owned by the owners of all building lots within the development, the agreement shall provided that if the if the town is required to perform any maintenance work, the owner(s) of the open space shall pay the cost thereof and any unpaid costs shall constitute liens upon the homeowners property until said costs have been paid.
- b) Subject to the above, the dedicated open space may be kept in an open and natural state or may be used for recreational uses including, but not limited to, golf courses, riding trails, athletic fields or gardens.

8. Revisions to Special OSRD Permit

Subsequent to granting a Special OSRD Permit, the Board may permit the relocation of lot lines or changes to landscaping within the project. However, any change in the number of lots, street layout, square footage or composition of dedicated open space or disposition thereof, as determined by the Board, shall require further review and public hearing.

9. Duration of Approval

Notwithstanding anything to the contrary contained herein and any other Town Bylaw and State Law, any Special OSRD Permit granted by the Board shall become void within two (2) years from the date of issue, not including time required to pursue or await determination of an appeal referred to in Section 17 of Chapter 40 of the General Laws, unless any construction work contemplated thereby shall have commenced and proceeded in good faith continuously to completion, except for good cause.

**U. ADULT RETIREMENT COMMUNITY OVERLAY DISTRICT**

1. Purpose: The purpose of the Adult Retirement Community Overlay District is to advance the public health, safety and welfare by specifically providing for the development of retirement communities within Medway that provide a choice of housing opportunities to senior residents and accommodate the long-term social, cultural, recreational and continuing care needs of these citizens. The specific purposes of the Adult Retirement Community Overlay District are:
  - a) To provide for and promote development of alternative housing opportunities for the growing senior citizen population.
  - b) To permit a greater variety of housing types than would otherwise be allowed in the underlying zoning district(s) in order to accommodate the housing needs of the senior citizen population.
  - c) To enable, through the special permit process by the Planning Board, creative and innovative site planning and development of Medway's limited land resources.
  - d) To Promote preservation of the rural character of Medway by encouraging property owners and developers to set aside and protect natural open space as part of the land development effort.
  - e) To encourage the development of affordable housing for seniors with low and moderate incomes.
2. General Requirements:
  - a) Location: The Adult Retirement Community Overlay District is an overlay zoning district that shall be superimposed on the Agricultural and Residential I District and/or Agriculture and Residential II District of the Town of Medway. The Adult Retirement Community Overlay District shall be considered superimposed on all the lands of these underlying Districts existing at the time that any land in any said underlying district is also included in the Adult Retirement Community Overlay District. The rezoning of any or all of the land included in the Adult Retirement Community Overlay District from one underlying zoning district classification to another shall not affect its inclusion in the Adult Retirement Community Overlay District, unless said land is specifically removed from the said Adult Retirement Community Overlay District.
  - b) ARCPUDs will be authorized only by Special Adult Retirement Community Overlay District permit (hereinafter referred to as "Special ARCPUD Permit") granted by the Planning Board (hereinafter referred to as "the Board").
3. Permitted Uses:
  - a) Uses Allowed As of Right: The following uses shall be allowed as of right within an Adult Retirement Community Overlay District:
    - 1) Uses directly related to the conservation of water, plants and wildlife.
    - 2) Non-profit outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted.

- 3) Wildlife management areas, landings, foot, bicycle and/or horse paths and bridges.
    - 4) Grazing and farming, including truck gardening and harvesting of crops.
    - 5) Forestry and nurseries.
    - 6) All uses permitted as of right in the underlying base zoning district.
  - b) Uses Allowed by Special Permit: The following uses may be permitted within an Adult Retirement Community Overlay District upon the granting of a special permit:
    - 1) An Adult Retirement Community Planned Unit Development (ARCPUD).
4. Adult Retirement Community Planned Unit Development (ARCPUD):
- a) Purpose and Intent: the purpose of Adult Retirement Community Planned Unit Development, or ARCPUD, is to encourage development of master-planned residential communities for persons fifty-five (55) years of age and older by allowing for a greater variety of uses and building types at a higher density than would normally be allowed, and allowing greater flexibility in site planning so as to promote affordable housing and the preservation of open space within the development. It is intended that an ARCPUD development provide a range of housing types and facilities that are responsive to the socio-cultural, healthcare and recreational needs of senior residents. The intent of an ARCPUD also is to achieve, to the greatest possible degree, land development that is responsive to an analysis of the environmental assets and constraints of a site, both natural and man-made. The ARCPUD should be a well-integrated development in terms of land use, functional systems and major design elements such as buildings, roads, utilities, drainage systems and open space. Design standards should be supportive of a New England character, with a cohesive center and a sense of neighborhood. An ARCPUD is allowed greater design flexibility so that site planning for a development may protect natural features and consider most fully the surrounding land use and development context. This may allow for development to be more highly concentrated on one portion of a site than would otherwise be the case with a resulting lower intensity of development and preservation of open space elsewhere on the site. Development should be concentrated in the most suitable and least environmentally sensitive areas of the landscape. Preservation of natural open space is strongly promoted, as is provision and enhancement of additional open space for recreational use and enjoyment of residents. It is intended that the benefits of ARCPUD development will act to encourage property owners/developers to consolidate land parcels so that comprehensive and responsible site planning will occur.
  - b) Pre-Application Meeting: A pre-application meeting and review with the Planning Board is required. This will provide the applicant with the opportunity to present preliminary development plan concepts and gain informal feedback from the Planning Board, other Town officials and interested citizens. This review also will allow the Planning Board and involved Town officials to provide guidance to the applicant on the Special Permit application and review process.
  - c) ARCPUD General Standards: An Adult Retirement Community Planned Unit Development (ARCPUD) shall comply with the following general standards:
    - 1) All dwellings in an ARCPUD shall be subject to an age restriction described in a deed/deed rider, restrictive covenant, or other document approved by the  
  
Planning Board that shall be recorded at the Registry of Deeds or Land Court.  
The age restriction shall limit the Dwelling Units to occupancy by seniors, age

fifty-five (55) or older; or their spouses of any age; provide for reasonable time-limited guest visitation rights; and may authorize special exceptions that allow persons of all ages to live in a Dwelling Unit together with a senior resident, if the Planning Board so approves and specifies this in its special permit. The Special Permit including the age restriction shall run with the land in perpetuity and shall be enforceable by any owner(s) of dwelling units in the ARCPUD and/or the Planning Board of the Town of Medway.

- 2) An ARCPUD shall be on a site that is a minimum of ten (10) acres in area. The site may consist of a single lot or of multiple, contiguous lots.
- 3) The ARCPUD shall include a mixture of two or more types of adult retirement community residential uses as defined in Section II of this Bylaw and may be developed in multiple phases.
- 4) Upon approval by the Planning Board, an ARCPUD also may include Local Convenience Retail use of no more than 7,500 square feet of gross building area. If located within an ARCPUD development, by definition, the total amount of building area occupied by Local Convenience Retail uses shall not exceed five percent (5%) of the ARCPUD total gross building area or 7,500 square feet, whichever ever is greater.
- 5) Upon approval by the Planning Board, an ARCPUD also may include an ARCPUD Community Center or Community Building(s) intended for use and benefit of the ARCPUD residents, provided that such use(s) shall occupy not more than ten percent (10%) of the gross building floor area constructed within the approved ARCPUD, and that in the opinion of the Planning Board, such use enhances the general purpose of this ARCPUD and enhances better site and community planning, and if the Planning Board finds that adequate assurances and covenants exist to ensure proper maintenance of such facilities by the residents, owners or their agents and that the residents, owners or their agents will bear all expenses related thereto.
- 6) The maximum number of permitted housing units in an ARCPUD shall be determined by multiplying the gross acreage of the ARCPUD site by a factor of three (3.0). A housing unit shall be defined as equal to:
  - (a) A home Site in an ARCPUD Residential Subdivision, a townhouse, or a dwelling unit as defined in the Bylaw;
  - (b) Two (2) dwellings or rooms in an Assisted Living or Congregate Living Residence Facility, provided such dwellings do no meet the definition of a dwelling unit;
  - (c) Three (3) dwellings or rooms in a Long-Term Care Facility.

An applicant or developer of an ARCPUD is not entitled to the maximum number of housing units described above. The allowable increased density, up to the calculated maximum number of housing units for the given ARCPUD site, is at the discretion of the Planning Board based on evaluation of the proposed development plan, its impacts and its benefits to the community.

- 7) When an ARCPUD is within more than one (1) base zoning district, applicable use standards will be based on the percentage of acreage in each district.

- 8) The maximum number of permitted housing units within all permitted ARCPUD developments in the Town of Medway shall be limited to a number equivalent to ten percent (10%) of the existing detached single-family residential housing units (excluding ARCPUD units) located in the Town of Medway. For the purpose of this Bylaw, the number of existing detached single-family residential housing units shall be as established by the Board of Assessors as of January 1 of the calendar year.

*(Revised May 13, 2003)*

- d) ARCPUD Open Space Standards: A minimum of forty percent (40%) of the total land area of the ARCPUD shall be set aside and maintained as open space. The following standards shall apply to the required ARCPUD open space land area:

- 1) The following shall not be counted as part of the required ARCPUD open space: Community Buildings or other buildings housing common facilities, median strips, landscaped areas within parking lots, or lawn/landscaped areas on individual Home Site lots, or any impervious areas for the open collection and management of storm water.
- 2) A minimum of forty percent (40%) of the required ARCPUD open space shall be suitable for use for passive and/or active recreational purposes.
- 3) A minimum of fifty percent (50%) of the required ARCPUD open space shall be preserved in its natural pre-development condition, unless the Planning Board finds that it is not practical for the ARCPUD to preserve this amount of natural land due to previous land alteration activities.
- 4) Wetland resource areas as defined and regulated pursuant to the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131A) shall comprise not more than fifty percent (50%) of the required ARCPUD open space.
- 5) The required ARCPUD open space shall be contiguous, unless the Planning Board finds that it is not practical for all the open space to be contiguous due to the particular shape and topography of the ARCPUD site or, for the same reasons, that it is advantageous to allow separated open space areas in order to best protect natural features of the site.
- 6) To the greatest extent possible, the allocation and reserve of ARCPUD open space should establish a network of open space within the site. Wherever possible, the ARCPUD open space shall be contiguous to and interconnect with other existing open spaces bordering the ARCPUD. The ARCPUD plan should take into account any Town of Medway or other public agency plans for preservation or improvements to public open space adjacent to the ARCPUD site, so as to provide potential for linkage and access to said adjacent public open space. As a condition of issuance of the Special Permit for an ARCPUD. The Planning Board may require the ARCPUD applicant to provide paths, walkways or other appropriate physical connections to adjacent open spaces.
- 7) A minimum of fifty percent (50%) of the required ARCPUD open space shall be set aside permanently as Protected Open Space. The Protected Open Space shall be maintained as open space in perpetuity. If protected by a deed restriction or

conservation restriction pursuant to M.G.L. Chapter 40A, Section 9 for common open space, the Protected Open Space may be owned in whole or part by a private corporation or trust representing the owners or persons responsible for development of the ARCPUD, resident owners within the ARCPUD, or a non-profit conservation organization. A covenant shall be placed on the land such that no part of the ARCPUD shall be sold or occupied until a satisfactory written agreement has been executed for protection of the Protected Open Space. Otherwise, the required Protected Open Space shall be conveyed by deed to the Medway Conservation Commission or a land trust designated by the Medway Conservation Commission. The Planning Board may require such conveyance as a condition of approval of the ARCPUD, though the Planning Board shall not make a requirement of public dedication of more than the required Protected Open Space.

- 8) Drainage facilities (i.e. detention and retention basins) shall not be located in the open space areas. Dedicated open space may be utilized as natural courses for disposal of storm runoff from impervious surfaces. Other than minor berming (maximum 3:1 slopes which shall blend into the landscape) and riprap at pipe outflows, no significant disruption of the land (contour changes greater than three (3) feet) for drainage is permitted.
  - 9) Open space shall be laid out to provide eco-corridors and other areas identified for open space preservation. Land within fifty (50) feet of any dwelling unit shall not be counted toward the open space acreage. Areas to remain as naturally existing woods, fields, meadows and wetlands shall be maintained and a plan for funding the maintenance provided.
  - 10) If the dedicated open space is not to be conveyed to the town, the applicant must provide a written program describing how the open space will be maintained in perpetuity to standards satisfactory to the Board. The applicant shall also provide an agreement empowering the town to perform maintenance of the open space in the event of failure to comply with the program. This agreement shall provide that, if the town is required to perform any maintenance work, the owner(s) of the open space shall pay the cost thereof and any unpaid costs shall constitute liens upon homeowners' property until said costs have been paid.
- e) ARCPUD Site Development Standards: The following site development standards shall apply to all ARCPUD developments.
- 1) Each lot or contiguous lots upon which an ARCPUD is located shall have a minimum of two hundred fifty linear feet (250') of total frontage on an existing public way(s).
  - 2) Each building in the ARCPUD shall face either upon an existing street or upon a public or private way constructed within the ARCPUD.
  - 3) Each building in the ARCPUD shall have a minimum front yard of no less than twenty feet (20') from the edge of the paved way to the closest point of the structure and a side yard of not less than ten feet (10') from the edge of the paved way to the closest point of the structure.
  - 4) Each building in the ARCPUD shall be set back a minimum of fifty feet (50')



from the ARCPUD's perimeter lot line. The setback area shall be maintained as natural open space or as a landscaped buffer.

- 5) Each building in the ARCPUD shall be set back a minimum of fifty feet (50') from the right-of-way line of any public way.
- 6) In an ARCPUD Residential Subdivision, each Home Site lot shall be a minimum of 6,000 square feet in area and meet upland and lot shape requirements specified within this Bylaw.
- 7) There shall be no minimum standards for internal lot line setbacks within the ARCPUD unless required by the Planning Board in its issuance of a special permit based on specific findings that there is need for greater physical separation of specific buildings or uses.
- 8) Within the ARCPUD a minimum of two (2) off-street parking spaces shall be required for each dwelling unit. The required parking space(s) shall be provided on the same lot as the dwelling(s) or on a contiguous lot (within the ARCPUD) provided that there are easements ensuring rights of access, use and maintenance. The Planning Board may, as a condition of granting a special permit for the ARCPUD, require additional off-street parking areas to be provided for use in common by dwelling unit owners or residents and their guests.
- 9) A minimum of one (1) off-street parking space shall be required for each 500 square feet of gross building area occupied by a permitted Local Convenience Retail use. The Planning Board may reduce this requirement if the nature and design of a particular ARCPUD indicates that parking demand will be lower due to enhanced pedestrian access or a reduced reliance on motor vehicle travel within the ARCPUD. The required parking space(s) shall be provided on the same lot as the permitted use or on a contiguous lot (within the ARCPUD) provided that there are easements ensuring rights of access, use and maintenance. The Planning Board may, as a condition of granting a special permit for the ARCPUD, require additional off-street parking areas to be provided for accessory uses within the ARCPUD.
- 10) All roadways and driveways serving more than one dwelling shall be a minimum paved width of twenty-two feet (22').
- 11) All roadways, driveways and parking areas within the ARCPUD shall be maintained by the applicant, developer of the ARCPUD, its assigns, or owners or their agents.
- 12) Landscape design shall give preference to the maintenance of existing healthy trees and groundcover. The development of large lawn areas shall be minimized.
- 13) All utilities shall be underground.
- 14) No mobile homes or trailers shall be allowed to be used as dwelling units in the ARCPUD.
- 15) Utilities and on-site storage shall be shielded from view by walls or fences.

- 16) All solid waste removal within the ARCPUD shall be the responsibility of the residents, owners or their agents and they shall bear all expenses related hereto.
- f) Planning Board Findings for ARCPUD Special Permit: The Planning Board shall review and make findings that the following requirements and features of an ARCPUD are satisfied in the proposed development. The permitted ARCPUD shall clearly demonstrate:
  - 1) That the ARCPUD is a defined tract of land of a minimum of ten (10) acres in area;
  - 2) That the ARCPUD is developed in a comprehensive, design-integrated manner according to an overall master plan with two (2) or more types of senior residential use, or at least one (1) type of senior residential use and at least one (1) type of Local Convenience Retail use;
  - 3) That the ARCPUD is consistent with all ARCPUD general standards and all applicable ARCPUD site development standards set forth herein;
  - 4) That the ARCPUD is consistent with the goals and objectives of the Town of Medway Master Plan;
  - 5) That the ARCPUD locates or clusters development sites, especially buildings and parking areas, in a manner that preserves natural open space and historic features of the site and provides usable open space for the recreation and enjoyment of ARCPUD residents;
  - 6) That the ARCPUD makes efficient use of land by properly considering topography and protection of significant natural features including, but not limited to: waterways, wetlands floodplains and wildlife habitat;
  - 7) That the ARCPUD demonstrates coordinated site development including, but not limited to:
    - (a) The appropriate integration or separation of land uses and housing types;
    - (b) The use of consistent or compatible architecture that serves to visually unify the elements of the ARCPUD;
    - (c) The establishment of contiguous expanses of preserved open space;
    - (d) The development of an efficient vehicular access and circulation system and other infrastructure, that is to the degree practical, designed to serve all the various elements of the ARCPUD development;
    - (e) The establishment of pedestrian networks within the site as appropriate to serve residents.
  - 8) That the ARCPUD roadway and other infrastructure systems are sized to accommodate the overall service demand of all uses in the ARCPUD development;
  - 9) That the ARCPUD roadway and other infrastructure systems are linked to and coordinated with the surrounding off-site public roadways and infrastructure in a manner that is safe, efficient and non-injurious to the public and an improvement or benefit to the public where possible;

- 10) That the ARCPUD includes provisions for the ownership and preservation of required ARCPUD open space;
- 11) That the ARCPUD includes appropriate deed restrictions or covenants requiring compliance of all development with the ARCPUD master plan and with any site plan or architectural guideless or standards specifically included by the Planning Board as part of the ARCPUD.
- 12) The Planning board may, as a special permit condition, require that all proposed laws or similar binding ARCPUD regulations which may be relevant to the issuance of the special permit, including but not limited to: Bylaw provisions prohibiting the presence of persons under age 55 residing in the ARCPUD and limiting or prohibiting the presence in the ARCPUD of mobile homes or trailers, boats, boat trailers or recreational vehicles, be made a part of the Special Permit, and that any change to or failure to enforce said provisions shall be a violation of said Special Permit.
- 13) Depending on the nature of the particular ARCPUD and it uses, the Planning Board may, as a condition of any Special permit for an ARCPUD, require that the land area on which the ARCPUD is located be permanently maintained as one undivided lot and that from and after the date of the issuance of the Building Permit for said ARCPUD or any portion thereof, no subdivision of said lot shall be allowed without the express approval of the Planning Board. However, the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.
- 14) Depending on the nature of the particular ARCPUD and its uses, the Planning Board may, as a condition of any Special Permit for an ARCPUD, require a legal mechanism as will, in the opinion of the Planning Board, assure that the said ARCPUD will not be subdivided, nor its individual units shall not be further subdivided, or that the ARCPUD will remain as rental housing, or that ownership will remain consolidated.

g) Administration:

- 1) Overview: The Planning Board shall, in its discretion, require the following Basic Information (a) to (e) below for all applications for special ARCPUD permits and any additional information, if applicable, including, but not limited to items listed in (f) to (r) below. Only that information which is applicable to a proposed use or structure will be required of the applicant. The applicant is required to have a preliminary meeting with the Planning Board before submitting the application to help the applicant identify the applicable information requirements.
- 2) Basic Information:
  - (a) Names, addresses and telephone numbers of the applicant, the owner if other than the applicant and other agents for the applicant, such as the architect, engineer and/or attorney, and the name and address of the proposed project;
  - (b) A plot plan (certified by a land surveyor) indicating total land area boundaries, angles and dimensions of the site and a north arrow;
  - (c) Locus of the land shown on the plan at a scale of no smaller than

- 1"=100', with sufficient information to accurately locate the land and adjacent land, all property lines and buildings within 500' of the land;
- (d) Plans showing:
    - i. Present and proposed use(s) of the land and existing buildings, if any;
    - ii. Dimensions of existing and proposed building(s) or other structures including height, setback(s) from property lines and total square footage of all floors;
    - iii. Locations and dimensions of any easements, public or private rights-of-way, or other burdens existing or proposed;
    - iv. At-grade parking and loading areas showing number, location and dimensions of parking and loading spaces, driveways, access and sidewalks, preferably indicated on plot plan; and
  - (e) A brief written description of the proposed project, such as proposed construction or demolition, all uses, who the project is intended to serve, expected number of employees, and/or occupants and methods and hours of operation, as applicable.

Additional Information, if applicable:

- (f) The total floor area and ground coverage ratio of each proposed building and structure;
- (g) Front, side and rear elevations;
- (h) Existing and proposed contour elevations in two foot increments;
- (i) Provisions for vehicular and pedestrian access ways, including proposals for new or relocated curb-cuts and access for emergency vehicles;
- (j) Color, materials and exterior features of proposed structures;
- (k) Landscaping and screening, including trees, stones, walls, fences and other features to be retained and removed as well as color, size and type of landscaped surface materials;
- (l) Measures taken to preserve and protect natural resources;
- (m) Outdoor lighting, including location and intensity of lighting facilities;
- (n) Location and significance of historical structures;
- (o) Locations of and adequacy of existing and proposed on-site public utilities, facilities and conditions (water, sewerage and drainage), showing size and direction of flow;
- (p) A traffic study including estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions;
- (q) Wetlands ponds and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. Chapter 131, section 40, and rules promulgated hereunder, 310 CMR 10.00 and any other applicable local bylaws, rules or regulations; and
- (r) Such other information as will aid the Board in judging the application and in determining special conditions and safeguards and as the Board should deem necessary in its determination of completeness of said application.

3. Procedures for Special Permits, Application Procedures and Information

Required: Applications for a special ARCPUD permit shall be made to the Planning Board on forms provided for that purpose, accompanied by the required fee. Copies of the completed application shall be distributed to those boards and

departments as specified in the Rules and Regulations, which shall include, but not be limited to: the Selectmen, Inspector of Buildings and Conservation Commission.

## V. GROUNDWATER PROTECTION DISTRICT

1. Purpose of District: The purpose of this Groundwater Protection District is:

- a) To promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Medway;
- b) To preserve and protect existing and potential sources of drinking water supplies;
- c) To conserve the natural resources of the Town; and
- d) To prevent temporary and permanent contamination of the environment.

2. Scope of Authority: The Groundwater Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. Applicable activities or uses in a portion of one of the underlying zoning districts which fall within the Groundwater Protection District must additionally comply with the requirements of this district. Uses that are prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.

3. Definitions: For the purposes of this section, the following words and phrases shall have the following meanings:

*Aquifer:* Geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.

*Groundwater Protection District:* The zoning district defined to overlay other zoning districts in the Town of Medway. The Groundwater Protection District may include specifically designated recharge areas.

*Impervious Surface:* Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

*Mining:* The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock.

*Recharge Areas:* Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as Zone I, Zone II, or Zone III.

*Special Permit Granting Authority:* The Special Permit Granting Authority (SPGA) under this Bylaw shall be the Zoning Board of Appeals.

*Toxic or Hazardous Material:* Any Substance or mixture of physical, chemical, or infectious characteristics posing a significant hazard, actual, or potential to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Medway. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Laws (MGL) Chapter 21C and 21E and 310 CMR 30.00 and also include such products as solvents and thinners in quantities greater than normal household use.

*Zone II:* That area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield with no recharge from precipitation), as approved by the Massachusetts Department of Environmental Protection.

4. Establishment and Delineation of Groundwater Protection District: For the purposes of this district, there are hereby established within the Town certain groundwater protection areas consisting of all Department of Environmental Protection approved Zone II recharge areas located within the Town of Medway's boundaries, which are delineated on three (3) maps. These maps are entitled "Medway, MA Zone II and Zone III Delineation", prepared by D.L. Maher Co., and approved by the Department of Environmental Protection in October 1998 (Well #2); "Zone II Delineation, Well #1 and Well #3, Medway Water Department, Medway, MA", prepared by Tighe & Bond, Inc., and approved by the Department of Environmental Protection in August 2001. These maps are hereby made part of the Town Zoning Bylaw and are on file in the Office of the Town Clerk.
5. District Boundary Disputes: If the location of the District boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a Special Permit application to the Special Permit Granting Authority (SPGA). Any application for a special permit for this purpose shall be accompanied by adequate documentation.

The burden of proof shall be upon the owner(s) of the land in question to show where the bounds should properly be located. At the request of the owner(s), the Town may engage a professional engineer (civil or sanitary), hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the district with respect to individuals parcels of land and may charge the owner(s) for all or part of the cost of the investigation.

6. Use Regulations: In the Groundwater Protection District, the following regulations shall apply:
  - a) Permitted Uses: The following uses are permitted within the Groundwater Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:
    - 1) Conservation of soil, water, plants, and wildlife;
    - 2) Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
    - 3) Foot, bicycle and/or horse paths, and bridges;
    - 4) Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
    - 5) Maintenance, repair, and enlargement of any existing structure, subject to Section B (prohibited uses) and Section C (special permitted uses);
    - 6) Residential development, subject to Section B (prohibited uses) and Section C (special permitted uses);

- 7) Farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to Section B (prohibited uses) and Section C (special permitted uses);
- 8) Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels.

Underground storage tanks related to these activities are not categorically permitted.

b) Prohibited Uses: The following uses are prohibited:

- 1) Landfills and open dumps as defined in 310 CMR19.006;
- 2) Storage of liquid petroleum products, except the following:
  - (a) Normal household use, outdoor maintenance, and heating of a structure;
  - (b) Waste oil retention facilities required by statute, rule or regulation;
  - (c) Emergency generators required by statute, rule, or regulation;
  - (d) Treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters;

provided that such storage, listed in items (a) through (d) above, is in free-standing containers within buildings or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity;

- 3) Landfills receiving only wastewater residuals and/or septage;
- 4) Storage of sludge, and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- 5) Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- 6) Storage of animal manure unless stored within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- 7) Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within 6 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works;
- 8) Facilities that generate, treat, store or dispose of hazardous waste subject to MGL 21C and 310 CMR 30.000, except the following:
  - (a) Very small quantity generators as defined under 310 CMR 30.000;
  - (b) Household hazardous waste centers and events under 310 CMR 30.390;
  - (c) Waste oil retention facilities required by MGL Chapter 21, Section 52A;
  - (d) Water remediation treatment works approved by the Department of



Environmental Protection for the treatment of contaminated ground or surface waters;

- 9) Automobile graveyards and junkyards, as defined in MGL Chapter 140B, Section 1;
  - 10) Treatment or disposal works subject to 314 CMR 5.00, for wastewater other than sanitary sewage. This prohibition includes, but is not limited to, treatment or disposal works related to activities under the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6) (Title 5), except the following:
    - (a) The replacement or repair of existing system(s) that will not result in a design capacity greater than the design capacity of existing system(s);
    - (b) Treatment works approved by the Department of Environmental Protection designed for treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.05(3) or 5.05(13); and
    - (c) Publicly owned treatment works.
  - 11) Storage of hazardous materials, as defined in MGL Chapter 21E, unless in a free standing container within a building or above ground with adequate secondary containment adequate to contain a spill the size of the container's total storage capacity;
  - 12) Industrial and commercial uses which discharge process wastewater on-site;
  - 13) Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district;
  - 14) Storage of commercial fertilizers, as defined in MGL Chapter 128, Section 64, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate;
  - 15) The use of septic system cleaners which contain toxic or hazardous chemicals.
- c. Uses and Activities Requiring a Special Permit: The following uses and activities are permitted only upon the issuance of a Special Permit by the Special Permit Granting Authority (SPGA) under such conditions as they may require:
- 1) Enlargement or alteration of existing uses that do not conform to the Groundwater Protection District;
  - 2) The application of fertilizers for non-domestic or non-agricultural uses. Such application shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition, and sedimentation;
  - 3) Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in

the underlying zone (except as prohibited under Section B). Such activities shall require a special permit to prevent contamination of groundwater;

- 4) The construction of dams or other water control devices, ponds, pools or other changes in water bodies or courses, created for swimming, fishing, or other recreational uses, agricultural uses, or drainage improvements. Such activities shall not adversely affect water quality or quantity;
- 5) Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quantity. For non-residential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

7. Procedures for Issuance of Special Permit

- a. The Special Permit Granting Authority (SPGA) under this Bylaw shall be the Zoning Board of Appeals. Such special permit shall be granted if the SPGA determines, in conjunction with the Board of Health, the Conservation Commission, the Board of Water/Sewer Commissioners, the Department of Public Works, and the Planning Board that the intent of this bylaw, as well as its specific criteria are met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relations to the standards given in this section. The SPGA shall document the basis for any departures from the recommendations of the other town boards or agencies in its decision.
- b. Upon receipt of the special permit application, the SPGA shall transmit one copy to the Planning Board, Board of Health, the Conservation Commission, the Board of Water/Sewer Commissioners, and the Department of Public Works for their written recommendations. Failure to respond in writing within 35 days of receipt by the Board shall indicate approval or no desire to comment by said agency. The necessary number of copies of the application shall be furnished by the applicant.
- c. The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in Section 6 of this bylaw, and any regulations or guidelines adopted by the SPGA. The proposed use must:
  - 1) In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District, and
  - 2) Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.
- d. The SPGA may adopt regulations to govern design features of projects. Such regulations shall be consistent with subdivision regulations adopted by the municipality.

- e. The applicant shall file eleven (11) copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:
- 1) A complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;
  - 2) For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Hazardous Materials Coordinator, Fire Chief, and Board of Health. The plan shall include:
    - a) Provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;
    - b) Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;
    - c) Evidence of compliance with the Regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30, including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection.
  - 3) Proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.
- f. The SPGA shall hold a hearing in conformity with the provision of MGL Chapter 40A, Section 9, within 65 days after the filing of the application and after review by the Town Boards, Departments, and Commissions.

Notice of the public hearing shall be given by publication and posting and by first-class mailings to parties of interest as defined in MGL Chapter 40A, Section 11. The decision of the SPGA and any extension, modification, or renewal thereof shall be filed 90 days following the closing of the public hearing. Failure of the SPGA to act within 90 days shall be deemed as a granting of the permit. However, no work shall commence until a certification is recorded as required by said Section 11.

- g. Written notice of any violations of this Article shall be given by the Zoning Enforcement Officer to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and remedy for the violations and preventive measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Building Inspector, the Board of Health, Conservation Commission, Department of Public Works, and Board of Water/Sewer Commissioners. The cost of containment, clean-up, or other action of compliance shall be borne by the owner and operator of the premises.

For situations that require remedial action to prevent adverse impact to water resources within the Groundwater Protection District, the Town of Medway, the Building Inspector, the Board of Health or any of their agents may order the owner or operator of the premises to remedy the violation. If said owner and/or operator does not comply with said order, the Town of Medway, the Building Inspector, the Board of Health or any of their agents, if authorized to enter upon such premises under the terms of the special permit or otherwise, may act to remedy the violation. The remediation cost shall be the responsibility of the owner and operator of the premises.

8. Severability: A determination that any portion or provision of this overlay protection district is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder.

*(This Sub-Section added May 10, 2004)*

## **W. ADAPTIVE USE OVERLAY DISTRICT**

1. Purpose: The purpose of the Adaptive Use Overlay District is to promote economic development while maintaining community character by streamlining the permitting process for conversion of existing buildings within the district to commercial or commercial and two-family residential uses while maintaining the architectural integrity of the buildings and preserving the character of the district. The specific purposes of the Adaptive Use Overlay District are:
  - a) To provide for limited business uses within certain portions of residential districts subject to standards designed to preserve community character.
  - b) To encourage the preservation of historic buildings by providing economic uses for buildings that may no longer function well as single-family residences.
  - c) To implement certain goals of the Master Plan including encouraging economic development, protecting small town character, preserving historic sites, and updating zoning to maintain consistency.
2. General Requirements:
  - a) Location: The Adaptive Use Overlay District is superimposed on that portion of the ARII district along the north side of Main Street between Mechanic Street and Winthrop Street 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 CII district at Elm Street.
  - b) Main Street Frontage: Only properties with a minimum of 50 feet of frontage on Main Street within the boundaries of the overlay district shall qualify for a special permit granted by the Planning Board (hereinafter referred to as a “Adaptive Use Special Permit”).
  - c) Rules and Regulations: The Planning Board shall develop Adaptive Use Overlay District Rules and Regulations which shall more fully define the application requirements, identify supporting information needed, and establish reasonable application, review and inspection fees, and performance bond requirements.
3. Permitted Uses
  - a) Uses Allowed As of Right: All uses allowed as of right in the underlying ARII district shall remain as of right within the Adaptive Use Overlay District
  - b) Uses Allowed by Special Permit: The following uses shall be permitted upon the granting of a Adaptive Use Special Permit by the Planning Board under the provisions of Massachusetts General Laws Chapter 40A, Section 9.
    - 1) Offices for business or professional uses, including, but not limited to accountants, architects, attorneys, counselors, engineers, insurance agents, medical practitioners, planners, real estate sales, and similar uses.
    - 2) Two-family residences in conjunction with commercial uses.
    - 3) Studios for artists, photographers, interior decorators and similar design-related uses.

- 4) Retail sales for handcrafted merchandise, original art or copies of original art objects, antiques, and second hand goods.
    - 5) Food services including, but not limited to bakeries, cafes, coffee shops, delicatessens, frozen dessert shops, pastry shops, or sandwich shops.
    - 6) Repair shops for small electronic equipment, appliances or tools.
    - 7) Personal care services such as barber shops, beauty parlors and nail salons.
    - 8) Florists
  - c) Prohibited Uses: The following uses shall be prohibited from the Adaptive Use Overlay District:
    - 1) Motor vehicle sales, repair, or sales of parts
    - 2) Manufacturing
    - 3) Drive-through windows of any kind
    - 4) Exterior storage of equipment or materials
4. Adaptive Use Special Permit Site Development Standards: The following site development standards shall apply to all Adaptive Use Special Permit developments:
- a) Each lot subject to the Adaptive Use Special Permit shall have a building or buildings located on it that was constructed prior to May 10, 2004.
  - b) All developments must include the restoration or enhancement of the primary existing building(s) to maintain or restore its original architectural integrity.
  - c) Unless determined by the Planning Board to be not feasible, all parking shall be to the rear and side of the building and not in the front yard. Parking areas shall be screened from the public way and abutting properties by structures and/or landscaping. Adequate provisions for on-site retention and treatment of stormwater shall be included. Parking areas shall include provisions for current or future shared and/or linked parking with adjacent properties when such linking can be accomplished without significant degradation of the character of the neighborhood.
  - d) Lighting shall be of residential scale, architecturally compatible with the building, and shall be designed to ensure that no glare is produced on abutting properties or the public way.
  - e) No new curb cuts shall be added and no existing curb cut shall be expanded, unless the Planning Board finds that such changes are necessary to ensure safe access to the property.
  - f) Significant pedestrian and bicycle access (including bicycle parking) shall be provided.
  - g) All developments shall include a landscape plan that maintains or enhances the residential character of the property. The landscape plan shall also provide, in the opinion of the Planning Board, a buffer zone (including one or more of shrubs, trees, grass and fencing) appropriate for the proposed use along any property boundaries with an adjacent residential use, as well as screening for parking, loading and refuse storage facilities.
  - h) For every 300 square feet of gross floor space, at least one (1) off-street parking space shall be provided, unless the Planning Board finds that a lesser number is adequate based on site characteristics and the proposed use.

- i) For every residential unit in a building with multiple residences or mixed commercial and residential uses, at least two (2) off-street parking spaces shall be provided, unless the Planning Board finds that a lesser number is adequate based on site characteristics and the proposed use.
5. Procedures for Special Permit: Projects that are granted an Adaptive Use Special Permit shall be exempt from Site Plan Approval as required in SECTION V. USE REGULATIONS, Sub-Section C of this Zoning Bylaw. However, only the specific uses and improvements for which an Adaptive Use Special Permit is granted shall be exempt from Site Plan Approval.
6. Procedures for Special Permit: Applications for Adaptive Use Special Permits shall be made to the Planning Board on forms provided for that purpose, accompanied by the required fee. Copies of the completed application shall be distributed to those boards and departments specified in the Rules and Regulations, and shall include, but not be limited to: the Selectmen, Inspector of Buildings, Conservation Commission, and Design Review Committee. A complete application shall include the following items:
- a) Application Form
  - b) Application and Plan Review Fees
  - c) Certified Abutters List
  - d) A plan of the property prepared by a Professional Engineer (PE) and Registered Land Surveyor (RLS), certified by same with their seal, stamp and signature, at the discretion of the Planning Board. The plan shall show, among other things, all of the following existing and proposed site features: buildings, structures and roadways; freestanding signs including traffic control signs; driveways, walkways and parking spaces; service areas; utility lines; landscape features, including trees; fences and walls; open spaces and buffer areas; storm water drainage design, existing topography; and natural features, including wetlands.
  - e) A locus plan showing existing buildings, structures, freestanding signs, driveways and walkways on abutting properties.
  - f) Design features of the building(s) and structures, including, as appropriate, elevations, materials, colors, etc.
  - g) A narrative statement discussing how the proposed project complies with the purposes and requirements of the Adaptive Use Special Permit
7. Special Permit Standards and Criteria: In considering an application for an Adaptive Use Special Permit, the Planning Board shall make the following findings:
- a) The proposed use is allowed under the provisions of 3. b).
  - b) The site is adequate for the proposed use in terms of size, configuration, and uses of abutting properties.
  - c) Provisions for traffic and parking are adequate for the proposed use.

- d) Provisions for pedestrian and bicycle access are adequate, based on site characteristics and the proposed use.
- e) The proposal restores or enhances the aesthetic appeal of the primary building and its site.
- f) The impact on neighborhood visual character, including views and vistas, is positive.
- g) The provisions for utilities, including sewage disposal, water supply and stormwater management are adequate.
- h) The proposed project complies with the goals of the Master Plan and the purposes of this section of the Zoning Bylaw.

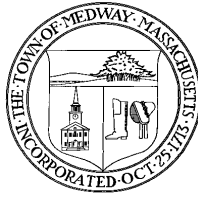
*(This Sub-Section added June 28, 2004)*

###

***A TRUE COPY ATTEST:***

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

*Daniel J. Hooper, Chairman*  
*Matthew J., Hayes, P.E., Vice-Chairman*  
*Alan DeToma, Clerk.*  
*Karyl Spiller-Walsh*  
*Eric Alexander*

*December 22, 2004*

***MEDWAY ZONING MAP - UPDATES***

Since the Planning Board published a revised Zoning Map on June 30, 2001, the Town Meeting has amended the Zoning Bylaw to modify several zoning district boundaries. Additionally, a new *Commercial V* district was created (*at the intersection of Route 109 and 126*) and two overlay districts (*Groundwater Protection District and Adaptive Use Overlay District*) were established. The Zoning Map has not yet been updated to depict these changes. They are described as follows:

1. To enlarge the existing Commercial District I, by extending along the easterly side of Holliston Street from an area currently zoned Agricultural Residential II, northerly approximately 85.00 feet, then easterly 287.64 feet along the property line, southerly 85.0 feet to approximate zone line, westerly approximately 300.00 feet along the approximate zone line, back to Holliston Street.

*Voted by Town Meeting - November 5, 2001*  
*Approved by the Attorney General - January 24, 2002*

2. To create an approximately 9 acre extension of the existing Commercial District I, as amended November 5, 2001, starting at the northwest corner of the area currently zoned Commercial District I and extending northerly along the easterly side of Holliston Street approximately 271.89 feet to land now of Cassidy or Friel Realty Trust; then east/southeasterly approximately 1006.2 feet along the property line to land now or formerly of Lampke; then southerly approximately 331.94 feet along the property line to a point on Main Street /Route 109; then westerly along Main Street/Route 109 approximately 818.76 feet to land currently zoned Commercial District I; then northerly approximately 285 feet along land currently zoned Commercial District I; then westerly approximately 287.64 feet along land currently zoned Commercial District I, to a point on the easterly side of Holliston Street being at the point of beginning.

*Voted by Town Meeting - May 13, 2002*  
*Approved by the Attorney General - August 30, 2002*

3. To change the zoning classification of all of the approximately eleven (11) acres of land zoned Industrial IV located west of Sanford Street and north of the Charles River, to Agricultural Residential District II zoning.

*Voted by Town Meeting - May 13, 2003*  
*Approved by the Attorney General - September 29, 2003*

4. To change the zoning classification of approximately 8.74 acres of property located on all four corners of the intersection of Routes 109 and 126 (*Restaurant 45, Medway Gardens, Paramount Industries, Dunkin Donuts and the Town of Medway*) from Agricultural Residential I and II to a new Commercial V district.

*Voted by Town Meeting - May 10, 2004*  
*Approved by the Attorney General - August 18, 2004*

5. To establish a Groundwater Protection (overlay) District consisting of all Massachusetts Department of Environmental Protection approved Zone II recharge areas located in the community.

*Voted by Town Meeting – May 10, 2004*

*Approved by the Attorney General - August 18, 2004*

6. To establish an Adaptive Use Overlay District in that portion of the Agricultural Residential II district along the north side of Main Street between Mechanic and Winthrop Streets 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 II district at Elm Street.

*Voted by Town Meeting – May 10, 2004*

*Approved by the Attorney General - August 18, 2004*

### ***CORRECTION***

*Please be advised that the southern boundary line between the Agricultural and Residential II District and the Commercial VI District for the area closest to Holliston Street is incorrectly shown on the June 30, 2001 Zoning Map.  
The January 1, 1995 Zoning Map accurately depicts the correct boundary.*

#### ***ATTEST:***

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*Susan E. Affleck-Childs*  
Planning Board Assistant

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*Date*