TOWN OF MEDWAY
MASSACHUSETTS

ZONING BYLAW & MAP

Updated – July 7, 2014

Includes all amendments approved by Town Meeting through May 12, 2014

Medway & Economic Development Board

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew Hayes, P.E.
Karyl Spiller-Walsh
Richard Di Iulio, Associate Member

The Medway Zoning Bylaw & Map is also available on line at www.townofmedway.org

TOWN OF MEDWAY

Planning & Economic Development Board

155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
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Richard Di Iulio, Associate Member

July 7, 2014

The following pages contain the provisions of the *Medway Zoning Bylaw* as amended. This edition incorporates all approved amendments including those actions taken by Medway's 2014 Annual Town Meeting held on May 12, 2014. It also includes the current *Medway Zoning Map* as updated July 7, 2014.

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, please bring them to the attention of the Medway Planning & Economic Development office. If you have questions concerning anything set forth in this booklet, please consult the official record of the Town Meeting at which a particular zoning provision was adopted. Those records are on file in the Office of the Medway Town Clerk, Medway Town Hall, 155 Village Street, Medway, MA 02053.

Any questions regarding interpretation of the *Medway Zoning Bylaw* should be directed to John F. Emidy, Medway's Building Commissioner and Zoning Enforcement Officer. He can be reached at 508-533-3253 or jemidy@townofmedway.org.

The Planning and Economic Development Board intends to update and republish this booklet on an annual basis after the Attorney General's review and approval of zoning amendments adopted by Town Meeting.

It is hoped that this publication 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 to consult an attorney before attempting to act upon its content.

Best regards,

Andy Rodenhiser
Chairman

Telephone: 508-533-3291 Fax: 508-321-4987
planningboard@townofmedway.org

TOWN OF MEDWAY, MASSACHUSETTS - ZONING BYLAW

Updated – July 7, 2014

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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 develop the natural, scenic and aesthetic qualities of the community in a manner that reflects traditional New England architectural styles; 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 and Economic Development 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. *(Revised May 14, 2007)*

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.

(NOTE – Sub-Section C was deleted May 14, 2012)

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.

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 and Economic Development Board. An ARCPUD shall include at least one (1) of the Adult Retirement Community Residential Uses as defined in SECTION II of this Bylaw. The Planning and Economic Development 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. *(Revised May 14, 2007)*

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

Affordable Housing Unit: A dwelling unit that is affordable to and occupied by a low or moderate income household and meets the requirements for inclusion on the Massachusetts Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory. 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 and revised June 12, 2006)*

Alternative Energy: Energy derived from combined heat and power; and electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations. *(Added June 14, 2010)*

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 suck 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) (an Adult Retirement Community Residential Use): A building or group of buildings under common management and serving purposes that assist the elderly in maintaining an independent lifestyle. *(Revised May 14, 2007)*

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 and Economic Development 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. *(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.

Commercial Motor Vehicle: Any vehicle licensed by the Commonwealth of Massachusetts as a commercial motor vehicle (540 CM$ 4.02 Special Definitions) *(Added June 14, 2010)*

Common Driveway: A privately owned driveway, paved or not, providing vehicular access between two or more buildings and a street. A Common driveway does not serve as legal frontage for a lot. *(Added May 14, 2012)*

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.

Contractor's Quarters: A building or portion thereof, occupied by a building or construction contractor or subcontractor and used by the building or construction contractor or subcontractor for any of the following purposes pertaining to its business:

1) interior storage of construction supplies, products, materials and equipment;
2) fabrication of assemblies or subassemblies;
3) servicing of equipment;
4) administrative operations;
5) whole and retail sales; or
6) showrooms of finished and unfinished products and materials.

(Added June 2, 2008)

Contractor's Yard: An area on a premises used for any of the following outside activities associated with the operation of a building, construction, plumbing, wiring, landscaping, excavating or other similar contracting or sub-contracting business:

1) the storage of equipment, supplies and materials;
2) the fabrication of sub-assemblies
3) the parking of wheeled equipment
4) the parking of 2 or more motorized vehicles with six (6) wheels or more;
5) the parking of 1 or more "commercial motor vehicles" as defined by the Massachusetts Registry of Motor Vehicles in 540 CMR 4.02.

(Added May 14, 2012)

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.

Drive-Thru Facility: A place of business, which serves customers who remain in motor vehicles, that provides goods or services to the exterior of the building by means of a service window, counter, or similar method or device. *(Added June 6, 2005)*

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.

Frontage: That portion of a lot which fronts on a street or streets from which physical access to the principal building on the lot can be provided. Frontage is measured as the distance between the points of intersection of the side lot lines with the front lot line. In the case of a corner lot bounding more than one street, the measurement on both streets may be used to determine if the lot meets the minimum frontage requirements of the particular zoning district. With a corner lot, the frontage is measured from the side lot line to the midpoint of the arc that constitutes the corner rounding at the intersection of the two streets. *(Added May 14, 2012)*

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

Home Based Business: An occupation or business activity conducted in whole (or in part) within a dwelling or structure accessory thereto by a person residing on the premises which results in the sale of a product or service for financial gain. A home-based business is an accessory, incidental and subordinate use to the primary residential use of the property. *(Added June 14, 2010)*

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 retail establishment that primarily serves the needs of residents of a local neighborhood, which offers a limited line of merchandise desired by the convenience shopper. *(Revised May 14, 2007)*

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

Lot Area: The total area of a lot, not including the area of any street rights-of-way. *(Added May 14, 2012)*

Lot Coverage: That portion of the lot that is covered buildings/structures including accessory buildings. Lot coverage shall be determined by dividing the area of the footprint of all buildings on a lot by the total area. *(Added May 14, 2012)*

Lot Frontage: The length of a lot line(s) measured at the street right-of-way line *(Added May 14, 2012)*

Lot Line: A line of record bounding a lot that divides one lot from another lot or from a way or any public space. *(Revised May 14, 2012)*

Lot Line, Front: A lot line separating a lot from a street right-of-way *(Added May 14, 2012)*

Lot Line, Rear: A line separating a lot from other lots or from land in a different ownership, being the boundary of a lot which is opposite or approximately opposite the front lot line. *(Added May 14, 2012)*

Lot Line, Side: Any lot line other than a front or rear lot line. *(Added May 14, 2012)*

Lot Line, Street: A lot line separating a lot from a street right-of-way *(Added May 14, 2012)*

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)*

Manufacturing: The transformation of raw materials or substances, components or parts into new products by the use of machines, tools and labor through a mechanical, chemical or other process. Also includes the blending of materials and the assembling of component parts. *(Added June 14, 2010)*

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.

Planning Board: The term "Planning Board" wherever used in this Bylaw shall mean and refer to the "Planning and Economic Development Board" as established in Chapter 84 of the Acts of 2008 (the town charter). *(Added June 15, 2009)*

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.

Renewable Energy: Energy derived from natural resources which are regenerated over time through natural processes. Such energy sources include the sun (solar); wind; moving water (hydro & wave); organic plant materials (biomass); and the earth's heat (geothermal). Renewable energy resources may be used directly, or used indirectly to create more convenient forms of energy. Renewable energy sources also include landfill gas, fuel cells, and advanced biofuels. *(Added June 14, 2010)*

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.

Research and Development Facilities: Those used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes or specialized machinery and devices integral to research or testing may be associated with research and development facilities. *(Added June 14, 2010)*

Retail Sales: Establishments engaged in the buying, receiving, selling and renting of goods or merchandise to the general public and which may include the rendering or associated services incidental to the sale of such goods or merchandise. Said merchandise being offered shall be stocked and displayed primarily within the building. *(Added May 14, 2012)*

Retail Sales, Outdoors: Retail sales establishments where the display of products occurs primarily outside of a building or structure, including but not limited to automotive and recreational vehicles, boats, garden supplies, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yard. *(Added May 14, 2012)*

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

Services: Establishments engaged primarily in providing assistance, as opposed to products, to individuals or businesses and other enterprises, including but not limited to business, social, personal and educational services. *(Added May 14, 2012)*

Setback: The distance between a structure and any lot line. *(Added May 14, 2012)*

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:

1) A public way or way which the Town Clerk certifies is maintained and used as a public way.
2) A way shown on a Definitive Subdivision Plan approved and endorsed under the Subdivision Control Law and recorded at the Norfolk County Registry of Deeds that is constructed or secured through a covenant or suitable performance guarantee.
3) A way already physically in existence on the ground when the Subdivision Control Law become effective in Medway and having, in the opinion of the Planning and Economic Development Board, adequate width, construction, and grades for the needs of vehicular traffic for the existing and future buildings and uses abutting thereon or to be served thereby.

(Revised May 14, 2012)

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.

Useable Floor Space (Net Floor Area): The total area of all floors of principal and accessory buildings or structures on a lot, excluding stairwells and elevator shafts, equipment/utility rooms, rooms used for the storage of merchandise not accessible to the public, rooms/areas dedicated exclusively for employee use, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for permitted uses. *(Added June 2, 2008)*

Vehicle Fuel Station: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale of fuel for motor vehicles. *(Added May 14, 2012)*

Vehicle Repair: Any building, land area, or other premises, or portion thereof, used for the maintenance, painting, servicing, repair or leasing of motor vehicles. *(Added May 14, 2012)*

SECTION III. ADMINISTRATION

A. THE PLANNING AND ECONOMIC DEVELOPMENT 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 and Economic Development 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 and Economic Development 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 and Economic Development Board of every abutting municipality.

(Note – The former third and fourth paragraphs were deleted May 14, 2007)

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 or 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 and Economic Development 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 and Economic Development Board. A public hearing shall be held by the Planning and Economic Development Board within sixty-five (65) days after the proposed change is submitted to the Planning and Economic Development 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 and Economic Development 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 and Economic Development 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 AND ECONOMIC DEVELOPMENT BOARD ASSOCIATE MEMBER

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

J. SPECIAL PERMIT CRITERIA

Unless otherwise provided elsewhere in this Bylaw, all special permit granting authorities, shall before granting a special permit, find that in its judgment, all of the following criteria for the granting of a special permit are met.

1. The use is in harmony with the general purpose and intent of the bylaw
2. The use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district.
3. Adequate and appropriate facilities will be provided for the operation of the proposed use.
4. The proposed use will not be detrimental or otherwise offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, visual or other nuisances.
5. The proposed use will not cause undue traffic congestion in the immediate area.
6. The proposed use is consistent with the 1999 Master Plan, as may be updated.

(Paragraph J. added May 14, 2007)

SECTION IV. DISTRICTS

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

Agricultural Residential I
Agricultural Residential II
Commercial I
Commercial III
Commercial IV
Commercial V

Business/Industrial

Industrial I
Industrial II
Industrial III

Said districts are located as shown on the Medway Zoning Map, dated June 30, 2001, as may be amended, and filed with the Town Clerk.

The following Overlay Districts also apply:

Flood Plain/Wetland Protection
Open Space Residential Development
Adult Retirement Community Overlay District
Adaptive Use Overlay District
Groundwater Protection District

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

(NOTE – SECTION IV was replaced in its entirety November 10, 2008)

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, sub-divisions 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 (l) 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.

(Sub-Section A. revised May 14, 2012)

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:

Frequency Band (Cycles per second)	*Sound Pressure Level* (Decibels re. 0.0002 Dyne/CM2)
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.

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. Upland building area shall not include wetland replication areas that may be required by the Medway Conservation Commission. *(Revised June 6, 2005)*

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.

6. Exterior Lighting

   a) Purpose – The purpose of these provisions to create a standard for outdoor lighting so that its use is consistent and provides functionality and convenience. Additionally, the intent of these regulations is to enhance public safety/security; to minimize light trespass, glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive or unnecessary and providing for lighting that will complement the character of the community; to reduce the cost and waste of unnecessary energy consumption by promoting energy conservation; and to preserve the night sky as a natural resource to enhance nighttime enjoyment of property within Medway.

b) Definitions - Except as noted hereinafter, all definitions are provided in the Zoning Bylaw. Unless the context clearly indicates otherwise, certain words and phrases used in this section shall mean the following:

1) *Direct Light* - Light emitted directly by a lamp, off a reflector, or through a refractor of an outdoor light fixture.
2) *Filtered* – When referring to an outdoor light fixture means that the fixture is to be fitted with a glass acrylic, or other translucent enclosure of the light source.
3) *Indirect Light* - Direct light that has been reflected off other surfaces not part of the luminaire.
4) *Lamp* – The component of an outdoor light fixture that produces the actual light.
5) *Light Trespass* – Direct light emitted by an outdoor lamp fixture that shines beyond the boundaries of the property on which the outdoor light fixture is installed.
6) *Luminaire* - A complete lighting system, including a lamp or lamps and a fixture.
7) *Lumen* - A measure of light energy generated by a light source. One foot candle is one lumen per square foot. For this purpose, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.
8) *Shielded* – When referring to an outdoor light fixture, shielded means that the fixture allows no up lighting.
9) *Up-Light* – Direct light emitted by an outdoor light fixture above a horizontal plane through the fixture's lowest light-emitting part.

c) Applicability – Except as exempted herein, these provisions shall apply to all municipal, industrial, commercial, business, institutional and residential uses throughout the community.

1) When an existing outdoor lighting installation is being modified, extended, expanded, or added to, the entire outdoor lighting installation on the lot shall be subject to the requirements of this section.

2) Exemptions – The following types of lighting are exempt from these regulations:
   a. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code (NEC).
   b. Exit signs and other illumination required by the Building Code.
   c. Lighting for stairs and ramps as required by the Building Code.
   d. Temporary decorative or holiday lighting (less than 30 days use in any one year).
   e. Low voltage landscape lighting, but such lighting should be shielded in a way as to eliminate glare and light trespass.
   f. Lighting of flagpoles.
   g. Signage lighting is regulated by SECTION V. Sub-Section R of the Zoning Bylaw, but all lights for signs should be fully shielded.
   h. Public roadway illumination or other lighting installed on streets or ways to control traffic or other lighting for public safety as may be required or installed by governmental agencies.

d) Requirement for Lighting Plan – Wherever outside lighting is proposed, every applicant for a building permit, a special permit, site plan review, a variance or an electrical permit shall submit a lighting plan to the permit granting authority which shall include the following information:

1) location, orientation, type and height of all proposed outdoor luminaires including those around all structures, driveways, driveway entrances, walkways, pathways and parking areas;
2) luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles
3) the type of lamp such as metal halide, compact fluorescent, high pressure sodium, etc.
4) a photometric plan showing the intensity of illumination, expressed in foot candles, at ground level in the interior of the property and at the property boundaries.
5) times of illumination.

e) Standards for the Control of Glare and Light Trespass

1) Lighting shall meet the requirements of the Massachusetts Building Code for Energy Efficiency Chapter 13, section 1308 or current requirement. Light trespass onto any street or abutting lot is not permitted. Lighting shall be directed onto the site. This may be demonstrated by manufacturer's data, cross section drawings or other means. Foot-candle readings at property lines between residential and non-residential properties shall not exceed 0.01 foot candles at any elevation.

2) Any outdoor luminaire subject to these provisions with a lamp or lamps rated at a total of more than 2,000 lumens shall be fully shielded and shall not emit any direct light above a horizontal plane passing through the lowest part of the light emitting luminary.

3) Hours of Operation - Outdoor lighting shall not be illuminated between 11:00 p.m. and 6:00 a.m. with the following exceptions:

a. if the use is being operated, such as a business open to customers, or where employees are working or where an institution or place of public assembly is conducting an activity, normal illumination shall be allowed during the activity and for not more than one half hour after the activity ceases;
b. low level lighting sufficient for the security of persons or property on the lot may be in operation between 11:00 p.m. and 6:00 am, provided the average illumination on the ground or on any vertical surface is not greater than 0.5 foot candles.

4) Lighting shall be provided at the lowest brightness and intensity levels possible to allow for emergency nighttime access.

f) Standards for Energy Conservation – Lighting shall meet the requirements of the Massachusetts Building Code for Energy Efficiency, chapter13, section1308 or current requirement.

g) Special Permit - The Board of Appeals, acting as the special permit granting authority, may grant a special permit allowing for lighting in excess of these requirements, provided it determines that such a modification is consistent with the intent of these regulations. In

these cases, it shall be the responsibility of the applicant to demonstrate, by suitable objective means that:

1) an extraordinary need for additional security lighting exists due to a history of vandalism or other reasonable data;
2) conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas;
3) such a minor change is proposed to an existing non-conforming lighting installation, that it would be unreasonable to require complete replacement of the entire installation; or
4) the complete shielding of direct light is technically infeasible due to the geometry of a lot, building, or structure.

The Zoning Board of Appeals may also authorize a special permit for athletic field or stadium lighting but only after identifying steps to be taken to minimize glare and light trespass, and to utilize sensible curfews.

(NOTE – Former Paragraph 6 on Parking Regulations was deleted May 13, 2013)

(NOTE – The Paragraph on Exterior Lighting was added June 14, 2010)

C. SITE PLAN REVIEW and APPROVAL

1. ***Purpose*** – The purpose of site plan review and approval is to:

   a) Protect the health, safety, convenience and general welfare of the inhabitants of the Town of Medway;

   b) Promote functional and aesthetic design, construction and improvement of all development projects;

   c) Minimize harmful effects on surrounding areas;

   d) Regulate uses through the imposition of reasonable conditions concerning location of buildings, open space, landscaping, parking, lighting, storage areas, access and egress, drainage, sewage, water supply, waste disposal, safety and site amenities;

   e) Provide for a comprehensive review process addressing the following issues to determine whether a proposed development complies with the Zoning By-Law and the site development standards as specified in the *Site Plan Rules and Regulations:*

      1) The buildings, uses and site amenities are properly located on the development site in relation to the terrain and scale of other buildings in the vicinity and adjacent neighborhoods;

      2) The construction and renovation of buildings and installation of site amenities are thoughtfully designed to reflect or be compatible with Medway's New England architectural style as further detailed in the *Design Guidelines*;

      3) Adjacent and neighboring properties are protected from nuisance and harmful effects caused by noise, fumes, and the glare of headlights and other light sources generated by uses on the development site;

      4) Significant natural features on a development *site (i.e. hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, wildlife habitats, and other areas of aesthetic and ecological interest)* are preserved with as minimal site disturbance as possible.

      5) Off-street loading facilities and methods for unloading vehicles, goods, products materials and equipment incidental to the normal operation of the establishment(s) on the development site are conveniently and safely provided while the visual intrusion thereof is appropriately screened from public view;

      6) Facilities for the storage, handling and disposal of sewage, refuse and other solid wastes resulting from the normal operations of the establishment(s) on the development site are provided and adequately screened from public view;

      7) Pedestrian ways, access driveways, loading and parking facilities are properly designed for the convenience and safety of customers, employees and the general public;

      8) Convenient and safe access for fire-fighting and emergency rescue vehicles is provided to and within the development site in relation to adjacent streets;

9) Satisfactory methods for drainage of surface water to and from the development site are provided;

10) Public ways and private drives are properly designed and constructed to serve the intended use and provide an adequate level of service in relation to the traffic to be generated by the development site;

11) The effects and impacts of the proposed use of land or structures on vehicular and pedestrian traffic, municipal services and utilities, roadways, parking, drainage, environmental quality, water resources, signage, lighting, and community economics, character, values, amenities and appearance are identified and evaluated;

12) Site design modifications to lessen the negative and harmful impacts are proposed and evaluated; and

13) Reasonable conditions, limits, safeguards and mitigation measures are established.

Desired community characteristics as expressed in the Medway Master Plan shall be protected and encouraged through the site plan review and approval process.

2. ***Definitions***

Alteration of Existing Parking Area - Includes installation, removal or relocation of any curbing, traffic channelization island, driveway, travel lanes, storm drainage, lighting or similar facilities, but does not include resurfacing, striping or restriping pavement markings on existing parking or storage areas.

Board – The Planning and Economic Development Board of the Town of Medway

Design Guidelines – A written document produced by the Design Review Committee and adopted by the Medway Planning and Economic Development Board.

Gross Floor Area – The sum of the gross horizontal areas of all floors of a building or structure as measured from the exterior face of exterior walls, but excluding any floors determined to be not occupiable.

Major Site Plan Project – Any multi-family, commercial, industrial, institutional or municipal project which involves:

a) New construction; or
b) Alteration, reconstruction, or renovation work that will result in a change in the outside appearance of an existing building or premises, visible from a public or private street or way; or
c) A change in use of a building or buildings or premises;

and which includes one or more of the following:

d) Construction of 2,500 or more square feet of gross floor area; or

e) A change in use in an existing building requiring fifteen (15) or more parking spaces;

f) Construction of a new building or addition requiring fifteen (15) or more parking spaces; or

g) Construction, expansion, redesign or alteration of an existing parking area involving the addition of fifteen (15) or more new parking spaces; or

h) Any use or structure, or expansion thereof, exempt under MGL, c. 40A, s. 3, but only if one or more of the above criteria d - g also apply, and only to the extent allowed by MGL, chapter 40A, s. 3.

Minor Site Plan Project – Any construction, alteration, reconstruction or renovation project or change of use, not included within the definition of a *Major Site Plan Project*, which requires a building permit and which involves one or more of the following:

a) A change in the outside appearance of an existing building or premises, visible from a public or private street or way; or

b) A change in use in an existing building requiring five (5) or more but less than fifteen (15) parking spaces; or

c) Construction of a new building or addition requiring five (5) or more but less than fifteen (15) parking spaces; or

d) Construction, expansion, redesign or alteration of a parking area involving the addition of five (5) or more but less than fifteen (15) new parking spaces; or

e) A site, which through continuous or proposed use may be detrimental to municipal infrastructure or to public safety, as determined by the Inspector of Buildings/Zoning Enforcement Officer after consultation with the Police Department Public Safety Officer and/or the Department of Public Services.

f) Any use or structure, or expansion thereof, exempt under MGL, c. 40A, s. 3, but only if one or more of the above criteria a – e also apply, and only to the extent allowed by MGL, chapter 40A, section 3.

3. ***Overview*** – The site plan review and approval process requires a filing of the site plan application with the Board, review by town departments/boards/outside consultants, public review, issuance of a *Decision* by the Board, and plan endorsement.

4. ***Exemptions***

a) In all zoning districts, site plan review and approval is required for any *Major or Minor Site Plan Project* as defined herein except that the requirement for site plan review and approval shall not apply to:

1) Single-family homes, including additions or enlargements;

2) Two-family homes, including additions or enlargements,

3) Proposed residential subdivisions, which are permitted in the Agricultural and Residential Districts I and II as a matter of right;

4) Projects that have received an Adult Retirement Community Planned Unit Development (ARCPUD) Special Permit, an Adaptive Use Overlay District (AUOD) Special Permit, or other special permit from the Planning and Economic Development Board, in which case, site plan review and approval shall be incorporated into those special permit procedures.

5) Projects in which the only change in the outside appearance of an existing building or premises visible from a public or private street or way, requiring a building permit, pertains to:

   a. Building renovation work required to provide handicap accessibility to the structure to comply with the Americans with Disabilities Act (ADA) or the regulations of the Massachusetts Architectural Access Board. (AAB); and/or

   b. Installation of awnings; and/or

   c. Window and/or door replacement; and/or

   d. Installation of exterior siding; and/or

   e. Installation of roofing.

6) Other projects, which as a result of extremely unusual circumstances or location, or which are so insignificant that the rigor of even Limited Site Plan Review would be excessively burdensome to the applicant, or the construction of which will have no significant detriment to the achievement of any of the purposes of site plan review and approval as set forth in paragraph 1 herein, as may determined by the Planning and Economic Development Board. .

5. ***General Requirements***

a) Major Site Plan Projects shall be subject to Complete Site Plan Review. Minor Site Plan Projects shall be subject to Limited Site Plan review.

b) The Inspector of Buildings shall not issue a building permit for any project subject to this Sub-Section unless an application for site plan approval has been prepared for the proposed development in accordance with the requirements of the *Site Plan Rules and Regulations*, and unless the Board has approved or conditionally approved and endorsed a site plan and provided such to the Inspector of Buildings, or has allowed ninety (90) calendar days *(in the instance of a major site plan project)* or sixty (60) calendar days *(in the instance of a minor site plan project)* to elapse from the official site plan submission date unless the applicant has requested an extension in writing.

c) Site plan approval shall lapse after one (1) year of the grant thereof if substantial use has not commenced except for good cause. Approved site plans shall be completed by the applicant or its assignees within two (2) years of the date of plan endorsement. Upon receipt of a written request by the applicant filed prior to the date of expiration, the Board may grant an extension for good cause.

d) Approval of a site plan under this sub-section shall not substitute for the requirement of obtaining a special permit or other forms of relief as required by the Zoning By-Law, except as specifically exempted in 4. a) 4. of this sub-section.

e) Sidewalks shall be provided along the entire frontage of the subject property along existing Town ways, including the frontage of any lots held in common ownership with the parcel(s) within five (5) years prior to the submission of the application for site plan review and approval. In those instances where sidewalk construction is not feasible or practical as determined by the Planning and Economic Development Board, the Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Department of Public Works or by making a payment in lieu of sidewalk construction to the Town of Medway's Sidewalk Special Account in an amount determined by the Planning and Economic Development Board at the recommendation of the Town's Consulting Engineer. *(Added June 14, 2010)*

6. ***Rules and Regulations***

a) The Board shall adopt and may periodically amend *Site Plan Rules and Regulations* to administer Site Plan Review and Approval. The Board shall be guided by these *Regulations* in conducting its review, making its *Decision*, and monitoring the implementation of all approved site plan projects.

b) In exercising its jurisdiction regarding the adoption and amendment of *Site Plan Rules and Regulations*, the Board shall conform to the requirements for the advertisement of public hearing legal notices required by M.G.L., chapter 40A, section 11.

c) The *Site Plan* R*ules and Regulations* shall include but not be limited to the following provisions:
   1) Required documents for site plan submission;
   2) Contents of a site plan application;
   3) Standards for preparation of site plan documents;
   4) Application submittal procedures;
   5) Application filing, plan review and construction inspection/observation fees;
   6) Plan review process;
   7) Use of outside consultants;
   8) Design guidelines;
   9) Site development standards;
   10) Review and approval criteria;
   11) Development impact standards;
   12) Project conditions, limitations, safeguards and mitigation measures;
   13) Waivers from *Site Plan Rules and Regulations*
   14) Plan compliance mechanisms;
   15) Process for plan modifications.

d) The *Site Plan* R*ules and Regulations* shall provide for differentiated application requirements and review procedures for Major and Minor Site Plan Projects.

7. ***Application Procedure - All Site Plans***

a) Before submitting a formal site plan application, prospective applicants for a Major Site Plan Project shall and prospective applicants for a Minor Site Plan Project may contact

the Board to schedule an informal, pre-application meeting to review conceptual plans and discuss permitting procedures.

b) Any applicant desiring approval of a site plan under this Sub-Section shall submit one (1) copy of the site plan documents with an application directly to the Town Clerk. Additional copies of the application, site plan documents, all supporting information, and the required application and review fees shall be submitted to the Board in accordance with the *Site Plan Rules and Regulations.*

c) The official site plan submission date is the date the site plan application is filed with the Town Clerk and the Board, unless the applicant is notified by the Planning and Economic Development Board within twenty-one (21) days of submission that the application is incomplete. In such a case, the application will not be deemed to have been submitted.

d) A project shall be considered to be a *Major Site Plan Project* as defined herein unless determined by the Inspector of Buildings to be a *Minor Site Plan Project.* To claim *Minor Site Plan Project* status, an applicant shall secure a written determination of the Inspector of Buildings and submit such with the application to the Board.

e) Site plan applications shall be prepared in accordance with the provisions and requirements of the *Site Plan Rules and Regulations*

8. ***Major Site Plan Project – Complete Site Plan Review***

a) *Town Staff & Board Review* - The Board shall, within fourteen (14) days of the official site plan submission date, transmit one (1) copy of the site plan to each of the following agencies: Board of Health; Board of Selectmen, Conservation Commission; Design Review Committee, Department of Public Services, Fire Department, Inspector of Buildings/Zoning Enforcement Officer; Police Department; Water/Sewer Board, and such other agencies, boards, committees, or departments as the Board determines may be helpful to the review of the respective application. These agencies may, at their discretion, evaluate the site plan and submit an advisory report to the Board. The Board shall not close the public hearing or issue its *Decision* until it has received reports from the aforementioned agencies or until such agencies have been allowed thirty (30) days to submit a written report. All such reports shall be entered into the public record during the public hearing.

b) *Development Review Coordination* – Within thirty (30) days of receipt of the application, the Board shall schedule a meeting with the applicant and representatives of the various town boards/departments/committees. The purpose of such meeting is for the applicant to brief town boards/departments/committees on the project and to help the applicant better understand the permitting procedures of various Town agencies. This meeting also allows the Town to identify project issues and opportunities, which may benefit from further municipal attention, coordination or assistance.

c) *Public Hearing* - Within sixty-five (65) calendar days of the official site plan submission date, the Board shall hold a public hearing on the proposed site plan. The public hearing shall be held in conformance with the requirements for public hearings and notice as specified in M.G.L, chapter 40A, section 11, and as further described in the *Site Plan Rules and Regulations.* All costs of the public notice requirements shall be at the expense of the applicant.

d) *Decision*

1) Following the Board's review and after the close of the public hearing, the Board shall prepare and file its written *Site Plan Decision* with the Town Clerk and the Inspector of Buildings. The Board's *Decision* shall be filed within thirty (30) calendar days after the close of the public hearing and within ninety (90) calendar days from the official site plan submission date. The deadline by which the Board must file its *Decision* may be extended upon mutual agreement when the applicant requests such an extension and the Board agrees thereto**.** Failure of the Board to take final action by filing its Decision with the Town Clerk within such thirty (30) day period shall be deemed constructive approval of the application.

2) The Board may approve, approve with the conditions, or disapprove the site plan application. An affirmative vote of a simple majority of the membership of the Board shall be sufficient for the Board's *Decision*.

3) In reviewing the application and making its *Decision*, the Board shall consider the information presented in the application and all supplemental information provided by the applicant during the course of the review; all reports of town departments/boards and outside consultants; and any additional information available to the Board, submitted to the Board by any person, official or agency, or acquired by the Board on its own initiative or research.

4) *Findings* - The Board shall determine whether the proposed project will constitute a suitable development based on conformance with the purposes of this Sub-Section and the various standards and criteria as set forth in the *Site Plan Rules and Regulations.* In making its *Decision*, the Board shall consider the project's impacts and the proposed methods of mitigating such impacts.

5) *Approval* – Depending on the nature of the particular site plan project, the Planning and Economic Development Board's approval Decision may include: waivers from the *Site Plan Rules and Regulations*; conditions, limitations and safeguards; requirements for construction observation/inspection, bonding or other performance guarantees, plan compliance measures and the submittal of as-built plans; and reasonable mitigation measures which the Board believes are in the Town's best interests.

a. *Waivers* – The Planning and Economic Development Board may authorize waivers from the *Site Plan Rules and Regulations* if it determines that that the *Regulations* are excessively burdensome to the applicant and that a waiver would permit a superior design or that a waiver would allow construction which will have no significant detriment to the achievement of any of the purposes of site plan review and approval as set forth herein, and that a waiver is in the best interests of the Town.

b. *Conditions, Limitations and Safeguards* - The Planning and Economic Development Board may require conditions, limitations and safeguards to promote the health, safety, convenience and general welfare of the community including, but not limited to, the following:

(1) Plan revisions and design modifications to preserve property values, preserve aesthetic or historic features, maintain compatibility with existing uses, and promote the attractiveness of the community.

(2) Controls on the location and type of access to the site;

(3) Controls on the number, type and time that service and delivery vehicles access the site;

(4) Provision for open space or preservation of views

(5) Limitations on the hours of operation;

(6) Conditions to minimize off-site impacts and environmental quality during construction.

(7) Requirements to screen parking facilities from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;

(8) Conditions to minimize the adverse impacts of the development on abutters and the adjacent neighborhood, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage.

c. *Mitigation Measures* – The Planning and Economic Development Board may require reasonable mitigation measures to offset adverse impacts of the development on the community, including but not limited to:

(1) requirements for off-site improvements up to a maximum value of six percent (6%) of the *total development cost* of the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals/ controls, or municipal services, sufficient to service the development project. The *total development cost* shall mean the total of the cost or value of land and all development related improvements and shall be determined on the basis of standard building or construction costs published in the *Engineering News Record* or other source acceptable to the Planning and Economic Development Board, for the relevant type of structure(s) and use (s).

(2) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements.

(*Revised November 10, 2008)*

6) *Disapproval* - The Board may disapprove a site plan application that fails to furnish adequate information as required by the *Site Plan Rules and Regulations*. The Board may also disapprove a site plan where, although proper in form, the

project fails to meet the bylaws, regulations, guidelines or standards of the Town of Medway, or where the plan depicts a use or structure so intrusive or contrary to the health, safety and welfare of the public in one regulated aspect or another, or where no form of reasonable conditions could be devised to address the problems with the plan, and the community does not possess the capacity to handle the proposed use, that disapproval by the Board would be tenable. The Board's *Decision* to disapprove a site plan shall state the reasons for such disapproval.

e) *Plan Endorsement*

1) In cases where the Board has approved or conditionally approved the proposed site plan, the applicant, within thirty (30) days after the Board has filed its *Decision* with the Town Clerk, shall revise and submit a final site plan reflecting all required changes, if any, to the Board to review for compliance with the Board's *Decision*, before endorsement.

2) The applicant shall provide an original and six (6) copies of the revised site plan for endorsement by the Board.

3) The Board shall not endorse the site plan until it is brought into compliance with the provisions of the Board's *Decision* and a twenty (20) day appeal period has elapsed following the filing of the Board's *Decision* with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. If appeal is made, endorsement shall not occur until after the court's decision sustaining the Board's decision.

4) The Board shall retain a copy of the endorsed site plan and shall distribute copies to the Town Clerk, the Inspector of Buildings, the Department of Public Services, the Assessor's office, and the Town's Consulting Engineer.

f) *Appeal* - Any person aggrieved by the Board's *Site Plan Decision* for a Major Site Plan Project may appeal such Decision to the court within twenty (20) days of the date the *Decision* is filed with the Town Clerk and Inspector of Buildings as provided for in MGL, chapter 40A, section 17.

9. ***Minor Site Plan Project – Limited Site Plan Review***

a) *Town Staff & Board Review* - The Board shall, within fourteen (14) days of the official site plan submission date, transmit one (1) copy of the site plan application and documents to each of the following agencies: Design Review Committee, Department of Public Services, Fire Department, Inspector of Buildings/Zoning Enforcement Officer; Police Department; and such other agencies, boards, committees, or departments as the Planning and Economic Development Board determines may be helpful to the review of the respective application. These agencies may, at their discretion, evaluate the site plan and submit an advisory report to the Board. The Board shall not issue its *Decision* until it has received reports from the aforementioned agencies or until such agencies have been allowed fifteen (15) days to submit a written report. All such reports shall be entered into the public record during the Board's meeting to consider the *Minor Site Plan* application.

b) *Development Review Coordination* – The Board may schedule a meeting with the applicant and representatives of the various town boards/departments/ committees. The purpose of such meeting is for the applicant to brief town boards/departments/ committees on the project and to help the applicant better understand the permitting

procedures of various Town agencies. This meeting also allows the Town to identify project issues and opportunities, which may benefit from further municipal attention, coordination or assistance.

c) *Public Discussion* - Within thirty (30) calendar days of the official site plan submission date, the Board shall begin to consider the application as an agenda item at a duly posted open meeting. Public notice to abutters and parties of interest shall be conducted as described in the *Site Plan Rules and Regulations*.

d) *Decision*

1) Following the Board's review, the Board shall prepare and file its *Site Plan Decision* with the Town Clerk and the Inspector of Buildings. The Board's *Decision* shall be filed within sixty (60) calendar days from the official site plan submission date. The deadline by which the Board must file its *Decision* may be extended upon mutual agreement when the applicant requests such an extension and the Board agrees thereto. Failure of the Board to take its final action by filing its decision within such sixty (60) day period shall be deemed constructive approval of said application.

2) The Board may approve, approve with the conditions, or disapprove the site plan application. An affirmative vote of a simple majority of the membership of the Board shall be sufficient for the Board's *Decision*.

3) In reviewing the application and making its *Decision*, the Board shall consider the information presented in the application and all supplemental information provided by the applicant during the course of the review; all reports of town departments/boards and outside consultants; and any additional information available to the Board, submitted to the Board by any person, official or agency, or acquired by the Board on its own initiative or research.

4) *Findings* - The Board shall determine whether the proposed project will constitute a suitable development based on conformance with the purposes of this Sub-Section and the various standards and criteria as set forth in the *Site Plan Rules and Regulations.* In making its *Decision*, the Board shall consider the project's impacts and the proposed methods of mitigating such impacts.

5) *Approval* – A *Decision* to approve may include but is not limited to the following provisions: waivers; conditions; limitations and safeguards including required plan revisions, design modifications, access controls, off-site improvements, construction observation/inspection, bonding or other performance guarantees, as-built plan submittals, site plan compliance mechanisms, and reasonable mitigation measures which the Planning and Economic Development Board believes are in the Town's best interests.

6) *Disapproval* - The Board may disapprove a site plan application that fails to furnish adequate information as required by the *Site Plan Rules and Regulations*. The Board may disapprove a site plan where, although proper in form, the project fails to meet the bylaws, regulations, guidelines or standards of the Town of Medway, or where the plan depicts a use or structure so intrusive or contrary to the health, safety and welfare of the public in one regulated aspect or another, or where no form of reasonable conditions could be devised to address the problems with the plan, and the community does not possess the capacity to handle the

proposed use, that disapproval by the Board would be tenable. The Board's *Decision* to disapprove a site plan shall state the reasons for such disapproval.

e) *Plan Endorsement*

1) In cases where the Board has approved or conditionally approved the proposed site plan, the applicant, within thirty (30) days after the Board has filed its *Decision* with the Town Clerk, shall revise and submit final site plans reflecting all required changes, if any, to the Board to review for compliance with the Board's *Decision*, before endorsement.

2) The applicant shall provide an original and six (6) copies of the revised site plans for endorsement by the Board.

3) The Board shall not endorse the site plans until they are brought into compliance with the provisions of the Board's *Decision* and until a twenty (20) day appeal period has elapsed following the filing of the Board's *Decision* with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. If appeal is made, endorsement shall not occur until after the court's decision sustaining the Board's decision.

4) The Board shall retain a copy of the endorsed plans and shall distribute copies to the Town Clerk, the Inspector of Buildings, the Department of Public Services, the Assessor's office, and the Town's Consulting Engineer.

f) *Appeal* - Any person aggrieved by a *Decision of Site Plan Review* by the Board for a *Minor Site Plan Project* may appeal such *Decision* to the court within twenty (20) days of the date the *Decision* is filed with the Town Clerk and Inspector of Buildings, as provided for in MGL, Chapter 40A, Section 17.

10. ***Modification of Approved Site Plans*** – Any construction work that deviates from an approved site plan shall be a violation of the Zoning By-Law unless the applicant requests approval of a plan modification pursuant to any one of the three methods specified below and such approval is provided in writing by the Board before the changes are commenced.

a) *On-Site Construction Changes* – The Planning and Economic Development Board may authorize applicants to make very limited on-site changes to an approved site plan based on unforeseen conditions, situations or emergencies necessitated by field conditions. Prior to undertaking any such on-site alteration, the applicant shall submit a letter to the Inspector of Buildings and the Board describing the proposed changes and what conditions, situations or emergencies necessitate such changes. The Board shall review such letter at its next meeting and determine whether the changes are acceptable based on the unforeseen conditions, situations or emergencies and whether other options to address the unforeseen conditions are feasible. The Board shall provide a written determination whether the change is authorized and submit it to the applicant and the Inspector of Buildings. Any on-site construction changes authorized by the Board shall be made a permanent part of the approved site plan documents and shall be shown on the final as-built plans.

b) *Minor Site Plan Projects*

1) Proposed modifications to a previously approved site plan for a development that meets the criteria specified herein for a *Minor Site Plan Project* shall be reviewed and acted upon by the Board at a public meeting but without a formal public hearing. The Board shall issue its *Decision* and file such with the Town Clerk and the Inspector of Buildings. The applicant shall follow the same application and review process as provided herein for a *Minor Site Plan Project* and as described in the *Site Plan Rules and Regulations*, including the payment of fees. Any modifications approved by the Board shall be made a permanent part of the approved site plan documents and shall be shown on the final as-built plans.

2) If a proposed modification is such that the change would result in the development meeting the criteria specified herein for a *Major Site Plan Project*, the Board shall process the modification request in accordance with the provisions for approving a *Substantial Modification* to *Major Site Plan Project* as specified in item c) below.

c) *Major Site Plan Projects* – Proposed modifications to a previously approved site plan for a development which meet the criteria specified herein for a *Major Site Plan Project* shall be acted upon by the Planning and Economic Development Board. The applicant/developer or its representative shall submit a letter to the Inspector of Buildings and the Planning and Economic Development Board describing all proposed changes and the reasons for the modifications. The Inspector of Buildings shall provide a written determination to the applicant/developer and the Planning and Economic Development Board whether the proposed changes are *Substantial* or *Non-Substantial. Substantial Modifications* require a formal public hearing before the Planning and Economic Development Board. *Non-Substantial Modifications* shall be reviewed and acted upon by the Planning and Economic Development Board at a public meeting but without a formal public hearing.

Substantial Modification – The Inspector of Buildings shall determine whether the scope of proposed changes is substantial. To make that determination, the Inspector of Buildings will consider a variety of project elements including but not limited to:

- an increase in the height of the building
- an increase in the size of the building footprint in excess of ten percent (10%)
- the location of the building on the site
- the location and quantity of access and exits/curb cuts
- the layout and quantity of parking
- the location, dimensions and composition of buffer areas or screening devices
- the composition and quantity of landscaped areas and materials
- the location and design of site amenities
- overall appearance of the building including materials, fenestration, and distinctive architectural elements
- type or intensity of use, or
- if the proposed changes pertain to specific conditions of approval in the original *Site Plan Decision*,

The Inspector of Buildings may determine that the number of proposed Non-Substantial Modifications is such that the overall scope of changes constitutes a *Substantial Modification.*

The applicant shall follow the same application and review process as provided herein for a *Major Site Plan Project* and as described in the *Site Plan Rules and Regulations*, including the payment of fees.

The Board shall issue its *Decision* and file such with the Town Clerk and the Inspector of Buildings. Any modifications approved by the Board shall be made a permanent part of the approved site plan documents and shall be shown on the final as-built plans.

(NOTE - Paragraph 10 was replaced in its entirety November 10, 2008)

11. ***Plan Compliance***

a) An applicant shall construct improvements in compliance with the approved and endorsed site plan. No occupancy permit shall be granted by the Inspector of Buildings until the Board has given its written determination that the project, as constructed, conforms to the approved site plan and any conditions, including construction of any required on and off-site improvements have been completed or suitable security/ performance guarantee is provided to the Town of Medway, to the Board's satisfaction, to cover the costs of the remaining work and ensure site plan compliance.

b) Developers of *Major Site Plan Projects* shall prepare an as-built plan stamped by a Professional Land Surveyor registered in the Commonwealth of Massachusetts, which shows actual as-built locations and conditions and any plan modifications authorized by the Board. The requirements for as-built plans shall be included in the *Site Plan Rules and Regulations.*

c) Other measures to secure plan compliance, including construction inspection, may be included in the *Site Plan Rules and Regulations*.

12. ***Penalties*** - Any applicant, individual, property owner or business entity who violates or permits a violation of this By-Law shall be subject to a fine as follows:

Maximum fine allowed: $100.00

Enforcement Agent: Inspector of Buildings

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.

13. ***Severability*** - The invalidity of one or more provisions or clauses of this Sub-Section C. shall not invalidate or impair the Sub-Section as a whole or any other part hereof.

(Sub-Section C. was replaced in its entirety June 6, 2005)

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, enlargement, or reconstruction is not substantially more detrimental to the neighborhood than the existing non-conforming structure. Alteration, enlargement or reconstruction of a non-conforming single or two family dwelling shall be allowed upon a finding by the Board of Appeals that it does not increase the non-conforming nature of the structure, or in accordance with sub-section (b). *(Amended June 2, 2008)*

   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 and/or lot size 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. *(Amended June 2, 2008)*

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) Home Based Businesses subject to the provisions of V. USE REGULATIONS, Sub-Section AA. Home Based Businesses. *(Revised June 14, 2010)*

   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 and Economic Development Board.
      4) Veterinary hospital.
      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.
      6) Kennel when authorized by a special permit of the Zoning Board of Appeals

      (*Revised June 14, 2010 and May 14, 2012)*

2. Accessory Family Dwelling Units may be authorized by special permit from the Zoning Board of Appeals subject to the provisions of Sub-Section L. Accessory Family Dwelling Units.
   (Paragraph 2 added May 10, 2004, revised May 14, 2007 and May 14, 2012)

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 that 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 that 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) Home Based Businesses subject to the provisions of SECTION V. USE REGULATIONS, Sub-Section AA. Home Based Businesses. *(Revised June 14, 2010)*

   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 and Economic Development Board.
      4) 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.
      6) Kennel when authorized by a special permit of the Zoning Board of Appeals

   (Revised May 14, 2012)

2. Accessory Family Dwelling Units may be authorized by special permit from the Zoning Board of Appeals subject to the provisions of Sub-Section L. Accessory Family Dwelling Units.
   (Paragraph 2 added May 10, 2004, revised May 14, 2007 and May 14, 2012)

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 single-family 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 and May 14, 2012)*

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 that 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 that 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.

9. *Infill Lots and Dwelling Units*

   a) *Purpose* – To increase the supply of housing affordable to households of low and moderate incomes and to preserve and enhance Medway's traditional neighborhoods by encouraging development at a scale and density compatible with neighborhood character. This furthers the objectives of the Medway Master Plan by guiding development toward established areas, thereby creating opportunities for new investment away from the outlying and more rural and agricultural areas of the community.

   b) *Special Permit Required* – The construction of an infill dwelling unit is allowed only on a designated infill lot for which the Planning and Economic Development Board has issued a special permit, subject to the requirements included herein. Infill dwelling units shall be rented or sold only to a low/moderate income qualified household.

   c) *Applicability* – These provisions shall apply only in the ARII Zoning District as follows to vacant land parcels of record in existence as of January 1, 2009 which do not satisfy the minimum lot frontage and/or area requirements of the ARII Zoning District. Designated infill lots may include lots which may not be protected as non-conforming lots by law because they are in common ownership with adjoining lots.

   d) *Minimum Requirements for a Designated Infill Lot* – A designated infill lot shall meet all of the following standards:

      1) *Area* – A designated infill lot shall have at least 6,000 sq. feet of land area.

      2) *Lot Shape* – A designated infill lot shall have a "Shape Factor" which falls within 15% of the average of the Shape Factor of the lots immediately adjacent to and across the street from the proposed infill lot.

$$\text{Shape Factor} = \frac{\text{the square of the lot perimeter}}{\text{the lot area}}$$

      3) *Setbacks* – The minimum front, side, and rear setbacks for a designated infill lot shall be determined by establishing the average setbacks based upon the lots with principal structures which are located immediately adjacent to and across the

street from the proposed infill lot to be built upon. Vacant lots shall not be used to determine setbacks.

4) *Frontage* – A designated infill lot shall have frontage on an existing public way, or private way which provides safe and adequate access. The minimum required frontage for a designated infill lot shall be determined by establishing an average frontage based on lots with principal structures which are located immediately adjacent to and across the street from the proposed infill lot to be built upon.

5) *Utilities* – A designated infill lot shall be required to connect to the municipal sewer and water system in the adjacent street.

6) *Parking* – A designated infill lot shall have an off-street parking area, indoor or outdoor, of sufficient size to allow for at least two parking spaces. No parking area shall be located nearer than 10 feet to the line of an adjoining lot. Unless determined by the special permit granting authority to not be feasible, parking shall be located to the rear or side of the building and not in the front yard. Parking areas shall be suitably screened from abutting properties.

e) *Requirements for Special Permit*

1) All minimum requirements for an infill lot shall be documented.

2) The infill lot and the proposed building shall be deed restricted as affordable for a period of no less than 30 years and in a manner consistent with inclusion on the Massachusetts Subsidized Housing Inventory (SHI).

3) The proposed building and its siting on a designated infill lot shall be similar to and consistent with the neighborhood's character and scale and to the bulk and height of adjacent residences and shall include elements of New England architectural style and will be reviewed by the Design Review Committee in accordance with the *Medway Design Guidelines*. The Design Review Committee shall provide a recommendation to the Planning and Economic Development Board.

4) The primary entrance and façade of the infill residence shall be oriented to the adjacent street.

5) Infill dwelling units shall be rented or sold to a low/moderate income qualified household.

6) A designated infill lot shall be used only to construct a single family residence with no more than three bedrooms.

f) *Other Provisions Applicable to Infill Lots*

1) Notwithstanding any other provision, a designated infill lot authorized by special permit of the Planning and Economic Development Board shall not be further subdivided, or reduced in area, or changed in size or shape and may be used only for infill residential uses as defined herein.

2) Any infill dwelling unit constructed on a designated infill lot shall not be converted to a two-family or multi-family dwelling and shall not be altered to include an accessory dwelling unit.

g) *Maximum Infill Residential Use Limitation* – The maximum number of designated infill lots/residences that may be permitted in the Town of Medway pursuant to these provisions shall be limited to a number equivalent to 1% of the total number of detached single-family residential housing units located in the Town of Medway as established annually by the Board of Assessors.

h) *Rules and Regulations*

1) Upon the adoption date of these provisions, the Planning and Economic Development Board shall establish and maintain *Rules and Regulations for the Issuance of Infill Housing Special Permits* which shall be on file with the Town Clerk and may be updated periodically.

2) Maximum purchase prices and rents for infill dwelling units shall be set at a level to ensure a unit's eligibility for inclusion on the Massachusetts Subsidized Housing Inventory.

(NOTE - Paragraph 9 added June 15, 2009)

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 use.

   b) Retail Sales *(Revised May 14, 2012)*

   c) Offices for business or professional use.

   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) Undertaking establishment or funeral home.

   f) Restaurant or other establishment providing food and beverage within a building.

   g) Bank or other financial institution.

   h) Personal care services such as but not limited to barber shops, beauty parlors, and nail salons.

   i) Repair shops for small electronic equipment, appliances and tools.

   j) Any of the following uses if authorized by special permit from the Zoning Board of Appeals:

      1) Restaurant or other establishment providing food and beverages and live entertainment within a building.
      2) Motel or hotel
      3) Commercial indoor amusement or recreation place or place of assembly
      4) Vehicle Fuel Station
      5) Automotive car wash
      6) Shopping center
      7) Drive-thru facility
      8) Kennel
      9) Vehicle Repair

   k) Any of the following uses if authorized by a special permit from the Planning and Economic Development Board:

      1) Assisted living residence facility as defined by M.G.L, chapter 19D.
      2) Local Convenience Retail with Associated Vehicle Fuel Station

      (Revised May 14, 2012)

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 continuous frontage: 100 ft.

   (Revised May 14, 2012)

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 unless an alternative location is approved by the Planning and Economic Development Board during the site plan review process.

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. A height greater than 40 ft. up to a maximum of 60' may be allowed by special permit from the Planning and Economic Development Board.

(Commercial District I and II were consolidated and revised – June 2, 2008)
(Paragraph 2 h) was deleted June 15, 2009)
(Paragraph 2 g) was deleted May 13, 2013)

H. COMMERCIAL DISTRICT II – Deleted in its entirety June 2, 2008

H. PARKING REGULATIONS

1. **Purpose -** The purpose of this Sub-Section is to establish standards ensuring the availability of safe and convenient parking areas for a variety of motor vehicles. The goal is to provide sufficient parking to meet the needs of businesses and to encourage economic development while respecting the environment and community character. Any use of land involving the arrival, departure, long term or temporary parking of motor vehicles (not for vehicle sales), and all structures and uses requiring the vehicular delivery or shipment of goods as part of their function, shall be designed and operated to:

   a) Promote traffic safety by assuring adequate places for parking of motor vehicles and for their orderly access and egress to and from the public way;

   b) Reduce the amounts of impervious surfaces required for parking from being created;

   c) Promote safety and reduce hazards for pedestrians, bicyclists, motor vehicle occupants, property and business owners.

   d) Provide pedestrian access from the public way to the developed portion of the site and increase pedestrian connectivity within sites;

   e) Promote access and convenience, in compliance with regulations of the Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (AAB), for people with disabilities;

   f) Increase mobility and safety for bicyclists and encourage bicycle use by providing bicycle parking;

   g) Protect adjoining lots and the general public from nuisances and hazards such as:
      1. noise, glare of headlights, dust and fumes resulting from the operation of motor vehicles entering, exiting and idling in parking lots;
      2. glare and heat from parking lots; and,
      3. lack of visual relief from expanses of paving.

   h) Reduce other negative impacts which excessive parking areas can cause.

   i) Minimize impacts on scenic roads, historic districts, natural resources and community c character.

   Permitting boards are provided flexibility to adjust parking standards because of business mix, pedestrian accessibility, employment density, parking management programs and other factors particular to an individual site/business.

2. **Requirement** – No Building Permit or Certificate of Use and Occupancy shall be issued unless the application complies with the parking requirements specified herein. The Planning and Economic Development Board or Zoning Board of Appeals, in granting a special permit or site plan review, may determine that special circumstances render a lesser provision of parking to be adequate pursuant to Paragraph 11 herein. In such cases, the respective Board may impose such conditions and limitations as it deems necessary.

3. **Applicability –** These parking regulations shall apply to all uses except for single family and two family residences and exempt uses as specified in SECTION V. USE REGULATIONS, Sub-Section P. Exempt Uses.

4. **Parking Requirements Schedule**

USE	*Parking Requirements
Business, Professional and Governmental Offices and Banks	1 space per 300 sq. ft. of net floor area
Medical Office or Clinic	1 space per 300 sq. ft. of net floor area
Animal Hospital/ Veterinary Clinic	1 space per 300 sq. ft. of net floor area
Retail Store	1 space per 300 sq. ft. of net floor area
Service Establishments	1 space per 300 sq. ft. of net floor area
Warehouse/Shipping Facility	1 space per each 2 persons employed or anticipated to be employed on the largest shift and 1 additional space for each 1,000 sq. ft. of net floor area.
General Light Industrial and Manufacturing	1 space per each 2 persons employed or anticipated to be employed on the largest shift and 1 additional space for each 1,000 sq. ft. of net floor area.
Dining/Restaurants	1 space for each employee and 1 space for every 3 seats.
Vehicle Fuel Station	1 space per fueling position plus 1 space per 300 sq. ft. of net floor area including service areas and retail/convenience store areas. The temporary parking areas at fueling positions shall not count toward the sq. ft. parking requirement.
Vehicle Repair Shops	1 space per 300 sq. ft. of net floor area plus 2 spaces per service bay
Dance/Martial Arts/Other Exercise Studios	1 space per 300 sq. ft. of net floor area
Studios for Artists/Design Professionals	1 space per 300 sq. ft. of net floor area
Uses Allowed by Special Permit	Parking as required by the Special Permit Granting Authority based on industry standards.
Other Uses Not Specified Herein	Where a use is not specifically referenced in this table, the parking requirement for the most nearly comparable use or industry standards shall apply.

** When calculating parking requirements, please refer to the definition of Net Floor Area (NFA) included in Paragraph 12.*

5. **General Parking Requirements –** Except as may be determined pursuant to Paragraphs 2 and 11 herein, the following parking requirements shall be met:

   a) Off-street parking shall be provided to service all increases in parking demand that may result from new construction, additions or changes in use.

   b) If a parcel includes two or more distinguishable uses/purposes, the minimum total number of required parking spaces shall be the sum of the number of parking spaces required for each individual use except as may be authorized pursuant to Paragraph 11 herein.

   c) If a use change increases the parking requirements, such use shall not be permitted until the parking requirements set forth herein with respect to such proposed use are met.

   d) Any existing parking spaces that are removed due to new construction or site alterations shall be replaced on the site unless they are either in excess of the number required or removed at the request of the Town.

   e) Parking spaces which also serve as loading or unloading areas shall not be credited toward the minimum number of required parking spaces.

   f) Calculations - For the purpose of computing the parking requirements of various uses, the number of spaces required shall be the largest whole number obtained after calculating the required parking. Any fractional parking space of .5 and above shall be rounded up to the next whole number.

   g) Changes in use shall demonstrate the ability to meet parking standards.

   h) Required handicapped parking spaces shall count toward the minimum required number of parking spaces.

6. **Location of Parking Areas** - All required off-street parking facilities for uses located on a lot shall be located on:

   a) the same premises or
   b) on a separate parcel which:

      1) adjoins the lot on which the activity or the uses it services is located or is located within practical and safe walking distance from the subject use as determined by the permitting Board (ZBA or PEDB) or the Zoning Enforcement Officer when no Board is involved; and

      2) is located in a zoning district allowing the use/activity served by the parking area; and

      3) said parcel is held in common ownership with the principal lot or the owner of the principal lot has a legally enforceable right to utilize the lot not owned by the applicant as off-street parking and that right is evidenced by an appropriate legal instrument acceptable to the permitting Board or the Zoning Enforcement Officer.

7. **Parking Space Dimensions** – Off-Street Parking facilities shall be laid out as a rectangle in compliance with the following minimum provisions:

   a) *Standard Parking Space/Stall* – Nine feet wide by eighteen feet long, exclusive of maneuvering and driving lanes.

   b) *Small Vehicle Parking Space/Stall* – Eight feet wide by fifteen feet long, exclusive of maneuvering and driving lanes.

   c) *Parallel/Curbside Parking Spaces/Stall* – Eight feet wide by twenty-two feet long

   d) *Motorcycle Parking Space/Stall* – Four feet wide by eight feet long.

8. **Allocation of Standard, Small and Motorcycle Spaces** - In order to reduce the amount of overall impervious surface of paved off-street parking areas containing more than forty parking spaces/stalls, up to a maximum of 40% of the required number of parking spaces/ stalls may be designated for small vehicles and an additional 3% of the required number of parking spaces/stalls may be designed for motorcycle use and still count toward the overall number of spaces required. Small vehicle and/or motorcycle parking spaces shall be grouped in one or more locations within a parking area and shall be designated by clearly visible signs.

9. **Parking Area Design**

   a) Surface - Parking areas shall have durable, all weather paved surfaces, and shall provide for the satisfactory management of surface water. Parking areas composed of pervious surfaces are encouraged in low traffic areas such as reserve parking. and may be used to meet all or any part of the required parking subject to environmental limitations. The *Site Plan Rules and Regulations* shall be referred to for specific standards for parking surfaces.

   b) No parking spaces that comprise the minimum number required may also be used for the storage of materials or equipment, the display of merchandise, or serve as a loading or unloading area.

   c) Parking shall be so designed that no vehicle will be required to back onto a public way in order to enter or exit from a parking space.

   d) Adequate off-street loading and unloading facilities and space shall be provided and arranged such that no delivery vehicles need back onto or off of a public way, travel against one-way traffic, obstruct drive-thru traffic or parking spaces or park on a public way while loading, unloading or waiting to do so.

   e) Parking facilities shall comply with the requirements of the Massachusetts Architectural Access Board and ADA where applicable.

   f) Further requirements and standards for access/egress, sight distance lines, loading and unloading, driveway and maneuvering aisle dimensions, landscaping, screening, buffers, lighting, sidewalks and pedestrian access shall be as specified in the Planning and Economic Development Board's *Site Plan Rules and Regulations.*

g) Parking spaces shall be clearly delineated by white or yellow pavement markings at least four inches in width or the equivalent based on industry standards. Handicapped parking spaces shall be delineated per the standards of the Massachusetts Architectural Access Board.

h) Driveways/egresses serving ten or more parking spaces shall have stopping and intersection sight distances based on the AASHTO standards - Geometric Design of Highways and Streets.

i) Location of Parking – To the maximum extent feasible, parking for retail/ office/ commercial uses shall be located behind or beside buildings. Motor vehicle parking located between the building and street alignment is permitted only if no other reasonable alternative is available.

j) The design of parking areas shall not degrade safety for pedestrians, bicyclists, motor vehicle occupants, property and business owners, Impacts on scenic roads, historic districts, natural resources and community character shall be minimized.

10. **Bicycles** – Bicycle racks that facilitate locking shall be provided to accommodate one bicycle per twenty off-street parking spaces required or fraction thereof. This number may be reduced by the permitting Board or the Zoning Enforcement Officer based on individual site considerations. Bicycle racks shall be securely anchored and wherever possible, shall be located within view of building entrances or windows.

11. **Flexible Parking Options/Parking Reductions**

a) A decrease in the number of off-street parking spaces to less than the amount required by these provisions may be granted by the permitting Board for any use as part of a special permit application or site plan review.

1) The Planning and Economic Development Board is authorized to issue a special permit for reduced parking for uses that are allowed by right and which are subject to Site Plan Review or for uses authorized by special permit from the Planning and Economic Development Board.

2) The Zoning Board of Appeals is authorized to issue a special permit for reduced parking for uses that are allowed by special permit from the Board of Appeals.

3) Such reduction in the number of parking spaces shall not exceed 30%.

b) The permitting Board may determine that a lesser number of parking spaces would be adequate for all parking needs because of special circumstances such as:

1) Potential for Shared Parking – The uses have varying hours and days of operation whereby peak parking demands occur at different times of day, week or season and do not place coincident peak demands on the parking area. A reciprocal agreement acceptable to the applicable Board shall be executed by all parties in order to ensure the long-term joint use of shared parking.

2) Demographic or other characteristics of site users.

3) Existence of parking space demand reduction programs such as organized car/van pooling or mobility management programs such as but not limited to a shuttle bus from train stations.

4) The extent to which the proponent's development proposal promotes and accommodates other means of transportation to access the site such as sidewalks or bicycle racks.

5) High employment density such as locations where there are fifty or more employees/acre.

6) Existence of safe and convenient pedestrian walkways and connections between buildings within in a multi-tenant development/shopping center so as to reduce the number of vehicle movements and re-parking to visit multiple businesses within the multi-tenant development on the same trip.

7) Walkability

a. The existence of multiple residential uses/developments within one mile of the subject site; and

b. The existence of safe and convenient forms of pedestrian connectivity for 100% of the distance between nearby residential neighborhoods and the subject site.

8) The existence of a municipal or private parking lot within 2 blocks/400 feet of the use.

9) The availability of legal on-street parking.

c) To reduce the parking requirements, the permitting Board shall determine that the following criteria are met:

1) The provision of parking spaces will be in harmony with the general purpose and intent of this section of the Zoning Bylaw.

2) The amount of off-street parking to be provided will be sufficient to serve the use(s) for which it is intended.

3) The decrease in required off-street parking is based on a parking analysis/study prepared by a registered professional engineer. Such analysis shall include at a minimum, the following:

a. size and type of existing uses or activities on site
b. size and type of proposed uses or activities on site
c. rate of parking turnover for various uses
d. expected peak traffic and parking loads for various uses based on customary hours of operation
e. availability of public transportation
f. industry parking standards for various uses
g. other factors such as those itemized above in 11. a).

d) In issuing a special permit for reduced parking, the permitting Board may impose appropriate conditions and limitations including but not limited to provisions requiring additional parking should uses change over time or requirements to designate green space to be used for future parking if needed.

12. **Definitions -** As used herein, the following terms shall have the following meanings:

Net Floor Area (NFA) – The total area of all floors of principal and accessory buildings or structures on a lot, excluding stairwells and elevator shafts, equipment and utility rooms, rooms used for the storage of merchandise not accessible to the public, interior vehicular storage and all floors below the first or ground floor, except when used or intended to be used for permitted uses.

Shared Parking – A parking area or facility that serves multiple destinations. Often, but not always, the destinations share patrons so that people park once and visit multiple destinations. May also include parking areas that have different time periods when parking demand is highest.

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 Sales *(Revised May 14, 2012)*

   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.

   g) Home Based Businesses subject to the provisions of SECTION V. USE REGULATIONS, Sub-Section AA Home Based Businesses *(Added May 14, 2012)*

   h) Kennel when authorized by a special permit from the Zoning Board of Appeals *(Added May 14, 2012)*

2. No dwelling other than single-family residences may hereafter be erected in this district.

3. Accessory Family Dwelling Units may be authorized by special permit from the Zoning Board of Appeals subject to the provisions of Sub-Section L. Accessory Family Dwelling Units. *(Added May 14, 2012)*

4. 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 continuous frontage: 100 ft. *(Revised May 14, 2012)*

   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.

(*Paragraph 4 g) was deleted May 13, 2013)*

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 Sales *(Revised May 14, 2012)*

   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.

   g) Home Based Businesses subject to the provisions of SECTION V. USE REGULATIONS, Sub-Section AA Home Based Businesses *(Added May 14, 2012)*

   h) Kennel when authorized by a special permit from the Zoning Board of Appeals *(Added May 14, 2012)*

2. No dwelling other than single-family residences may hereafter be erected in this district.

3. Accessory Family Dwelling Units may be authorized by special permit from the Zoning Board of Appeals subject to the provisions of Sub-Section L. Accessory Family Dwelling Units. *(Added May 14, 2012)*

4. 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 continuous frontage: 100 ft. *(Added May 14, 2012)*

   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.

(*Paragraph 4 g) was deleted May 13, 2013)*

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 Sales *(Revised May 14, 2012)*

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.

l) Any of the following uses if authorized by special permit of the Planning and Economic Development Board:

1) Local Convenience Retail store with associated gasoline sales, up to a maximum of four (4) pumps. No special permit shall be granted unless all of the following conditions are met:

a. The convenience store is a minimum of 4,000 square feet;

b. Any canopy over the gasoline pumps shall not exceed 2,200 sq. ft. in area and shall not exceed 60 feet in length unless a greater length is otherwise authorized by the Planning and Economic Development Board. The canopy shall be either an architecturally integral part of the local convenience retail store building or a separate structure located to the rear or side of the local convenience retail store. No separate canopy shall be located closer to an intersection than any part of the convenience store building, nor closer than fifty feet (50') to any lot used for residential purposes;

c. Design of the convenience store and any canopy shall reflect, in the opinion of the Planning and Economic Development Board, traditional New England architectural styles and generally comply with the Planning and Economic Development Board's *Design Guidelines.*

2) Drive-Thru Facility, provided that:

a. the window at which vehicles stop is covered by a roof that extends a minimum of 10 feet from the building, and is integrated architecturally with the main building; and

b. the roof and any associated signage, menu board, ordering facility or other functional component associated with the drive-thru facility shall reflect, in the opinion of the Planning and Economic Development Board, traditional New England architectural styles and generally comply with the Planning and Economic Development Board's Design Guidelines.

3) Any combination of three or more by-right uses listed in Paragraph 1, items a) through k) above.

(Paragraph 1. 1) added May 14, 2007)

m. Kennel when authorized by a special permit from the Zoning Board of Appeals

(Added May 14, 2012)

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 continuous frontage: 100 ft. *(Revised May 14, 2012)*

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 and Economic Development 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.

(*Paragraph 2. h) was deleted May 13, 2013)*

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

(New Commercial V district added May 10, 2004)

L. ACCESSORY FAMILY DWELLING UNITS

1. *Purpose* - To facilitate assistance within families in providing for the tasks of daily living such as, but not limited to, activities necessary to maintain good health, meal preparation, child care, household and yard maintenance tasks, transportation or other activities of daily living.

2. The special permit must be recorded prior to the issuing of an occupancy permit. Upon transfer or conveyance of the property, the special permit shall become null and void

3. An accessory family dwelling unit in a single-family dwelling is subject to the following conditions:

    a) The single-family dwelling or accessory 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.

    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 bedroom in the accessory family dwelling unit.

    d) The accessory family dwelling unit shall have an exterior design such that the premises has the character of a single-family dwelling.

    e) There shall be no additional driveway or curb cut providing access to the accessory family dwelling unit. At least one off-street parking space shall be provided for the accessory family dwelling unit.

    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. A certificate of occupancy for an accessory family dwelling unit shall expire not more than three years after the date of issue. Upon transfer of ownership of the premises, the certificate of occupancy for the accessory family dwelling unit shall be null and void.

    b) Only one accessory family dwelling unit may be allowed per premises.

(Sub-Section L added May 14, 2012)

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.

   g) Sales and storage of building materials *(Added June 2, 2008)*

   h) Contractor's Quarters *(Added June 2, 2008)*

   i) Adult Uses, as defined herein, except as otherwise restricted, subject to dispersal, separation and design standards as specified in V. M. 2. i) which have been established to preserve the public good, public safety and neighborhood objectives and protect against the documented secondary effects of such uses. *(Added June 15, 2009)*

   j) Research and development facilities including but not limited to renewable or alternative energy. *(Added June 14, 2010)*

   k) Facilities that will engage in the manufacturing of renewable or alternative energy products. *(Added June 14, 2010)*

   l) Contractor's Yard *(Added May 14, 2012)*

   m) Vehicle Repair *(Added May 14, 2012)*

   n) Outdoor storage of materials and parking of vehicles and equipment associated with the operation of a business located in a structure on the premises. *(Added May 14, 2012)*

   o) Kennel when authorized by a special permit from the Zoning Board of Appeals *(Added May 14, 2012)*

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 continuous frontage: 100 ft. *(Revised May 14, 2012)*

d) Minimum front and rear-yard setbacks: 30 ft.

e) Minimum side-yard setback: 20 ft.

f) Maximum building height: 40 ft.

g) 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.

h) Adult Uses Dispersal, Separation and Design Standards

1) An Adult Use shall not be located within 500 ft. in any direction from other establishments of such "Adult Uses," as measured along the shortest line between any buildings housing such an adult establishment.

2) An Adult Use shall not be located within 250 ft. in any direction from residential zoned land, as measured along the shortest line between the residential zoning district boundary and any buildings housing such an adult establishment. A solid fence, sufficient in height to screen the view of any building hosting an adult use from ground level at any residential property, and a 50-foot heavily vegetated buffer appropriate to the character of the area shall be provided and maintained along any residential zoning district.

3) An Adult Use shall not be located within 500 ft. in any direction from a residence, school, place of worship, day care center, or playground, as measured along the shortest line between these buildings or structures and any building housing such an adult establishment. A 50-foot heavily vegetated buffer appropriate to the character of the area shall be provided along any residential zoning district.

a. An adult establishment may be located a minimum of 200 ft. away from residential zoned land and 250 ft. away from a residence, school, place of worship, day care center or playground provided that a 100-foot heavily vegetated buffer and solid fence, sufficient in height to screen the view of any building hosting an adult use from ground level at any residential property, along the property line with any such use is provided and maintained.

b. No adult use shall be allowed to display for advertisement or other purpose any signs, placards or other like materials to the general public on the

exterior of the building or on the interior where the same may be seen through glass or other like transparent material any sexually explicit figures or words as defined in G. L. c. 272;

c. Building designs shall be generally consistent in architectural style and color with other buildings in the Industrial I district;

d. Windows shall be screened to prevent public view of the interior of the premises from any public or private right-of-way or abutting property; and

e. Adult uses shall not be allowed within a building containing any other uses.

Paragraph 2. i) added June 15, 2009

Paragraph 2. i) relabeled to 2. h) on May 13, 2013

Former paragraph 2. h) deleted at May 13, 2013 Town Meeting

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.

   b) Schools, colleges and dormitories accessory thereto.

   c) Wholesale offices or showrooms including indoor warehouse facilities.

   d) Electric power generation including but not limited to renewable or alternative energy generating facilities such as the construction and operation of large-scale ground-mounted solar photovoltaic installations with a rated name plate capacity of 250 kW (DC) or more. *(Revised June 14, 2010)*

   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.

   g) Research and development facilities including but not limited to renewable or alternative energy. *(Added June 14, 2010)*

   h) Facilities that will engage in the manufacturing of renewable or alternative energy products. *(Added June 14, 2010)*

   j) Outdoor storage of materials and parking of vehicles and equipment associated with the operation of a business located in a structure on the premises. *(Added May 14, 2012)*

   k) Kennel when authorized by a special permit from the Zoning Board of Appeals. *(Added May 14, 2012)*

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 continuous frontage: 100 ft. *(Revised May 14, 2012)*

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) 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.

(Former paragraph 2. g) deleted at May 13, 2013 Town Meeting)

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.

   g) Research and development facilities including but not limited to renewable or alternative energy. *(Added June 14, 2010)*

   h) Facilities that will engage in the manufacturing of renewable or alternative energy products. *(Added June 14, 2010)*

   i) Outdoor storage of materials and parking of vehicles and equipment associated with the operation of a business located in a structure on the premises. *(Added May 14, 2012)*

   j) Kennel when authorized by a special permit from the Zoning Board of Appeals *(Added May 14, 2012)*

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 continuous frontage: 100 ft. *(Revised May 14, 2012)*

   d) Minimum front and rear-yard setbacks: 30 ft.

e) Minimum side-yard setback: 20 ft.

f) Maximum building height: 60 ft. A height greater than 60 ft. up to a maximum of 100 ft. may be allowed by special permit from the Zoning Board of Appeals. *(Revised May 14, 2007)*

g) 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.

(Former paragraph 2. g) deleted at May 13, 2013 Town Meeting)

P. ***EXEMPT USES*** - The use of land and/or buildings for child care facilities, facilities used for religious purposes, and educational facilities are subject to reasonable regulation as provided for in M.G. L. Chapter 40A. Section 3. In order to maintain uniformity and consistency throughout zoning districts in the Town of Medway, the following reasonable regulations shall apply. In its sound discretion, the Planning and Economic Development Board may modify these regulations based on individual site circumstances upon a finding that strict adherence to such regulations would serve to prohibit such uses from functioning on the site or would impose unreasonably excessive costs of compliance and thereby effectively deny the use of the premises for its intended exempt purpose.

1. ***Child Care Facility*** - A day care center or school age child care program, as those terms are defined in section nine of chapter 28A, MGL, are subject to the following regulations:

   a) The structure and lot containing the child care facility shall meet the dimensional requirements *(lot area; lot width; building height; front, side and rear yard setbacks; and lot coverage)* for the zoning district in which the facility is to be located unless the structure is a legally pre-existing, non-conforming building or structure.

   b) Open Space - A fenced outdoor play area set back a minimum of fifteen (15) feet from any abutting land shall be provided.

   c) Parking

      1) One (1) off-street parking space with a minimum dimension of nine (9) feet by eighteen (18) feet for safe parking and maneuvering shall be provided for every paid and unpaid employee, not resident on the premises, so that there is no on-street parking by employees.
      2) No space shall be considered available for parking which reduces the effective width of a driveway providing access to the site/building.
      3) No parking area shall be located nearer than fifteen (15) feet of the property line of an adjoining residential lot.
      4) The fifteen (15) foot buffer of an off-street parking area shall be substantially screened from abutting properties through the installation of suitable landscaping and/or fencing materials.
      5) So as to not interfere with traffic patterns and flow, there shall be provided a separate on-site drop off and pick-up parking area capable of accommodating at least the number of vehicles equal to one third (1/3) the licensed capacity of the child care facility. Such area shall be exclusive of drive aisles.
      6) There shall be a separate entrance and exit areas for vehicles to access the parking and drop off/pick up areas.

   d) Adequate provisions for on-site retention and treatment of stormwater shall be provided

   e) Lighting used to illuminate a parking area shall meet the provisions of SECTION V. USE REGULATIONS, Section B. Area Standards, 3. b).

2 ***Religious Facilities*** – Buildings used for religious purposes on land owned or leased by a religious sect or denomination are subject to the following regulations:

   a) The structure and lot containing the religious facility shall meet the dimensional requirements *(lot area; lot width; building height; front, side and rear yard setbacks; and lot coverage)* for the zoning district in which the facility is to be located unless the structure is a legally pre-existing, non-conforming building or structure;

b) Parking

1) One (1) off-street parking space shall be provided for every paid and unpaid employee
2) One (1) off-street parking space shall be provided for every three (3) seats or one-hundred (100) square feet of gross floor space in the largest assembly area, whichever is greater.
3) Each parking space shall be designed to ensure the safety and convenience of vehicular and pedestrian traffic traveling within or through the parking area.
4) Each parking space shall have minimum dimensions of nine (9) feet by eighteen (18) feet exclusive of access drives or aisles.
5) Adequate provisions for on-site retention and treatment of stormwater shall be provided.
6) Lighting used to illuminate a parking area shall meet the provisions of SECTION V. USE REGULATIONS, Section B. Area Standards, 3. b).

c) Open Space - In the side and rear yard setback areas, at least the first ten (10) feet nearest the lot line shall be substantially and densely planted and maintained with evergreen trees and shrubs, other vegetation and topographic features sufficient to separate and/or screen the development from abutting residential property.

3. ***Educational Facilities –*** Buildings used 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 or by a non-profit education corporation are subject to the following regulations:

a) The structure and lot containing the educational facility shall meet the dimensional requirements *(lot area; lot width; building height; front, side and rear yard setbacks; and lot coverage)* for the zoning district in which the facility is to be located unless the structure is a legally pre-existing, non-conforming building or structure.

b) Parking

1) For every paid and unpaid employee, one (1) off-street parking space
2) One (1) off-street parking space shall be provided for every four-hundred (400) square feet of gross floor area
3) Each parking space shall be designed to ensure the safety and convenience of vehicular and pedestrian traffic traveling within or through the parking area
4) Each parking space shall have minimum dimensions of nine (9) feet by eighteen (18) feet exclusive of access drives or aisles
5) Adequate provisions for on-site retention and treatment of stormwater shall be provided

c) Open Space - In the side and rear yard setback areas, at least the first ten (10) feet nearest the lot line shall be substantially and densely planted and maintained with evergreen trees and shrubs, other vegetation and topographic features sufficient to separate and/or screen the development from abutting residential property.

4. ***Review Process*** - Prior to issuing a building or occupancy permit for the above noted exempt uses, the Building Inspector shall refer development projects to the Planning and Economic Development Board which will conduct a Section 3 Review pursuant to the applicable provisions of SECTION V. USE REGULATIONS, Sub-Section C. Site Plan Review and Approval of this Zoning Bylaw for Complete Site Plan Review or Limited Site Plan Review.

5. ***Procedure*** – The Planning and Economic Development Board shall adopt *Rules of Procedure for Section 3 Reviews*, which shall define the application requirements, identify supporting information needed, and establish reasonable application and review fees.

(NEW Section P. Exempt Uses added June 12, 2006)

Q. FLOOD PLAIN/WETLAND PROTECTION DISTRICTS

1. *Purpose*: In addition to the purpose in Section l 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 residences 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 associated with the response and cleanup of flooding conditions 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 and reduce damage to public and private property resulting from flooding waters.

   d) To avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact areas of the community beyond the site of flooding.

2. Flood Plain/Wetland Protection District: The Flood/Plain/Wetland Protection District is hereby established as an overlay district. The Flood Plain/Wetland Protection District includes:

   a) All special flood hazard areas designated as Zone A or AE on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Medway are panel numbers 25021C - 0136E, 0137E, 0138E, 0139E, 0141E, 0142E, 0413E, and 0144E with a preliminary date of June 12, 2009 and an effective date of July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) with an effective date of July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning and Economic Development Board, Conservation Commission, Building Department and Board of Assessors.

   b) All that land bordering any natural water body 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. Base Flood Elevation and Floodway Data

a) Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

b) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

4. *Use Regulations:*

a) The Flood Plain/Wetland Protection District is an overlay district to all other districts established by this Bylaw. 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.

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 increase its ground coverage by more than a total of twenty (20) percent; and
3) 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 4. 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.
10) Buildings lawfully existing prior to the adoption of these provisions**.**

c) All development in the district including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

1) Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
2) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
3) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00).
4) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

d) Other Use Regulations

1) In Zone AE, along watercourses that have a regulatory floodway designated on the Norfolk County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2) All subdivision proposals must be designed to assure that:
   a. such proposals minimize flood damage;
   b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
   c. adequate drainage is provided to reduce exposure to flood hazards.
3) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

5. *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.

6. *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.

7. *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.

8. *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.

9. 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.

10. Notification of Watercourse Alteration – In a riverine situation, the Conservation Agent shall notify the following of any alteration or relocation of a watercourse:

    a) Adjacent Municipalities

    b) NFIP State Coordinator

Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600 - 700
Boston, MA 02114-2104
Or any successor agencies/addresses

c) NFIP Program Specialist
Federal Emergency Management Agency, Region 1
99 High Street, 6th Floor
Boston, MA 02110
Or any successor agencies/addresses

11. In this sub-section, the words used shall be defined as follows:

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.
ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.

REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE A1-30 and ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

(NOTE – This Sub-Section was replaced in its entirety May 14, 2012)

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 R. 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 and Economic Development 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 R., 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.

k) *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. The use or arrangement of any two (2) or more of a business's readily recognized and generally understood non-neutral or non-achromatic corporate colors as a decorative feature on the exterior of the building or structure which the business uses for its operation, including but not limited to awnings, bands of striping, and roofs, such that the colors comprise 30% or more of the building's surface area.

(Revised June14, 2010)

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 but not limited to all lettering and wording, all accompanying designs, logos or symbols, and the extreme limits thereof of the accompanying background or mounting panel that is attached to the building or structure.

(Revised November 19, 2007)

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.

5) Awning Signs

a. For signs on internally illuminated awnings where the awning is comprised in whole or in part with translucent material, the sign surface area shall be considered to be the smallest single rectangle as measured with vertical and horizontal lines, enclosing the entire area that is fabricated with the translucent material including but not limited to all lettering and wording, all accompanying designs, logos or symbols, and any contrasting background area.

b. For signs on externally illuminated awnings, the sign surface area shall include the entire area of awning that is externally illuminated.

(Item 5) Awning Signs added November 19, 2008

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.

1) *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.

2) *Light emitting diodes (LED)* – An electronic semi-conductor device that emits visible light in one direction when applied voltage (electric current) passes through it; used in lamps and digital displays. *(Added June 13, 2011)*

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) *Door Sign* – A sign placed on the surface of an establishment's primary public entry door limited to the name, address and trademark/logo/recognized symbol of the establishment. *(Added June 14, 2010)*

11) *Drive-Thru Menu Sign* – A freestanding sign that displays the menu of a drive-thru restaurant.

12) *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.

13) *Home Occupation Sign* – A sign advertising or identifying a permitted home occupation/home based business operating on the premises. *(Added June 14, 2010)*

14) *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.

15) *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.

16) *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.

17) *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.

18) *Pavement Sign* – A sign that is marked on the pavement around or adjacent to an establishment's location.

19) *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.

20) *Political Sign* – A temporary sign announcing or supporting political candidates or issues in connection with any national, state, county, or local election.

21) *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.

22) *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.

23) *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.

24) *Real Estate Sign* – A sign advertising information about the sale, lease or rental of the premises to which it is accessory.

25) *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

26) *Restaurant Menu Sign* – A wall mounted sign which displays the menu of a restaurant located in the building to which the sign is accessory

27) *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.

28) *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.

29) *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.

30) *Variable Message Sign* – A sign or portion thereof designed to accommodate message changes composed of characters, letters, numbers, symbols or illustrations that can be changed or rearranged, either manually or electronically. Also referred to as a changeable copy panel, changeable copy sign, or reader board sign.
(Previous definition deleted and replaced June 14, 2010)

31) *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.

32) *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) Temporary banner type special event signs not exceeding thirty-two (32) square feet in sign surface area advertising community oriented events sponsored by local government, civic and non-profit organizations or denoting seasonal business sponsorship of local sports teams and activities or special events as such may be installed outdoors on fences or other structures located on private property or on public property including but not limited to municipal fields, parks, school grounds, and roadways. Such signs shall be removed within ten (10) days of the conclusion of the season or event. Such signs shall not be installed without the written authorization of the owner of the property on which the sign is to be located. *(Revised June 14, 2010)*

21) Pavement signs that provide direction to vehicular traffic and bear no advertising matter.

22) Store hour signs, which may bear advertising matter, not exceeding a total of two (2) square feet in sign surface area, and not to exceed a total of one (1) such sign per establishment. *(Added June 12, 2006)*

23) Contractor's temporary lawn signs not exceeding a total of eight (8) square feet of sign surface area (for both sides). One (1) temporary contractor's lawn sign may be installed on a parcel during the course of that contractor's construction work on the premises. The sign must be removed within thirty (30) days after completion of construction work. *(Added June 14, 2010)*

24) "Now Hiring" signs not exceeding six (6) square feet of sign surface area, not to exceed one (1) such sign per establishment. *(Added June 14, 2010)*

25) Signs for community based civic/fraternal organizations not exceeding four (4) square feet of sign surface are per sign, not to exceed a maximum of six (6) signs per organization located throughout the community subject to approval of the board of Selectmen and Police Department. *(Added June 14, 2010)*

26) One (1) permanent inside window sign per establishment not to exceed four (4) square feet of sign surface area. *(Added June 14, 2010)*

27) Door sign not exceeding two (2) square feet of sign surface area per door. *(Added June 14, 2010)*

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 family name of the owner or occupant and address. *(Revised June 14, 2010)*

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 for commercial/business establishments except for changeable copy drive-thru menu signs and free-standing signs displaying fuel prices to the extent that no more than 20% of the sign surface area is dedicated to fuel price information. *(Revised June 14, 2010)*

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

r) Any sign that advertises, identifies or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located. *(Added June 14, 2010)*

s) Any sign located on municipal property that advertises or identifies an off-site business or establishment, except as otherwise provided in these regulations. *(Added June 14, 2010)*

t) Signs which use light emitting diodes (LED) for internal illumination. *(Added June 13, 2011)*

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 for off-premises signs. 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. A wall sign for a business/organization shall be affixed only to the building where the establish is actually located and conducts its operation. *(Revised June 14, 2010)*

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. Whenever an external artificial light source is used to illuminate a sign, such source shall be located, shielded and directed so as to not be directly visible from any public street or private residence. 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.
(Revised June 14, 2010)

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. The owner of a sign and the owner of the premises on which a sign is located shall be jointly and severally liable to maintain such sign in a safe and secure condition and in good working order and to prevent deterioration in the physical appearance or safety of such sign. *(Revised June 14, 2010)*

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. The minimum landscaped area shall extend at least three feet (3') beyond all sign faces or supporting structures in all directions. *(Revised June 14, 2010)*

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.

q) Permitted and exempt signs shall be located on private property (not in the public right of way) except for:

1) signs specifically authorized to be in the public right of way by license from the Board of Selectmen;

2) traffic control or directly signage owned or installed by a governmental entity

3) temporary banner type signs as specified in 5. a) (20) herein subject to property owner approval. *(Added June 14, 2010)*

r) Sign Identification – All signs shall be plainly marked with the name of the person, firm or corporation hanging or erecting the sign and the corresponding sign permit number. Such identification must be readily visible. *(Added June 14, 2010)*

s) Temporary special event signs advertising civic/community functions extended over a public right-of-way may be permitted upon prior approval of the board of Selectmen. Such signs shall not require a building permit but shall be reviewed by the Design Review Committee and a recommended provided to the Board of Selectmen prior to approval. *(Added June 14, 2010)*

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

Agricultural and Residential Districts I and II					
Signs for Authorized Home Based businesses					
	Total Maximum Sign Surface Area (square feet)	***Maximum # of Signs***	***Maximum Sign Height (feet)***	***Minimum Setback from any Street Lot Line (feet)***	***Illumination***
Projecting Sign	6 sq. ft for a two sided sign	1 per establishment	6	10	External
Residential Development Signs					
Freestanding Sign	32 sq. ft for a one sided sign	1 per development at primary entrance Additional residential development signs may be allowed by special permit from the Zoning Board of Appeals when a development has multiple pubic entrances.	6	10	External
Other Signs Signs for pre-existing non-conforming establishments (examples – VFW & Medway Manor), for any municipal buildings, for non-residential establishments authorized by special permit or use variance, or for an establishment which is an exempt use (examples – public schools, private schools, municipal buildings, agriculture, religious organization/house of worship, etc.)					
Wall Sign	Building Sign Frontage x 1.0 not to exceed 30 sq. ft. per establishment	1 per establishment*	NA	NA	External
Freestanding Sign	40 sq. ft for a 2 sided sign; 30 sq. ft for a one sided sign	1 per lot or development	6	8	External
Projecting Sign	12 sq. ft for a one sided sign	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

Commercial Districts I - Route 109 Business Districts					
Individual Freestanding Establishment *NOT Located in a Multi-Tenant Development (such as Burger King)*					
	Total Maximum Sign Surface Area ***(square feet)***	***Maximum # of Signs***	***Maximum Sign Height*** ***(feet)***	***Minimum Setback from any Street Lot Line*** ***(feet)***	***Illumination***
Wall Sign	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
Freestanding Sign	48 not to exceed 36 per sign face	1 per establishment	8	10	External
Projecting Sign	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

Commercial District I - Route 109 Business Districts

Multi-Tenant Development – 5 Acres or More

(On a Lot or Lots Comprised of 5 or More Acres such as Medway Commons)

	Total Maximum Sign Surface Area ***(square feet)***	***Maximum # of Signs***	***Maximum Sign Height*** ***(feet)***	***Minimum Setback from any Street Lot Line*** ***(feet)***	***Illumination***
Development Sign	***Primary*** 100 not to exceed 75 per sign face ***Secondary*** 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.	*Primary* 12 *Secondary* 6	*Primary* 15 *Secondary* 10	External
Individual Establishment Wall Sign	Building Sign frontage X 1.0 not to exceed 120 per establishment *	3 for a freestanding establishment not to exceed 1 per façade 2 for an establishment located in a multi-unit building not to exceed 1 per façade 1 for all others	NA	NA	External Internal
Individual Establishment Projecting Sign	12	1 per establishment	See Paragraph 7 g)	NA	External
Freestanding Directory Sign	16	Per Master Signage Plan	6	See Paragraph 7 k)	External

Multi-Tenant Development – Less Than 5 Acres

(On a Lot or Lots Comprised of Less Than 5 Acres such as Gould's Plaza)

Development Sign	60 not to exceed 40 per sign face	1 per development	8	10	External Indirect
Individual Establishment Wall Sign	Building Sign Frontage X 1.0 not to exceed 80 per establishment *	2 for an establishment located in a multi-unit building not to exceed 1 per façade 1 for all others	NA	NA	External Internal
Individual Establishment Projecting Sign	12	1 per establishment	See Paragraph 7 g)	NA	External
Freestanding Directory Sign	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

Commercial Districts III & IV – Village Districts					
	Total Maximum Sign Surface Area ***(square feet)***	***Maximum # of Signs***	***Maximum Sign Height*** ***(feet)***	***Minimum Setback from any Street Lot Line*** *(feet)*	***Illumination***
Wall Sign	Building Sign Frontage x 1.0 not to exceed 30 per establishment*	1 per establishment	NA	NA	External
Freestanding Sign ***or*** ***Development Sign***	40 not to exceed 30 per sign face	1 per lot	6	8	External
Projecting Sign	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

Industrial Districts I, II & III					
	Total Maximum Sign Surface Area ***(square feet)***	***Maximum # of Signs***	***Maximum Sign Height*** ***(feet)***	***Minimum Setback from any Street Lot Line*** ***(feet)***	***Illumination***
Development Sign	*Primary* 80 not to exceed 60 per sign face ——————— *Secondary* 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.	*Primary* 12 ——————— *Secondary* 6	*Primary* 15 from any street lot line ——————— *Secondary* 10 from any street lot line	External
Individual Establishment Wall Sign	Building Sign Frontage x 1.0 not to exceed 100 per establishment*	2 per establishment	NA	NA	External Internal
Individual Establishment Freestanding Sign	40 not to exceed 30 per sign face	1 per establishment	6	10	External
Freestanding Directory Sign	16	Per Master Sign Plan	6	See Paragraph 7 k)	External
Projecting Sign	12	1 per establishment	See Paragraph 7 (g)	Not applicable	External

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

(Table 4 Revised June 2, 2008)

TABLE 5

Commercial District V. – Intersection of Route 109/126					
Individual Freestanding Establishment					
	Total Maximum Sign Surface Area (square feet)	***Maximum # of Signs***	***Maximum Sign Height (feet)***	***Minimum Setback from any Street Lot Line (feet)***	***Illumination***
Wall Sign	Building Sign Frontage x 1.0 not to exceed 60 per establishment *	2 per establishment not to exceed 1 per façade	NA	NA	External
Freestanding	40 not to exceed 30 per sign face	1 per establishment	8	8	External
Projecting Sign	12	1 per establishment	See Paragraph 7 g)	NA	External
Multi-Tenant Development					
	Total Maximum Sign Surface Area (square feet)	***Maximum # of Signs***	***Maximum Sign Height (feet)***	***Minimum Setback from any Street Lot Line (feet)***	***Illumination***
Development Sign	40 not to exceed 30 per sign face	1 per development	8	8	External
Individual Establishment Wall Sign	Building Sign Frontage x 1.0 not to exceed 40 per establishment *	1per establishment	NA	NA	External
Individual Establishment Projecting Sign	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 5 added June 6, 2005, revised June 2, 2008 and June 15, 2009)

TABLE 6

Adaptive Use Overlay District – Special Permit Developments					
Individual Freestanding Establishment					
	Total Maximum Sign Surface Area (square feet)	***Maximum # of Signs***	***Maximum Sign Height (feet)***	***Minimum Setback from any Street Lot Line (feet)***	***Illumination***
Wall Sign	Building Sign Frontage x 1.0 not to exceed 30 per establishment *	1 per establishment	NA	NA	External
Freestanding	24 not to exceed 18 per sign face	1 per lot	6	10	External
Projecting Sign	12	1 per establishment	See Paragraph 7 g)	NA	External
Multi-Tenant Development					
	Total Maximum Sign Surface Area (square feet)	***Maximum # of Signs***	***Maximum Sign Height (feet)***	***Minimum Setback from any Street Lot Line (feet)***	***Illumination***
Development Sign	30 not to exceed 20 per sign face	1 per development	8	8	External
Individual Establishment Wall Sign	Building Sign Frontage x 1.0 not to exceed 20 per establishment *	1per establishment	NA	NA	External
Individual Establishment Projecting Sign	8	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 6 added June 6, 2005)

TABLE 7

Business/Industrial District					
Individual Freestanding Establishment					
	Total Maximum Sign Surface Area (square feet)	***Maximum # of Signs***	***Maximum Sign Height (feet)***	***Minimum Setback from any Street Lot Line (feet)***	***Illumination***
Wall Sign	Building Sign Frontage x 1.0 not to exceed 60 per establishment *	1 per establishment	NA	NA	internal External
Freestanding	48 not to exceed 36 per sign face	1 per establishment	8	8	External
Projecting Sign	12	1 per establishment	See Paragraph 7 g)	NA	External
Multi-Tenant Development					
	Total Maximum Sign Surface Area (square feet)	***Maximum # of Signs***	***Maximum Sign Height (feet)***	***Minimum Setback from any Street Lot Line (feet)***	***Illumination***
Development Sign	60 not to exceed 40 per sign face	1 per development; one additional development sign may be allowed by special permit of the Zoning Board of Appeals if it determines that additional signage is necessary to facilitate safe ingress to the site.	8	8	External
Individual Establishment Wall Sign	Building Sign Frontage x 1.0 not to exceed 60 per establishment *	1 per establishment	NA	NA	Internal External
Individual Establishment Projecting Sign	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 7 Added June 15, 2009)

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) A listing and calculation of the area of all signs presently existing for the establishment
9) 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.
10) for any freestanding sign and for any individual sign that has six (6) square feet or more of sign surface area, a copy of a written communication from the Design Review Committee which confirms that that the business proprietor/sign fabricator/ developer/ property owner or their agent has met with the Design Review Committee to review the proposed sign design and provides recommendations on ways to improve the sign design.
(Added November 19, 2007 and revised May 14, 2012)

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) ***Design Review Committee***

1) Before filing an application with the Inspector of Buildings for a sign permit for any freestanding sign and for any individual sign that has six (6) square feet or more of sign surface area, a prospective applicant shall meet with the Design Review Committee.
(Revised May 14, 2012)

2) The Design Review Committee shall establish written guidelines specifying what information a prospective applicant must provide for the Design Review Committee to undertake its review.

3) The Design Review Committee shall review proposed sign designs for compliance with the Planning and Economic Development Board's *Design Review Guidelines*, for conformity with any applicable *Master Signage Plan* that may have been approved for a

project during the site plan process, and for consistency with Paragraph 1 Purposes of this Sub-Section

4) Within ten (10) days after meeting with a prospective sign permit applicant, the Design Review Committee shall provide a written communication which:

a. confirms that the DRC has met with the business proprietor/sign fabricator/developer/property owner or their agent to review proposed sign design(s); and

b. provides specific recommendations on ways to modify the sign design that would result in signage consistent with the Planning and Economic Development Board's *Design Review Guidelines*, any applicable *Master Signage Plan* that may have been approved for a project during the site plan process, and with Paragraph 1 Purposes of this Sub-Section.

The ten day period may be extended by mutual agreement of the applicant and the Design Review Committee.

(Item (e) revised November 19, 2007)

f) ***Timetable***: 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. *(Revised November 19, 2007)*

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. Not withstanding 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 Board of Appeals shall refer a petition for a variance from the provisions of this sub-section to the Design Review Committee for review and comment. The Board of Appeals shall not act on a variance petition until it has received a recommendation from the Design Review Committee or 45 days have elapsed after such referral is made and no report has been provided. The Design Review Committee shall review all applications for sign variances in accordance with the Planning and Economic Development Board's *Design Guidelines* and shall provide a written recommendation to the Zoning Board of Appeals for its consideration.
(Revised 6-2-08)

p) The Planning and Economic Development 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) Off-Premises Signs

1) 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. Such signs shall not exceed the standards for the zoning district in which the sign is to be located, as specified in Paragraph 8 herein. 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.

2) Except as may be authorized elsewhere in these regulations, a seasonal or permanent off premises sign denoting corporate sponsorship of a municipal or non-profit program, service, activity, site or facility, where such sign is located off-premises of the sponsoring entity, may be erected and maintained if authorized by Special Permit from the Zoning Board of Appeals which must determine that such sign will not endanger the public safety, and will be of such size, location and design as will not be detrimental to the adjacent neighborhood. The Zoning Board of Appeals may impose conditions and limitations on the special permit as may be in the Town's best interest.

3) The Zoning Board of Appeals shall not issue any special permit for an off-premises sign without being provided the written authorization of the owner of the property on which the off-premises sign is to be located.

b) On buildings 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 Zoning Board of Appeals shall refer a petition for a special permit pursuant to this paragraph to the Design Review Committee for review and comment. The Zoning Board of Appeals shall not act on a special permit petition until it has received a written recommendation from the Design Review Committee or 45 days after elapsed after such referral is made and no report has been provided. The Design Review Committee shall review a special permit application in accordance with the Planning and Economic Development Board's *Sign Design Guidelines.*

(This paragraph was deleted and replaced in its entirety June 14, 2010)

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) Any sign face 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 all sign regulations specified in this Zoning Bylaw. *(Revised June 14, 2010)*

c) Any change in use or property ownership shall require conformity to all current sign regulations specified in the Zoning Bylaw. *(Revised June 14, 2010)*

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.

(This Sub-Section was 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 (OSRD)

1. *Purpose and Intent* – An OSRD is an alternative to a conventional/grid subdivision. An OSRD is specifically designed to accommodate, preserve and feature a site's important physical features. The primary purposes for OSRD are:

a) To allow for greater flexibility and creativity in the design of residential development;
b) To protect community water supplies;
c) To minimize the total amount of disturbance on the site**;**
d) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, other natural landscape features and/or historical and archeological resources.
e) To encourage a more efficient form of development that consumes less open land and conforms more closely to existing topography and natural features than a conventional grid subdivision;
f) To further the goals and policies of the Medway Master and/or Open Space Plans;
g) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economic and efficient manner.
h) To preserve and enhance the community character;
i) To preserve and protect farmland;
j) To protect the value of real property;
k) To promote a variety of housing types that will diversify the community's housing stock including the provision of affordable housing for persons of low and moderate incomes.

It is not the intent of this sub-section that an OSRD will have more building lots or dwelling units than would otherwise be possible with a conventional subdivision plan.

(*Paragraph 1. replaced in its entirety - May 14, 2012)*

2. *Eligibility*

a) *Zoning Classification* - Only those tracts located in the AR-I and AR-II Districts shall be eligible for consideration as an OSRD.

b) *Contiguous Parcels* - To be eligible for consideration as an OSRD, the tract shall consist of a parcel or set of contiguous parcels. For the purposes of this section, parcels that are directly opposite each other across an existing street, and each have a minimum of 25 feet of frontage on the same 25-foot section of roadway, may be considered as if contiguous. Provided, however, that parcels or sets of parcels on opposite sides of a street must each have practical development potential as evidenced by either meeting the dimensional requirements of the residential zoning district in which it lies, or, in the opinion of the Planning Board, has sufficient access and area to be subdivided in accordance with the Planning Board's Rules and Regulations for the Review and Approval of Land Subdivisions.

c) *Land Division* - To be eligible for consideration as an OSRD, the tract may be a subdivision or a division of land pursuant to M.G.L. c. 41, s. 81P, provided, however, that an OSRD may also be permitted where intended as a condominium on land not so divided or subdivided.

d) *Tract Size* – An OSRD shall be on a site that is a minimum of 10 acres in area. The Planning and Economic Development Board may approve an OSRD on a tract of land that is less than 10 acres if such property directly abuts the Charles River, Chicken Brook or Hopping Brook and that portion of the property that abuts any of these waterways is included in the open space.

(*Paragraph 2 replaced in its entirety – May 14, 2012)*

3. *Special Permit General Requirements*

a) The Planning Board may authorize an OSRD pursuant to the grant of a special permit. Such special permits shall be acted upon in accordance with the provisions outlined below.

b) The Planning Board shall adopt *OSRD Rules and Regulations* which shall more fully define the application requirements including the size, form, number and contents of the *Site Context and Analysis Plan*, *Concept Plan*, and *Yield Plan*, identify supporting information needed, and establish reasonable application, review and inspection fees, and performance bond requirements.

c) Upon approval by the Planning Board, an OSRD may include a Local Convenience Retail use of no more than 7,500 square feet of gross building area.

d) Upon approval by the Planning Board, an OSRD may include a Community Center or Building erected solely for the use of the residents of the OSRD and their guests for educational, recreational and social purposes.

(*Paragraph 3 replaced in its entirety - May 14, 2012)*

4. *Pre-Application*

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

b) Pre-Application Documents – It is the intention that the majority of the required pre-application information can be derived primarily from existing data/information sources.
   1) Preliminary Site Context Map
   2) Preliminary Site Analysis Map illustrating features of the site and nearby surrounding areas including water resources (such as aquifers, streams and riparian areas, DEP Zone II's, wetlands, floodplains and certified and potential vernal pools), BioMap areas, Priority Habitats and Estimated Habitats of Rare and Endangered Species, other protected open space and any other features that the applicant believes may be significant
   3) Aerial and/or ground photos of the site and environs

4) Neighborhood Density Analysis - Calculation of the density of existing residential dwellings within 2500 feet of the site's perimeter and the density of all existing subdivisions which are adjacent to the subject property
5) Conventional Subdivision Sketch Plan showing the maximum number of lots into which the parcel could reasonably be expected to be divided pursuant to the existing by-right zoning, conventional subdivision rules and regulations and other land use restrictions such as wetlands protection, etc.
6) Map(s) and documentation (which may consist of photographs) of any stone walls, historic structures, significant trees, important landscapes, scenic views or other natural resources/features of the site.

c) At the pre-application review, the applicant shall:
1) present the Preliminary Site *C*ontext and Preliminary Site Analysis maps prepared with input from a Registered Landscape Architect
2) identify potential development areas and open space areas and amenities including potential trails, trail connections, parking areas, etc.
3) seek preliminary feedback from the Planning and Economic Development Board and/or its agents and other Town boards/committees
4) present a preliminary concept for handling stormwater runoff
5) discuss potential mitigation measures pursuant to paragraph 13. B) herein
6) and set a timetable for submittal of a formal application.

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

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

(Paragraph 4. replaced in its entirety – May 14, 2012)

5. *Four-Step Design Process* - At the time of the application for an OSRD Special Permit, an applicant is required to demonstrate to the Planning and Economic Development Board that the following *Four-Step Design Process* was performed with the assistance of a Registered Landscape Architect (RLA) and was used to determine the proposed layout of streets, house lots and/or dwelling units and open space. A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.

a) *Identify Conservation & Potential Development Areas*

1) Identify and delineate *Conservation Areas*: This includes:

a. *Primary Conservation Areas* such as wetlands, riverfront areas, and floodplains regulated by state or federal law, and verified by the Medway Conservation Commission through an Abbreviated Notice of Resource Area Delineation (ANRAD)

b. *Secondary Conservation Areas* including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows,

wildlife habitats and cultural features such as historic and archeological sites and scenic views)

2) Identify and delineate *Potential Development Area(s)*. To the maximum extent feasible, the *Potential Development Area(s)* shall consist of land outside identified *Primary and Secondary Conservation Areas*.

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

b) *Locate Dwelling Unit Sites* - Locate the approximate sites of individual houses and/or attached dwelling units within the *Potentially Developable Area(s)* and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.

c) *Align the Streets and Trails* - Align streets in order to access the house lots or dwelling units. Additionally, new streets and trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, existing or proposed new open space parcels and trails on abutting public or private property.

d) *Draw in Lot Lines*

(Paragraph 5 replaced in its entirety – May 14, 2012)

6. OSRD Special Permit Application

a) Contents – An application for an OSRD Special Permit shall include:

1) Conventional Subdivision Sketch Plan showing the maximum number of lots into which the parcel could reasonably be expected to be divided pursuant to the existing by-right zoning, conventional subdivision rules and regulations and other land use restrictions such as but not limited to wetlands protection, etc.

2) *Site Context and Analysis* Map **–** The Site Context and Analysis Map shall illustrate the tract's existing conditions and its relationship with adjoining parcels and the surrounding neighborhood. Using existing data sources and field inspections, it should indicate the important natural resources or features within the site as well as on adjoining lands. Such resources include, but are not limited to, wetlands, streams and riparian areas, floodplains, steep slopes, ledge outcroppings, woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (including old structures and stone walls), unusual geologic formations and scenic views.

3) *OSRD Concept Plan* - The *OSRD Concept Plan* shall be prepared by a Registered Landscape Architect, or by a multi-disciplinary team of which one member must be a Registered Landscape Architect. The *OSRD Concept Plan* shall show the Proposed Development Area (s) and the proposed Open Space Parcels and shall address the general features of the land, give approximate configurations of the lots, building footprints, open

space, stormwater management facilities, utilities and roadways, pedestrian ways, guest parking areas, community center and convenience retail and include the information listed in Preliminary Plan section of the *Subdivision Rules and Regulations*. The *Concept Plan* shall incorporate the results of the Four-Step Design Process, according to Paragraph 5 above, and the Design Standards according to Paragraph 10 below. A narrative and accompanying illustrations documenting the findings and results of each of the four steps shall be provided.

4) *Yield Plan* - See Paragraph 7 herein.

5) *Design Plan* - The Design Plan shall include a preliminary design scheme for the development including, at a minimum, sample façade designs for the buildings and a preliminary landscaping design identifying typical features such as fences, stone walls, light posts, or other items in addition to vegetation that are being considered.

6) *Open Space Documents*

a) The Open Space Plan shall indicate areas planned in the required Open Space parcel(s) for passive open space and for active open space including but not limited to trails, trail structures, bike paths, associated parking, sports fields, playgrounds, seating, docks, launches, piers, etc.
b) The Open Space Plan shall also indicate open areas within the Development Parcel that would benefit the residents of the development.
c) A narrative describing the proposed management plan for the ownership and on-going maintenance, care and upkeep of the Open Space parcel(s).
d) A narrative that describes how the proposed open space parcel(s) fits into Medway's Open Space and Recreation Plan and/or serves to extend an existing open space area.

7) *Mitigation Plan* – Proposed mitigation measures in compliance with Sub-Section 13 (b).

8) *Narrative Statement* that describes how the proposed OSRD meets the general purposes and evaluation criteria of this bylaw and why it is in the best interest of the Town to grant the OSRD Special permit rather than approve a conventional subdivision plan.

9) *Neighborhood Density Analysis* - Calculation of the density of existing residential dwellings within 2500 feet of the site's perimeter and the density of all existing subdivisions which are adjacent to the subject property.

10) *List of Anticipated Waivers* from the Subdivision Rules and Regulations

11) *Other Information* – The submittals and permits of this section shall be in addition to any other applicable requirements of the Subdivision Control law or any other provisions of this Zoning Bylaw, including, but not limited to the Affordable Housing provisions of Section X.

b) Application Review Process – Upon receipt of an application for an OSRD Special Permit, the Planning and Economic Development Board shall, within fourteen (14) days

of the filing of the completed application, distribute copies of the application, accompanying plans, and other documentation, to the Board of Health, Conservation Commission, Open Space Committee, Building Inspector, Department of Public Services, Police Chief, Fire Chief, Design Review committee, and the Town's consulting engineer and consulting planner for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning and Economic Development Board within thirty-five (35) days of receipt of the reviewing party of all the required materials. Failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning and Economic Development Board is held prior to the expiration of the 35-day period, the Planning and Economic Development Board shall continue the public hearing to permit the formal submission of reports and recommendations within the 35-day period.

(Paragraph 6 replaced in its entirety – May 14, 2012)

7. Maximum Number of Dwelling Units/Yield Plan

a) The maximum possible number of OSRD dwelling units shall be derived after preparation of a *Yield Plan*. The *Yield Plan* shall indicate the tract's total area (TA), its easement area (EA), its potential development area (PDA) and its wetland and riverfront area (WRA). WRA shall include those portions of the tract that are classified as wetland and/or are located within the 200' riparian zone of a perennial stream as determined by the Medway Conservation Commission. EA shall include those portions of the tract that are already subject to utility easements but shall not include any pedestrian access easements. WRAs located within the EA shall not be counted twice. PDA equals TA – EA.

The following formula shall be used to determine the maximum possible number of OSRD dwelling units that may be permitted. The resulting amount shall be rounded down to the nearest whole number.

$$\text{Maximum \# of OSRD Dwelling Units} = \frac{\text{PDA} - (.5 \times \text{WRA}) - (.1 \times \text{PDA})}{\text{Zoning District Minimum Lot Area}}$$

b) The Board, in issuing the OSRD Special Permit, is not required to authorize the maximum possible number of OSRD dwelling units as derived from the Yield Plan calculations.

(Paragraph 7. replaced in its entirety – May 14, 2012)

8. *Adjustment of Dimensional Requirements* - The Planning and Economic Development Board may authorize modification of the applicable zoning district requirements including but not limited to lot size, shape, frontage and other bulk requirements for lots within an OSRD, subject to the following limitations:

a) Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning and Economic Development Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.

b) Lot frontage shall not be less than fifty feet (50').

c) Each lot shall have a front setback of at least twenty-five feet (25') unless a reduction is otherwise authorized by the Planning and Economic Development Board.

d) Each lot shall have a minimum of fifty percent (50%) of the minimum required lot area for the zoning district in which it is located.

e) In order to allow flexibility and creativity in siting building locations while also promoting privacy, buildings shall be separated as follows:

Type/Size of Building	**<u>Average</u> Separation Distance (feet)**
Single family detached dwelling units with 2500 ft^2 or less of habitable space	20
Two or three attached dwelling units with an average of 2500 ft^2 or less of habitable space each	
Single family detached dwelling units with more than 2500 ft^2 of habitable space	30
Four or five attached dwelling units with an average of 2500 ft^2 or less of habitable space each	
Four or five attached dwelling units with an average of more than 2500 ft^2 of habitable space each	35

The average separation distances shall be calculated based on the buildings that can be connected with an imaginary line that does not cross a roadway. Thus, on a through road, the separation distances on each side of the road shall be calculated separately. On a cul-de-sac, all of the buildings that can be connected by an imaginary line on both sides and around the bulb of the cul-de-sac shall be counted. On a loop road, the buildings on the exterior and interior of the loop will be calculated separately. Detached accessory buildings such as garages up to 2 bays and 1 story sheds of a size not requiring a building permit shall not be considered in calculating the distances between buildings.

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

(Paragraph 8 replaced in its entirety – May 14, 2012)

9. *Open Space Requirements* - A minimum of fifty percent (50%) of the tract shown on the development plan for parcels of 25 acres or less shall be open space. For parcels of more than 25 acres, a minimum of sixty percent (60%) of the tract shown on the development plan shall be open space**.** For purposes of this section, open space shall be considered to be land left in its natural state and/or land used for any of the purposes described in item (c) below. Open space is to be owned and managed as outlined in item (e) below. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction

enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

a) In the minimum required open space area (equal to 50% or 60% of the total area of the proposed OSRD parcel), the percentage of land that is a *resource area* (as defined and regulated by the Medway General Wetlands Protection Bylaw (ARTICLE XXII) shall not exceed the percentage of the total tract that is a *resource area*; provided, however, that in any proposed open space beyond the minimum required, the applicant may include a greater percentage of *resource area.*

b) The open space shall be contiguous. Open Space will be considered as contiguous if it is separated by a roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect the identified Primary and Secondary Conservation Areas. In either case, the open space shall be integrated into the development and/or abutting areas in a manner that maximizes its visibility and function to residents and the general public.

c) The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, education, outdoor education, recreation, parks, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. For developments in which 60% of the tract is open space, the Planning Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space *(i.e. bike paths, playgrounds, or other recreation facilities).* For developments with less than 60% of open space, use of the space shall be limited to pedestrian trails, picnic areas or other passive uses. Open space along the water may be used for water-based recreation purposes such as canoe launches, fishing piers, etc. The open space shall be accessible to the public, unless the Planning Board waives this requirement because it deems that it is in the best interests of the Town to do so. The Planning Board may require a minimum number of off-street parking spaces to facilitate such public access depending on the nature and use of the open space area.

d) While protecting resources and leaving land in its natural state is a primary goal, the Planning Board also encourages the use of open space to provide active and passive recreation in the form of commons, parks and playgrounds to serve the needs of the development and surrounding neighborhoods.

e) The following shall not qualify toward the required minimum open space area:

1) Surface stormwater management systems serving the OSRD such as retention and detention ponds.
2) Sub-surface drainage, septic and leaching systems per Title 5
3) Seventy-five percent (75%) of the land area subject to any type of utility easement
4) Land within thirty feet (30') of any dwelling unit
5) Local Convenience Retail buildings or Community buildings or other buildings housing common facilities and any associated parking.
6) Median strips, landscaped areas within parking lots or landscaped areas on individual home lots.

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

f) Ownership of the Open Space - The open space shall, at the Planning Board's discretion, be conveyed to:

1) The Town or its Conservation Commission, upon its agreement;
2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above, upon its agreement;
3) A corporation or trust owned jointly or in common by all owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the Town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed of trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

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

(Paragraph 9 replaced in its entirety – May 14, 2012)

10. *General Design Standards* – The following General Design Standards shall apply to all OSRDs and shall govern the development and design process:

a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways should be treated as fixed determinants of road and lot configuration.

b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject tract.

c) Dwelling units and associated accessory buildings, parking, drainage facilities, landscaping, lighting, etc. shall be located to maximize views of the open space for

residents of the development, abutting properties and passersby to the fullest extent practicable.

d) The development shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in a positive manner.

e) All open space *(landscaped and usable)* shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

f) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

g) Mix of Housing Types - The OSRD may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than 5 dwelling units.

h) Common/Shared Driveways - Common or shared driveways may be allowed at the discretion of the Planning Board.

i) Each OSRD dwelling unit shall have reasonable access to the open space, but does not need to directly abut the open space.

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

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

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

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

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

o) Dead-end streets may be permitted in an OSRD but shall not exceed 1,000 feet in length unless a secondary emergency access/egress is included that provides acceptable access and egress for police, fire, ambulance, and other emergency vehicles**.**

(Paragraph 10 replaced in its entirety – May 14, 2012)

11. *Decision of the Planning Board* - The Planning Board may grant an OSRD Special Permit if it determines that a proposed OSRD has less detrimental impact on the tract than a conventional subdivision development proposed for the tract, after considering the following factors:

a) Whether the OSRD achieves greater flexibility and creativity in the design of residential development than a conventional plan;

b) Whether the OSRD promotes the permanent preservation and where possible, enhancement of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, significant natural features and scenic views, and historical and archeological resources;

c) Whether the OSRD promotes a more efficient form of development that consumes less open land and better conforms to existing topography and natural features than a conventional subdivision;

d) Whether the OSRD reduces the total amount of disturbance on the site;

e) Whether the OSRD furthers the goals and policies of Medway's Open Space and/or Master Plan;

f) Whether the OSRD facilitates the construction and maintenance of streets, utilities, and public services, in a more economical and efficient manner; and

g) Whether the OSRD *Concept Plan* and its supporting narrative documentation complies with all sections of this Zoning By-Law.

h) Whether the design of buildings within the OSRD is consistent or compatible with traditional New England architectural styles as further described in the Planning Board's *Design Review Guidelines*.

i) Whether the OSRD is compatible or in harmony with the character of adjacent residential neighborhoods.

j) Whether the OSRD will have a detrimental impact on abutting properties and residential neighborhoods.

k) Whether the impact of the OSRD on abutting properties and residential neighborhoods has been adequately mitigated.

l) Whether the OSRD protects and enhances community character

m) Whether the development will provide for and maintain convenient and safe emergency access to all buildings, structures and open space facilities.

n) Whether the development will not cause unreasonable traffic congestion or unsafe conditions within and outside the development.

An OSRD Special Permit decision shall include the approved *OSRD Concept Plan*. The OSRD Special Permit Decision shall specifically state that the OSRD Definitive Plan shall substantially comply with the approved *OSRD Concept Plan*. The applicant shall record the OSRD Special Permit Decision/*Concept Plan* at the Norfolk County Registry of Deeds.

(Paragraph 11 replaced in its entirety – May 14, 2012)

12. ***OSRD Definitive Plan***

a) Subsequent to recording the OSRD Special Permit Decision and *Concept Plan* at the Registry of Deeds, the applicant shall prepare and submit an OSRD Definitive Plan to the Planning and Economic Development Board. The OSRD Definitive Plan shall include all plan changes as may be required by the conditions of the OSRD Special Permit.

b) The Inspector of Buildings shall not issue a building permit for any building or structure authorized by an OSRD Special Permit unless the Planning and Economic Development Board has approved or conditionally approved and endorsed an OSRD Definitive Plan, filed such with the Town Clerk and provided such to the Inspector of Buildings.

c) An OSRD Definitive Plan shall comply with the application contents, review process, and Design & Construction Standards of the *Subdivision Rules and Regulations* for a definitive subdivision plan, except that another traffic study and development impact report are not required. The Planning and Economic Development Board may agree to waive/vary those standards upon written request of the applicant, provided that the Planning and Economic Development Board finds that it is in the best interests of the Town to do so.

d) In cases where a definitive subdivision plan is not technically necessary (e.g. a multi-family condominium project), the Planning and Economic Development Board will consider site design features that are normally the subject of Site Plan Approval (SECTION V. USE REGULATIONS, Sub-Section C of the Medway Zoning Bylaw) such as parking, lighting, landscaping, site amenities, etc. The Development Standards of the Planning and Economic Development Board's *Site Plan Rules and Regulations* shall be adhered to. The OSRD Definitive Plan shall be prepared to comply with those standards. The Planning Board may agree to waive/vary those standards, upon written request from the applicant, provided that the Planning and Economic Development Board finds that it is in the best interests of the Town to do so.

e) The OSRD Definitive Plan shall substantially comply with the approved *OSRD Concept Plan*. An OSRD Definitive Plan will be considered not to substantially comply with the approved *Concept Plan* if the Planning and Economic Development Board determines that any of the following conditions exist:

1) An increase in the number of building lots;
2) A decrease in the open space acreage of more than 5%;
3) A significant change in the lot layout;
4) A change in the general development pattern which, in the opinion of the Planning and Economic Development Board, adversely affects natural landscape features or other features identified for preservation in the approved *Concept Plan*;
5) A change to the stormwater management facilities which, in the opinion of the Planning and Economic Development Board, adversely affects natural landscape features or other features identified for preservation in the approved *Concept Plan*; and/or,
6) Changes in the wastewater management systems, which, in the opinion of the Planning and Economic Development Board, adversely affect natural landscape features or other features identified for preservation in the approved *Concept Plan*.

f) If the Planning and Economic Development Board determines that the OSRD Definitive Plan does not substantially comply with the approved *Concept Plan*, the Board may disapprove the OSRD *Definitive Plan* for failure to comply with the conditions of the OSRD Special Permit.

g) The Planning and Economic Development Board may conditionally approve an OSRD Definitive Plan that does not substantially comply with the approved *Concept Plan*. However, such conditional approval must identify where the OSRD Definitive Plan does not substantially comply with the approved *Concept Plan* and shall require that the applicant file an application to modify the OSRD Special Permit within a specified time period in order to amend the approved *Concept Plan* by incorporating the significant changes identified by the Planning and Economic Development Board. The public hearing on the application to amend the OSRD Special Permit and *Concept Plan* shall be limited to the significant changes identified by the Planning and Economic Development Board in their conditional approval of the OSRD Definitive Plan.
(Paragraph 12 added June 2, 2008)

h) The OSRD Definitive Plan shall be recorded at the Norfolk County Registry of Deeds. *(Item h) added June 15, 2009)*

13) ***OSRD Special Permit Provisions*** - Depending on the nature of the particular OSRD, the Planning and Economic Development Board may, as a condition of any Special Permit for an OSRD, establish conditions, limitations and safeguards; require construction observation/inspection, bonding or other performance guarantees, plan compliance measures and the submittal of as-built plans; and establish reasonable mitigation measures which the Board believes are in the Town's best interests. *(Corrected June 15, 2009)*

a) ***Conditions, Limitations and Safeguards*** - The Planning and Economic Development Board may require conditions, limitations and safeguards to promote the health, safety, convenience and general welfare of the community including, but not limited to, the following:

1) Plan revisions and design modifications to preserve property values, preserve aesthetic or historic features, maintain compatibility with existing uses, and promote the attractiveness of the community.

2) Controls on the location and type of access to the site;

3) Controls on the number, type and time that service and delivery vehicles access the site;

4) Provision for preservation of scenic views;

5) Limitations on the hours of operation for any Local Convenience Retail Use or Community Center/Building included in the OSRD;

6) Conditions to minimize off-site impacts and environmental quality during construction;

7) Requirements to screen parking facilities from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;

8) Conditions to minimize the adverse impacts of the development on abutters and the adjacent neighborhood, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage.

b) ***Mitigation Measures –*** The Planning and Economic Development Board may require reasonable mitigation measures to offset adverse impacts of the development on the community, including but not limited to:

1) requirements for off-site improvements up to a maximum value of six percent (6%) of the *total development cost* of the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals/controls, or municipal services, sufficient to service the development project. The *total development cost* shall mean the total of the cost or value of land and all development related improvements and shall be determined on the basis of standard building or construction costs published in the *Engineering News Record* or other source acceptable to the Planning and Economic Development Board, for the relevant type of structure(s) and use (s).

2) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements. (*Added November 11, 2008)*

(Sub-Section T. was replaced in its entirety June 6, 2005)

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 and Economic Development 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 and Economic Development 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 Review* – A pre-application review shall consist of a pre-application meeting (s) with the Planning and Economic Development Board and a site visit. The purpose of a pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning and Economic Development Board at the earliest possible stage in the development.

1) *Pre-Application Meeting* - The applicant shall schedule a pre-application meeting with the Planning and Economic Development Board, which will take place as an agenda item at a Planning and Economic Development Board meeting. The Planning and Economic Development Board may invite the Conservation Commission, Board of Health, Design Review Committee and such other Town boards/departments/officials it deems appropriate depending on the

particular site. At the pre-application review meeting, the applicant shall outline the proposed ARCPUD, gain feedback from the Planning and Economic Development Board and/or its agents, other Town boards/departments/officials, and interested citizens, and set a timetable for submittal of a formal application. At the applicant's expense, the Planning and Economic Development Board may engage technical experts to review the applicant's informal plans and to facilitate submittal of a formal application for an ARCPUD Special Permit.

2) *4 Step Design Process* – At the time of the Pre-Application Meeting, the applicant shall demonstrate to the Planning and Economic Development Board that the following 4-step Design Process was performed by a Registered Landscape Architect (RLA) and used to determine the preliminary layout of proposed streets, lots and open space.

   a. *Identify Conservation Areas* – Identify preservation land by two steps. First, the applicant shall identify and delineate *Primary Conservation Areas* including but not limited to wetlands, riverfront areas, and regulated by local, state or federal law, and verified by the Medway Conservation Commission through an Abbreviated Notice of Resource Area Delineation (ANRAD) and *Secondary Conservation Areas* including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views. Second, the *Potentially Developable Area* will be identified and delineated. To the maximum extent feasible, the *Potentially Developable Area* shall consist of land outside the identified *Primary and Secondary Conservation Areas.*

   b. *Locate Residential Sites* – Locate the approximate sites of the ARCPUD uses and include the delineation of yards and shared amenities so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of residential units abutting the site's natural features should be maximized, to the fullest extent possible.

   c. *Align the Streets and Trails* – Align the roadways in order to access the residential dwellings. New streets and trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails on abutting public or private property.

   d. *Draw in Lot Lines*

3) Details for other items to be submitted for review at the Pre-Application Meeting shall be included in the *ARCPUD Rules and Regulations*.

4) *Site Visit* – Planning and Economic Development Board members shall visit the proposed ARCPUD site, either as a group, or individually, so that they may become familiar with the site, its existing conditions and unique features, and the surrounding area.

(Paragraph 4. b. revised June 12, 2006)

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 and Economic Development 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 and Economic Development 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 and Economic Development Board of the Town of Medway.

2) An ARCPUD shall be on a site that is a minimum of ten (10) aces in area. The site may consist of a single lot or of multiple, contiguous lots.

3) The ARCPUD shall include at least one of the Adult Retirement Community Residential Uses as defined in Section II of this Bylaw and may be developed in multiple phases. *(Revised May 14, 2007)*

4) Upon approval by the Planning and Economic Development 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 is greater.

5) Upon approval by the Planning and Economic Development 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 and Economic Development Board, such use enhances the general purpose of this ARCPUD and enhances better site and community planning, and if the Planning and Economic Development 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 and Economic Development 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)*

9) Affordability – At least 10% of the total number of ARCPUD residential dwelling units, rounded up to the next higher integer, shall be designated and made available as Affordable Housing Units as defined in this Zoning Bylaw. *(Added June 16, 2006)*

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 qualify toward the required ARCPUD open space.

a. Surface stormwater management systems serving the ARCPUD such as retention and detention ponds

b. Sub-surface drainage, septic and leaching systems per Title 5

c. Fifty percent (50%) of the land area subject to any type of utility easement

d. Land within fifteen feet (15') of any dwelling unit

e. Community buildings or other buildings housing common facilities and any associated parking.

f. Median strips, landscaped areas within parking lots or landscaped areas on individual home lots.

(Revised May 14, 2007)

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 and

Economic Development Board finds that it is not practical for the ARCPUD to preserve this amount of natural land due to previous land alteration activities.

4) *Resource areas* as defined and regulated pursuant to the Medway General Wetlands Protection Bylaw (ARTICLE XXII, Section 2) shall comprise not more than fifty percent (50%) of the required ARCPUD open space. The applicant may include a greater percentage of *resource areas* in any proposed open space beyond the minimum amount required. This provision shall apply only to ARCPUD special permit application filed with the Town of Medway after May 14, 2007. *(Revised May 14, 2007)*

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 and Economic Development 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 and Economic Development Board may require such conveyance as a condition of approval of the ARCPUD, though the Planning and Economic Development 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 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 and Economic Development 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 hall 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 and Economic Development 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 and Economic Development 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 and Economic Development 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 two-way roadways serving more than one dwelling shall be a minimum paved width of twenty-two feet (22'). The paved width of a one-way roadway may be less than twenty-two feet (22') if approved by the Planning and Economic Development Board according to specific site conditions and standard engineering practice. *(Revised June 6, 2005)*

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 and Economic Development Board Findings for ARCPUD Special Permit***: The Planning and Economic Development 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 and Economic Development Board as part of the ARCPUD.

12) The Planning and Economic Development 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 hall be a violation of said Special Permit.

13) Depending on the nature of the particular ARCPUD and it uses, the Planning and Economic Development 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 and Economic Development 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 and Economic Development Board may, as a condition of any Special Permit for an ARCPUD, require a legal mechanism as will, in the opinion of the Planning and Economic Development 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.

15) Depending on the nature of the particular ARCPUD, the Planning and Economic Development Board may, as a condition of any Special Permit for an ARCPUD, establish conditions, limitations and safeguards; require construction observation/inspection, bonding or other performance guarantees, plan compliance measures and the submittal of as-built plans; and establish reasonable mitigation measures which the Board believes are in the Town's best interests.

a. *Conditions, Limitations and Safeguards* - The Planning and Economic Development Board may require conditions, limitations and safeguards to promote the health, safety, convenience and general welfare of the community including, but not limited to, the following:

(1) Plan revisions and design modifications to preserve property values, preserve aesthetic or historic features, maintain compatibility with existing uses, and promote the attractiveness of the community.

(2) Controls on the location and type of access to the site;

(3) Controls on the number, type and time that service and delivery vehicles access the site;

(4) Provision for preservation of scenic views;

(5) Limitations on the hours of operation for any Local Convenience Retail Use or Community Center/Building included in the ARCPUD;

(6) Conditions to minimize off-site impacts and environmental quality during construction;

(7) Requirements to screen parking facilities from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;

(8) Conditions to minimize the adverse impacts of the development on abutters and the adjacent neighborhood, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage.

b. *Mitigation Measures* – The Planning and Economic Development Board may require reasonable mitigation measures to offset adverse impacts of the development on the community, including but not limited to:

(1) requirements for off-site improvements up to a maximum value of six percent (6%) of the *total development cost* of the proposed project to improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals/ controls, or municipal services, sufficient to service the development project. The *total development cost* shall mean the total of the cost or value of land and all development related improvements and shall be determined on the basis of standard building or construction costs published in the *Engineering News Record* or other source acceptable to the Planning and Economic Development Board, for the relevant type of structure(s) and use (s).

(2) Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements.

(Item 15 added November 10, 2008)

g. ***Administration:***

1) *Overview:* The Planning and Economic Development 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 and Economic Development 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:

(1) Present and proposed use(s) of the land and existing buildings, if any;
(2) Dimensions of existing and proposed building(s) or other structures including height, setback(s) from property lines and total square footage of all floors;
(3) Locations and dimensions of any easements, public or private rights-of-way, or other burdens existing or proposed;
(4) 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 and Economic Development 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 four (4) maps. These maps are entitled:

   a) "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);

   b) "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.

   c) "Bellingham, MA Conceptual Zone II – Wells #7 & #8, Zone II and Zone III Delineation", prepared by Anderson-Nichols & Co., Inc. and approved by the Department of Environmental Protection in November 1992; *(Area c) added October 23, 2006)*

   d) "Wellhead Protection Zones – Medway Production Well No. 4", prepared by Haley and Ward Inc., dated February 25, 004 and approved by the Department of Environmental Protection on May 31, 005. *(Area d) added October 23, 2006)*

   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) New construction, subject to Section B (prohibited uses) and Section C (special permitted uses); *(Revised October 23, 2006)*

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 and Economic Development 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 and Economic Development 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.

(Sub-Section V. was 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:

      2) That portion of the ARII district along the north side of Main Street between Mechanic Street and a line formed by the extension of the centerline of Cottage Street across Main Street except for Choate Park/Pond (Assessors Map 5, Parcel A) and along the south side of Main Street between a line formed by the extension of the centerline of Mechanic Street across Main Street and the western boundary of the Commercial I district at Elm Street.

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

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

      (Revised June 13, 2011)

   b) *Frontage*: Only properties with a minimum of 50 feet of frontage on a Town way within the Adaptive Use Overlay District shall qualify for a special permit granted by the Planning and Economic Development Board (hereinafter referred to as an "Adaptive Use Special Permit"). *(Revised June 13, 2011)*

   c) *Rules and Regulations*: The Planning and Economic Development 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 zoning district shall remain as of right within the Adaptive Use Overlay District *(Revised June 13, 2011)*

b) *Uses Allowed by Special Permit*: In approving an Adaptive Use Special Permit under the provisions of Massachusetts General Laws Chapter 40A, Section 9, the Planning and Economic Development Board may provide for the following uses or combination of uses and no others:

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) Studios for artists, photographers, interior decorators, and similar design-related uses.
3) Retail sales for handcrafted merchandise, original arts and crafts or copies thereof, antiques, and second-hand goods.
4) Food services including**,** but not limited to bakeries, cafes, coffee shops, delicatessens, frozen dessert shops, pastry shops, or sandwich shops.
5) Repair shops for small electronic equipment, appliances or tools.
6) Personal care services such as barber shops, beauty parlors and nail salons.
7) Florists
8) The alteration of, addition to, and/or conversion of an existing building to one or two residential dwelling units and one or more business uses listed in items 1-7 above, provided that the appearance of the building is characteristic of a single-family dwelling.

An Adaptive Use Special Permit shall indicate which of the above-allowed uses is specifically permitted and may impose conditions, safeguards and limitations on the permitted use(s).

(Revised June 6, 2005)

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. ***Medway Mill Conversion Subdistrict –*** The existing Medway Mill building and property within the Adaptive Use Overlay District present unique features and opportunities as part of the district. In addition to the purposes listed in Section 1, the Mill property provides an opportunity to promote diverse housing types and to encourage sustainable mixed-use development. In recognition of these unique features, there is hereby created the *Medway Mill Conversion Subdistrict* within the Adaptive Use Overlay District. The Subdistrict shall consist of Parcel 7 of Assessors Map 5G. The following provisions shall apply to the Medway Mill Conversion Subdistrict:

a) *Permitted Uses* - In addition to the uses specified in Section 3, multifamily dwellings, with an average bedroom count not to exceed 2 per unit shall be allowed by special permit within any of the existing buildings or within a new building (s) on the premises.

b) Residential density shall not exceed 12 units per acre, exclusive of any wetlands, as determined by the Conservation Commission. Residential space, by square footage, shall not exceed 25% of the usable building space on the premises, and the amount of commercial space at the time of adoption of this section shall not be reduced due to conversion to housing unless the Planning and Economic Development Board determines

that a greater percentage and/or conversion of commercial space to housing is in the best interests of the Town as evidenced by a documented need for the type of housing proposed.

c) Building coverage shall not exceed 1.25 times the footprint of buildings existing as of the date of adoption of this section.

(Medway Mill Conversion Subdistrict added November 19, 2007)

5. ***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 June 28, 2004. *(Revised June 6, 2005)*

b) Each Adaptive Use project shall include restoration, renovation or improvement of the primary existing building(s) on the site sufficient to maintain or enhance the building's original architectural integrity and character. Construction of an addition to an existing building or construction of a new building on the premises may be permitted provided that it is designed to be compatible with other building(s) on the lot and maintain the overall character of the underlying zoning district. *(Revised June 13, 2011)*

c) Unless determined by the Planning and Economic Development 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 and Economic Development 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 and Economic Development 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 and Economic Development 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 and Economic Development Board finds that a lesser number is adequate based on site characteristics and the proposed use.

j) Sidewalks shall be provided or replaced along the entire frontage of the AUOD parcel along existing Town ways, including the frontage of any lots held in common ownership with the parcel within five (5) years prior to the submission of the AUOD Special Permit. In those instances where sidewalk construction is not feasible or practical, the Planning and Economic Development Board shall require that the applicant support sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as recommended by the Medway Department of Public Services or by making a payment in lieu of sidewalk construction to the Town of Medway's Special Sidewalk account in an amount determined by the Board at the recommendation of the Town's Consulting Engineer. *(Added June 13, 2011)*

k) Business signage is permitted as specified in SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulations of the Medway Zoning Bylaw. *(Added June 13, 2011)*

6. ***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.

7. ***Procedures for Special Permit***: Applications for Adaptive Use Special Permits shall be made to the Planning and Economic Development 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 and Economic Development 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

8. ***Special Permit Standards and Criteria***: In considering an application for an Adaptive Use Special Permit, the Planning and Economic Development Board shall make the following findings:

   a) The proposed use is allowed under the provisions of 3. b) or 4. a). (*Revised November 19, 2007)*

   b) The site is adequate for the proposed us in terms of size, configuration, and use 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 was added June 28, 2004)
(Sub-Section W. renumbered November 19, 2007)

X. AFFORDABLE HOUSING

1. *Purpose and Intent* – The purpose of Sub-Section X., hereafter referred to as this sub-section, is to further the Master Plan goal of encouraging the provision of various housing types in Medway for persons of various age and income levels and to:

   a) increase the supply of housing in the Town of Medway that is available to and affordable by low and moderate income households;

   b) encourage the construction or renovation of a diversity of housing types in Medway to meet the needs of low and moderate income households;

   c) promote a reasonable mix and geographic distribution of affordable housing units throughout the community;

   d) produce housing units eligible for listing as Local Initiative Units on the *Subsidized Housing Inventory* under M.G.L. c. 40B, Sections 20-23;

   e) provide more opportunities to enable Town of Medway employees to live in the community;

   f) Provide a mechanism to offset the decreases in the Town's percentage of affordable housing that are directly caused by increases in the Town's overall housing stock.

2. *Definitions*

Affordable Housing Restriction - A covenant agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Medway, that effectively restricts occupancy of an Affordable Housing Unit to a *Qualified Purchaser* or *Qualified Renter*, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An *Affordable Housing Restriction* shall run with the land or dwelling unit in perpetuity from the time of a unit's initial occupancy, so as to be binding on and enforceable against any person claiming an interest in the property. An *Affordable Housing Restriction* shall be enforceable under the provisions of M.G.L. c.184, Section 32, and be approved by the Massachusetts Department of Housing and Community Development (DHCD).

Affordable Housing Trust Fund – An account established and operated by the Town for the exclusive purpose of creating or preserving affordable housing units in the Town of Medway.

Equivalent Affordable Housing Unit Value – An amount equal to the difference between the median sale price for market rate single family homes sold in Medway during the thirty six months preceding the date of application, as determined by the Medway Board of Assessors based on deeds recorded at the Norfolk Registry of Deeds for arms-length transactions, and the purchase price of a home that is affordable to a qualified purchaser as determined by DHCD, assuming a household size of four, or one person per bedroom plus one additional person with

the number of bedrooms being the average number in the development, whichever is less. For developments other than single-family detached structures (e.g. duplexes or multifamily condominiums) the Planning Board may substitute the median sale price of the applicable type of market rate dwelling unit for the median sale price of single family homes in the preceding formula.

DHCD – The Massachusetts Department of Housing and Community Development or a successor agency.

Local Initiative Program (LIP) – A program administered by *DHCD* to develop and implement local housing initiatives to produce low and moderate income housing, pursuant to state regulations which may be amended from time to time.

Maximum Affordable Purchase Price or Rent - A selling price or monthly rent that does not exceed the maximum purchase price or rent guidelines of the program used to qualify dwelling units for inclusion on the *Subsidized Housing Inventory.*

Qualified Purchaser: A Low- or Moderate-Income Household that purchases and occupies an Affordable Housing Unit as its principal residence.

Qualified Renter: A Low or Moderate-Income Household that rents and occupies an Affordable Housing Unit as its principal residence.

Subsidized Housing Inventory: The Massachusetts Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory pursuant to state regulations as may be amended from time to time.

(NOTE - Certain other terms used in this sub-section are defined in SECTION II. Definitions of the Medway Zoning Bylaw.)

3. *Applicability* – In all zoning districts, the provisions of this sub-section shall apply to the following:

    a) Any residential or mixed-use development project, for which a Town permit is applied for after the effective date of this sub-section that results in a net increase of six or more dwelling units whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space, whether on one or more contiguous parcels. Such may be developed pursuant but not limited to the following:

        1) The development of lots shown on a subdivision plan approved under the General Laws chapter 41 section 81U.
        2) The development of lots on a plan endorsed as not requiring approval under the subdivision control law under the General Laws chapter 41 section 81P (ANR)
        3) Sub-Section T. (OSRD) of SECTION V. USE REGULATIONS of the Medway Zoning Bylaw.
        4) Sub-Section W. (AUOD) of SECTION V. USE REGULATIONS of the Medway Zoning Bylaw.

5) Any other Residential or Mixed-Use Development which may be allowed by right or authorized by special permit in the future under the Medway Zoning Bylaw pursuant to M.G.L., chapter 40A, section 9.

b) The construction of a residential development may not be segmented to avoid compliance with these provisions. Segmentation shall mean one or more divisions of land that cumulatively result in a net increase of six or more lots or dwelling units above the number existing thirty-six months earlier on any parcel or a set of contiguous parcels that were in common ownership on or after the effective date of the adoption of this section by Town Meeting.

c) These provisions shall not apply to:

1) The construction of six or more single-family dwellings on individual lots, if said six or more lots were in existence prior to the effective date of the adoption of this sub-section.
2) Adult Retirement Community approved pursuant to an ARCPUD Special Permit under Section V. USE REGULATIONS, Sub-Section U.
3) Assisted Living Residence Facility approved pursuant to a Special Permit under Section V. USE REGULATIONS, Sub-Section G. Commercial District I

4. *Mandatory Provision of Affordable Housing Units*

a) In each development project subject to the provisions of paragraph 3 herein, at least ten percent (10%) of the lots or dwelling units shall be established as affordable housing units.

b) In the instance when the provision of affordable units produces a requirement for a percentage of an affordable lot or unit, the percentage shall be rounded up to the next whole number. For example, a development proposing a total of eight lots or units requires .8 affordable housing units; accordingly, the number of required affordable housing units is rounded up from .8 to 1. A development proposing a total of fourteen lots or units requires 1.4 affordable housing units; therefore the number of required affordable housing units is rounded up from 1.4 to 2. See Figure 1.

c) In those housing developments using an Affordable Housing Special Permit to meet this requirement, the affordable housing units will be provided using one or more of the methods specified in paragraph 7 herein.

d) In those developments where there is no Affordable Housing Special Permit sought to meet this requirement, the affordable housing units shall be constructed or rehabilitated on the locus of the development as provided in paragraph 7 a) herein.

5. *Density Bonus – Affordable Housing Special Permit*

a) To facilitate meeting the objectives of this sub-section, the Planning Board shall have the authority to issue an Affordable Housing Special Permit to adjust any zoning requirements for any development subject to these provisions as follows, but only to the extent needed to increase the total number of market rate lots or dwelling units on-site by a number equal to one-half of the number of affordable

housing units required, pursuant to paragraph 7 a) or 7 c) below. For example, if two affordable housing units are required, an additional one market rate unit may be constructed. In the instance when the density bonus allows for a percentage of a market rate unit, the percentage shall be rounded up to the next whole number. For example, if the density bonus provides for +1.5 market rate units, the actual number of bonus market rate units is rounded up from 1.5 to 2. See Figure 1.

b) *Dimensional Requirements* - The minimum lot area and frontage per dwelling unit and the standard front, rear and side setbacks normally required in the applicable zoning district may be adjusted by the amount necessary to allow for the increase in the total number of dwelling units. Provided, however, that the layout of lots shall meet one of the following requirements:

1) No individual lot shall be reduced in area or frontage to less than 80% of the required minimum in the applicable zoning district, and the lot(s) on which an affordable dwelling unit are located shall represent the median lot(s) in area and frontage; or
2) The area and frontage of all lots within the subdivision shall not vary from each by more than 10%.

c) *Type of dwelling unit* – The type of dwelling unit normally required in the applicable zoning district may be varied to allow for the increase in the total number of dwelling units. This may include:

1) single family dwellings
2) duplexes
3) three-family dwelling units
4) multi-family dwelling units
5) mixed-use development dwelling units
6) such other types of dwelling units as may be allowed and approved pursuant to the Zoning Bylaw

d) Where the Planning Board allows for a density increase, the Planning Board shall make affirmative findings that the density increase was appropriate in light of the public benefits offered by the applicant and as consistent with M.G.L, c. 40A, s. 9 and this sub-section.

e) When the requirements of this sub-section are being met by providing the affordable housing units off-site pursuant to paragraph 7 b) or 7 c) below, the Planning Board shall have the authority to reduce the minimum requirements of the zoning district as outlined in 5. a), b) and c) to accommodate the bonus market rate units. For example, if two affordable housing units are required, and will be provided off-site, an additional one market rate unit may be constructed on site.

f) No density bonus is provided when the requirements of this section are met with a *Payment in Lieu of Direct Provision of Affordable Housing Units* pursuant to **7** d) below.

6. *Voluntary Affordable Housing Bonus* – A new housing development that is not subject to the provisions of paragraph 3 herein but provides the minimum affordable housing requirements specified in paragraph 4. b) herein may apply for an Affordable Housing Special Permit as specified in paragraph 5 herein.

7. *Methods of Providing Affordable Housing Units* - The Planning Board, in its discretion, may approve one or more of the following methods, or any combination thereof, for the provision of affordable housing units for a development that is subject to this sub-section, provided that in no event shall the total number or value of affordable housing units, land area or cash payments provided be less than the equivalent number or value of affordable housing units required by this sub-section.

   a) *On-Site* - The affordable housing units may be constructed or rehabilitated on the locus of the development.

   b) *Off-Site* - Affordable housing units may be provided on a locus different than that of the development. The Planning Board, in its discretion, may allow a developer of non-rental dwelling units to develop, construct or otherwise provide affordable housing units equivalent to those required by this sub-section in an off-site location(s) in the Town of Medway, provided the applicant demonstrates to the satisfaction of the Planning Board that the alternative location(s) better meets the needs of the Town with respect to the provision of affordable housing. The location(s) of the off-site affordable housing units shall be approved by the Planning Board and specified in the special permit decision.

      The Planning Board shall evaluate proposed off-site locations according to the following criteria:

      1) Whether the off-site affordable housing unit(s) help preserve existing housing stock;
      2) Whether the off-site location promotes geographic diversity of affordable housing units within the community.
      3) Whether the off-site affordable housing unit(s) are compatible with the neighborhood where such would be located.
      4) The proximity, concentration and zoning of other affordable housing units within the immediate vicinity of the proposed location.

      Preservation of existing dwelling units in Medway to be used as affordable housing units may be accomplished through the purchase of deed restrictions and provision of funding for the rehabilitation of such units equal to or greater than the value of on-site development and construction of affordable housing units.

      All requirements of this sub-section that apply to on-site provision of affordable housing units shall apply to the provision of off-site affordable housing units.

   c) *Donation of Land* - In the event the Planning Board determines that the required affordable housing cannot be produced pursuant to a) and b) above, an applicant

may make a donation in fee simple of off-site land to the *Medway Affordable Housing Trust Fund*, established pursuant to M.G.L. chapter 44, section 55C~~c~~, or another legally created account or organization for the development and preservation of affordable housing in Medway as may be approved by the Planning Board. Such donations of land are acceptable only when the recipient organization agrees to such donation and the Planning Board, in its sole discretion, determines that:

1) the land is suitable for the construction of at least the number of affordable housing units necessary to meet the requirements of this sub-section, either by itself or in combination with the other methods herein; and
2) its value is equal to or greater than the number of affordable housing units required times the *Equivalent Affordable Housing Unit Value*,

The Planning Board may require, prior to accepting land as satisfaction of the requirements of this sub-section, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. The appraiser shall be mutually agreed upon by the Planning Board and the applicant. The expense of the appraisal shall be borne by the developer/applicant.

Any such land donation shall be made prior to the issuance of any building permit for the development or prior to the sale of any lots, if applicable.

d) *Payment in Lieu of Direct Provision of Affordable Housing Units* – In the event the Planning Board determines that affordable housing cannot be produced pursuant to paragraph **7** a), b) or c), an applicant for a development subject to the provisions of this sub-section may, in lieu of producing affordable housing units, contribute an equivalent cash payment to the *Medway Affordable Housing Trust Fund* established pursuant to M.G.L. chapter 44, section 55C, or to another legally created account or organization to be used to develop or preserve affordable housing in Medway as may be approved by the Planning Board.

1) For each affordable housing unit not provided through one or a combination of the methods specified in paragraph **7** a) through c), the payment shall be an amount equal to the number of affordable housing units required by this sub-section multiplied by the calculated *Equivalent Affordable Housing Unit Value* for that development.

2) The methodology used to determine an affordable purchase price shall comply with the *Local Initiative Program* guidelines in effect at the time an application for the Affordable Housing special permit is filed.

3) The assumptions used to determine an affordable purchase price, including but not limited to minimum down payment, mortgage interest rate, term, closing and other costs shall be consistent with first-time homebuyer mortgage products available from commercial lending institutions located in or serving Medway at the time of application for the Affordable

Housing special permit, all in accordance with the *Rules and Regulations* adopted by the Planning Board and filed with the Town Clerk, and the requirements of *DHCD.*

4) Schedule for payment in lieu of – Payments in lieu of shall be made according to the schedule set forth in paragraph 9 herein.

e) Combination of Alternatives - The applicant may offer, and the Board may approve the acceptance of any combination of the alternatives of providing affordable housing units provided that in no event shall the net result of the combination provided be less than the equivalent number or value of affordable housing units required by this sub-section.

f) Donations of land and/or buildings or cash contributions made to pursuant to paragraph **7** c. and d. herein shall be used only for purposes of providing affordable housing in Medway for low or moderate income households. Using these contributions and donations, affordable housing may be provided through a variety of means, including but not limited to the provision of favorable financing terms, subsidized prices for purchase of sites, or affordable units within larger developments.

8. *Provisions Applicable to Affordable Housing Units (On and Off Site)*

a) *Siting of affordable housing units* – All affordable housing units constructed or rehabilitated under the provisions of this sub-section shall be:

1) situated throughout the development or the building(s) in a development so as to not be in less desirable locations than market-rate units; and

2) shall on average, be no less accessible to public amenities, such as open space, as the market-rate units.

When an Affordable Housing special permit is applied for, the location of the affordable housing units to be provided on site shall be identified on a plan during the public hearing process and specifically referenced in the ~~special permit~~ decision. When an Affordable Housing special permit is not needed, the location of the affordable housing units shall be identified in the plans submitted to the Town for any other required permit.

b) *Minimum design and construction standards for affordable housing units* – Affordable housing units within market rate developments shall:

1) be integrated with the rest of the development and the exterior shall be of compatible design, appearance, character, construction and quality of materials with the market rate units; this shall include a garage for each affordable housing unit if the market rate units have a garage.

2) be designed so as to not be obviously identifiable by a visitor as being affordable by their exterior appearance;

3) comply in all respects to the minimum design and constructions standards set forth in the Local Initiative Guidelines by DHCD, July 1996, or as amended pertaining to the interior features of affordable dwelling units; and

4) have a minimum size of 1500 square feet of living area and at least three bedrooms for single family detached houses and a minimum size of 1200 square feet of living area and at least two bedrooms for attached or multifamily units, excluding basement space. Notwithstanding the preceding, in no case shall the affordable housing units be required to be larger or have more bedrooms than the market rate units of the development. Existing units that are purchased and resold or rented as affordable *housing* units with an appropriate deed restriction to satisfy the affordable housing requirement may be smaller.

c) *Rights and Privileges* – The owners and tenants of market-rate dwelling units and the owners and tenants of the affordable housing units shall have the same rights and privileges to access any amenities available in the development.

d) *Marketing Plan for Affordable Housing Units* - The selection of qualified purchasers or qualified renters shall be carried out under a marketing plan submitted by the applicant and approved by the Planning Board after consultation with the Medway Affordable Housing Committee and/or the Medway Affordable Housing Trust. The duration and design of the marketing plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units. The marketing plan shall include a description of the lottery or other process to be used for selecting buyers or tenants. The marketing plan must describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen, in a manner that complies with the nondiscrimination in tenant or buyer selection guidelines of the program qualifying dwelling units for inclusion on the *Subsidized Housing Inventory*.

e) Developers may sell affordable units to the Town of Medway, the Medway Housing Authority, the Medway Affordable Housing Trust or to any non-profit housing development organization identified by the Medway Affordable Housing Committee as serving the Town of Medway, in order that such entity may carry out the steps needed to market the affordable housing units and manage the choice of buyers.

f) In no event shall the sales price or monthly rent of an affordable housing unit exceed the sales price or monthly rent of a unit that would be eligible for listing on the Subsidized Housing Inventory and each affordable housing unit shall be subject to an *Affordable Housing Restriction.*

9. *Timing of Construction*

a) Affordable housing units on or off site shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable housing units be delayed beyond the schedule below. Fractions of units shall not be counted.

MARKET-RATE UNIT %	***AFFORDABLE HOUSING UNIT %***
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

b) Certificates of occupancy for any market-rate housing units shall be issued at a ratio of certificates of occupancy for required affordable housing units or fees paid in lieu of units in accordance with the schedule above.

c) In the case of cash payments being made in lieu of providing affordable units, the following methods of payment may be used at the option of the applicant:

1) the total amount due shall be paid upon the release of any lots or, in the case of a development other than a subdivision, upon the issuance of the first building permit; or,
2) the total amount due shall be divided by the total number of market rate units in the development. The resulting quotient shall be payable at, or prior to, the closing of each market rate unit. or,
3) a combination of the above methods as may be approved by the Planning Board.

d) In no case shall a building permit for the last market rate dwelling unit in the development be issued prior to the issuance of the building permit for the last affordable housing unit.

10. *Affordable Housing Special Permit Approval Requirements* - The Planning Board shall consider the following factors in determining whether to approve or deny a special permit under the provisions of this sub-section.

a) whether the applicant has conformed to the provisions of paragraph ~~10.~~ 8 herein and will deliver the affordable housing units;

b) whether the proposed development site plan is designed in its site allocation, proportions, orientation, materials, landscaping and other features as to provide a stable and desirable character complementary to and integral with the site's natural features; and

c) whether the development, density increase or relaxation of zoning standards has a material, detrimental effect on the character of the neighborhood or the Town.

11. *Preservation of Affordability; Restrictions on Resale*

a) Each Affordable Housing Unit created in accordance with this sub-section shall be subject to an *Affordable Housing Restriction* or regulatory agreement that contains limitations on use, resale and rents. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for income qualified households in the future. The affordable housing restriction or regulatory agreement shall:

1) meet the requirements of the Town of Medway and the program (s) qualifying the affordable dwelling units for inclusion on the *Subsidized Housing Inventory;*

2) be enforceable under the provisions of M.G.L. c.184 and shall be in force in perpetuity, or for the maximum period allowed by law. The affordable housing restriction shall meet the requirements of the *Local Initiative Program*; and

3) be recorded at the Norfolk County Registry of Deeds.

b) The applicant shall comply with the mandatory provision of Affordable Housing Units and accompanying restrictions on affordability, including the execution of the *Affordable Housing Restriction* or regulatory agreement. The Building Inspector shall not issue an occupancy permit until the deed restriction is recorded.

c) All documents necessary to ensure compliance with this sub-section shall be subject to the review and approval of the Planning Board and Town Counsel.

d) *Resale price* – Sales beyond the initial sale to a qualified income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the affordable housing restriction or regulatory agreement. For example, if a unit appraised for $300,000 is sold for $225,000 because of these provisions, it has sold for seventy-five percent (75%) of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is $325,000, the unit may be sold for no more than $243,750, or seventy-five percent (75%) of the current appraised value. Notwithstanding the foregoing, the resale price of an affordable unit shall in no event exceed that amount which will require a household earning eighty percent (80%) of the most recent area median income number, as published by the U.S. Department of Housing and Urban Development and adjusted for the household size that corresponds with the number of bedrooms in the affordable unit, to spend a maximum of thirty percent (30%) of the household's annual income on housing costs. Housing costs shall

include principal, interest, property tax, insurance payments, and association or condominium fees.

e) *Right of first refusal to purchase* - The purchaser of an Affordable Housing Unit produced as a result of this sub-section shall agree to execute a deed rider prepared by the Town, granting, among other things, the municipality's right of first refusal for a period not less than the maximum period allowable under guidelines set by *DHCD* for Local Initiative Units, to purchase the property or assignment thereof, in the event that, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.

12. *Rules and Regulations* – Upon approval of these provisions by Town Meeting, the Planning Board shall adopt and maintain *Affordable Housing Rules and Regulations*, after holding a public hearing on the same, that contain the necessary policies, procedures and requirements to implement the provisions of this sub-section including but not limited to submission requirements and procedures, minimum requirements for a marketing plan, local preference criteria, criteria for approval of off-site locations, methods of setting the maximum affordable sale price or rent, verification of maximum household income, and any other documentation required to qualify the affordable housing units for listing on the Chapter 40B *Subsidized Housing Inventory*.

13. *Conflict with other Bylaws* – The provisions of this sub-section of the Zoning Bylaw shall be considered supplemental to other portions of the Zoning Bylaw. To the extent that a conflict exists between this sub-section and other parts of the Zoning Bylaw, the more restrictive provisions shall apply.

14. *Severability* – If any provision of this sub-section of the Zoning Bylaw is declared to be invalid by a court of competent jurisdiction, the remainder of the Zoning Bylaw shall not be affected thereby and shall continue to be in full force and effect.

(Sub-Section X. Affordable Housing was added June 2, 2008 and replaced in its entirety May 14, 2012)

FIGURE 1 - The Chart Below is for Informational Purposes Only and pertains to affordable housing units constructed on-site pursuant to SECTION V. Sub-Section X. Affordable Housing, Paragraph 7 a) only.

A **Net increase in Number of Lots or Dwelling Units**	**B** **Required # of Affordable Dwelling Units to be Provided** Based on 10% of A (rounded up)	**C** **# of Additional Market Rate Units Allowed as a Density Bonus** Based on +.5 market rate unit for every 1 required affordable unit (rounded up)	**D** **Total # of Market Rate and Affordable Dwelling Units** (A + C)	**E** **Overall Affordable % Achieved** Based on the number of affordable units as a % of the total # of units (B/D)
6	.6 rounds up to 1	+.5 rounds up to 1	7	14.3%
7	.7 rounds up to 1	+.5 rounds up to 1	8	12.5%
8	.8 rounds up to 1	+.5 rounds up to 1	9	11.1%
9	.9 rounds up to 1	+.5 rounds up to 1	10	10%
10	1	+1	11	9.1%
11	1.1 rounds up to 2	+1	12	16.7%
12	1.2 rounds up to 2	+1	13	15.4%
13	1.3 rounds up to 2	+1	14	14.3%
14	1.4 rounds up to 2	+1	15	13.3%
15	1.5 rounds up to 2	+1	16	12.5%
16	1.6 rounds up to 2	+1	17	11.8%
17	1.7 rounds up to 2	+1	18	11.1%
18	1.8 rounds up to 2	+1	19	10.5%
19	1.9 rounds up to 2	+1	20	10%
20	2	+1	21	9.5%
21	2.1 rounds up to 3	+1.5 rounds up to 2	23	13%
22	2.2 rounds up to 3	+1.5 rounds up to 2	24	12.5%
23	2.3 rounds up to 3	+1.5 rounds up to 2	25	12%
24	2.4 rounds up to 3	+1.5 rounds up to 2	26	11.5%
25	2.5 rounds up to 3	+1.5 rounds up to 2	27	11.1%
26	2.6 rounds up to 3	+1.5 rounds up to 2	28	10.7%
27	2.7 rounds up to 3	+1.5 rounds up to 2	29	10/3%
28	2.8 rounds up to 3	+1.5 rounds up to 2	30	10%
29	2.9 rounds up to 3	+1.5 rounds up to 2	31	9.7%
30	3	+1.5 rounds up to 2	32	9.4%
35	3.5 rounds up to 4	+2	37	10.8%
40	4	+2	42	9.5%
45	4.5 rounds up to 5	+2.5 rounds up to 3	48	10.4%
50	5	+2.5 rounds up to 3	53	9.4%

Y. BUSINESS/INDUSTRIAL

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) Municipal use

   b) Retail stores, the primary function of which is the distribution of merchandise for sale or rent 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) Sales and indoor storage of building materials.

   d) Salesroom for motor vehicles, trailers, boats, farm implements or machinery with repair services and storage permitted, including auto body.

   e) Nursery and florist.

   f) Greenhouse.

   g) Undertaking establishment or funeral home.

   h) Restaurant or other establishment providing food and beverage within a building.

   i) Offices for business or professional use.

   j) Bank or other financial institution.

   k) Personal care services such as barber shops, beauty parlors and nail salons.

   l) Any of the following uses if authorized by special permit of the Zoning Board of Appeals:

      1) Vehicle repair
      2) Automotive car wash
      3) Shopping center
      4) Drive-thru facility

      (Revised May 14, 2012)

   m) 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.

n) Wholesale offices or showrooms including indoor warehouse facilities

o) Outdoor Retail Sales *(Added May 14, 2012)*

p) Kennel *(Added May 14, 2012)*

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 continuous frontage: 100 ft. *(Revised May 14, 2012)*

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. 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. 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.

(Paragraph 2. g) was deleted May 13, 2013)

(Sub-Section Y. Business Industrial District was added June 2, 2008)

Z. SMALL WIND GENERATION

1. **Purpose**

a) Massachusetts laws and policies have established the need for clean and renewable energy resources to ensure the long-term health, prosperity and security of the people and environment of the Commonwealth. Wind energy is important to help meet the Commonwealth's energy goals and improve the reliability of electricity supply through the diversification of energy generation resources.

b) The purpose of this sub-section is to provide by special permit for the construction construction and operation of responsibly sited small wind energy systems and to provide standards for the placement, design, construction, monitoring, modification and removal of small wind energy systems that are appropriately designed, address public safety, minimize impacts on the community's scenic, natural and historic resources and provide adequate financial assurance for decommissioning.

2. **Applicabilit**y - This sub-section applies to small wind energy systems between 2 and 60 kilowatts of rated nameplate capacity proposed to be constructed after the effective date of this section. It is intended that this sub-section apply primarily to single stand-alone tower mounted turbines. However, other small wind generating systems including but not limited to roof-mounted, building integrated, building-mounted or architectural wind systems and other forms as evolving technology provides will be considered.

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

Height: The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

Rated Nameplate Capacity: The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment.

Small Wind Energy System: All equipment, machinery and structures utilized in connection with the conversation of wind to electricity. This includes, but is not limited to storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which has a rated nameplate capacity between 2kW and 60kW.

Tower – The vertical component of a wind energy system that elevates the wind turbine generator and associated appurtenances above the ground.

Wind Turbine: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades but may include other components as technology innovations occur.

4. **General Requirements**

a) The Inspector of Buildings shall not issue a building permit to erect, construct, install or modify a small wind energy system unless the Zoning Board of Appeals has first issued a special permit authorizing such use.

b) The construction of a small wind system may be authorized in any zoning district subject to the issuance of a Special Permit by the Zoning Board of Appeals and provided that the use complies with all requirements set forth in paragraphs 5 – 7 contained herein. All such small wind energy systems shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. No special permit shall be granted unless the Zoning Board of Appeals finds in writing that:

1) the specific site is an appropriate location for such use;
2) the use is not expected to adversely affect the neighborhood;
3) there is not expected to be any serious hazard to pedestrians or vehicles from the use;
4) no nuisance including but not limited to flicker and shadow is expected to be created by the use.

Such permits may also impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the small wind energy system, should they occur.

c) *Compliance with Laws, Ordinances and Regulations* - The construction and operation of all such proposed small wind energy systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

d) *Utility Notification* – No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this notification requirement.

5. **Siting Standards**

a) Wind turbines shall be set back a minimum distance equal to the total height of the wind turbine from all inhabited structures, overhead utility lines, public road or right of way and a minimum of 5 feet from property lines. No portion of a wind turbine shall extend into the air space of any adjacent property.

b) The Zoning Board of Appeals may adjust the minimum setback distance as appropriate based on site specific considerations and technological innovations in the design of small wind energy systems if the project satisfies all other criteria for the granting of a special permit under the provisions of this sub-section.

6. **Design Considerations/Standards**

a) *Color and Finish* - The Zoning Board of Appeals shall have discretion over the color of the wind generator and tower. A neutral, non-reflective exterior color designed to blend with the surrounding environment is required.

b) *Lighting* - Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting shall be limited to that required for safety and operational purposes, shall be designed to minimize glare on adjacent properties, and shall be reasonably shielded from abutting properties with cut-off fixtures to reduce light pollution.

c) *Signage* & Advertising – Signs and advertising shall be limited only to the smallest possible reasonable identification of the manufacturer or operator of the small wind energy system, a 24-hour emergency contact phone number, and any standard safety warnings.

d) *Utility Connections* - Reasonable efforts shall be made to locate utility connections from the small wind energy system underground.

7. **Safety and Environmental Standards**

a) *Unauthorized Access* - Wind turbines or other structures part of a small wind energy system shall be designed to prevent unauthorized access. For instance, the tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

b) *Noise* - The small wind energy system and associated equipment shall conform with the provisions of the Massachusetts Department of Environmental Protection's Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department and the Zoning Board of Appeals determine that those provisions shall not be applicable.

c) *Land Clearing, Soil Erosion and Habitat Impacts* - Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and local bylaws.

d) *Emergency Services* - The applicant shall provide a copy of the project summary and site plan to the local emergency services entity, as designated by the Board of Selectmen. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan.

e) *Liability Insurance* – The Zoning Board of Appeals may require the applicant and/or the property owner to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the system.

8. **Monitoring and Maintenance**

a) *Facility Conditions* - The applicant shall maintain the small wind energy system in good condition. Maintenance shall include, but not be limited to painting, structural repairs, and security measures. Site access shall be maintained to a level acceptable to the local emergency services entity. The project owner shall be responsible for the cost of maintaining the small wind energy system and the cost of repairing any damage occurring as a result of operation and construction.

b) *Modifications* - All material modifications to a small wind energy system made after issuance of the special permit shall require approval of the Zoning Board of Appeals.

9. **Abandonment or Decommissioning**

a) *Removal Requirements* – Any small energy wind system which has reached the end of its

useful life or has been abandoned shall be removed. A small energy wind system shall be considered abandoned when it fails to operate for one year. Upon a Notice of Abandonment issued by the Inspector of Buildings, the small wind energy system owner will have 30 days to provide sufficient evidence that the system has not been abandoned or the Town shall have the authority to enter the owner's property and remove the system at the owner's expense.

b) When a small wind system is removed, the site shall be restored to the state it was in before the system was constructed. More specifically, the owner shall be responsible for:

1) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
2) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
3) Stabilization or re-vegetation of the site as necessary to minimize erosion.

c) *Financial Surety* – The Zoning Board of Appeals may require the applicant for the small wind energy system to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the small wind energy system, of an amount and form determined to be reasonable by the Zoning Board of Appeals, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for inflation adjustments.

10. **Term of Special Permit**

a) A special permit issued for a small wind energy system shall expire if the system is not installed and functioning within 24 months from the date the permit is issued or if the system is abandoned.

b) Once constructed, the special permit authorizing a small wind energy system shall be valid for 25 years, unless extended or renewed. The time period may be extended or the permit renewed by the Zoning Board of Appeals upon satisfactory operation of the facility. Request for renewal must be submitted at least 180 days prior to expiration of the special permit. Submitting a renewal request shall allow for continued operation of the facility until the special permit granting authority acts. At the end of that period (including extensions and renewals), the wind facility shall be removed as required by this section.

11. **Permit Process, Requirements and Enforcement**

a) *Application Procedures* – An application for a small wind energy system shall be filed with the Town Clerk pursuant to section 9 of Chapter 40A of M.G.L and in accordance with the rules, regulations and customary practices of the Zoning Board of Appeals concerning special permits.

b) *Documents* - The application shall include:

1) A plot plan showing:

a. property lines and physical dimensions of the subject property and adjacent properties within 2 times the total height from the tower location
b. location, dimensions and types of existing or proposed structures
c. location of the proposed small wind energy system tower including turbines, foundations, guy anchors and associated equipment
d. the right of way of any public road that is continuous with the property
e. any overhead utility lines.

2) Wind system specifications including manufacturer and model, rotor diameter, tower height, and tower types (freestanding or guyed).

3) Tower foundation blueprints or drawings signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

c) *Review Process* – The Zoning Board of Appeals shall refer a petition for a small wind energy system special permit to the Energy Committee, the Design Review Committee, the Inspector of Buildings, and such other boards/committees or departments as it may chose for review and comment. The Zoning Board of Appeals shall not act on a special permit petition for a small wind energy system until these entities have provided a written recommendation or 45 days have elapsed after such referral is made and no report has been provided.

d) *Use of Outside Consultants* - Upon submission of an application for a special permit, the Zoning Board of Appeals may hire professional outside consultants, pursuant to section 53G of chapter 44 of the Massachusetts General Laws to assist with the review of the application and the applicant shall be required to pay for the cost of the consultant's review services.

e) *Violation* – It is unlawful for any person to construct, install or operate a small wind energy system that is not in compliance with this section or with any condition contained in a special permit issued pursuant to this section.

f) *Penalties* – Any person who fails to comply with these provisions shall be subject to enforcement and penalties as allowed by applicable law.

(This sub-section was added June 14, 2010)

AA. HOME BASED BUSINESSES

1. ***Purpose*** - The purpose of these standards is to allow limited conduct of a home-based business in a residential or mixed-use zoning district while ensuring that the residential character of the premises is preserved. The operation of a home based business shall not be a detriment to the character and livability of the surrounding residential area. *(Revised May 14, 2012)*

2. ***Applicability –*** A Home-Based Business shall be allowed by right if it meets the following standards.

   a) The business use is clearly secondary and incidental to the use of the premises for residential purposes. No more than 20% of the gross floor area of the dwelling and any accessory structures up to a maximum of 1,000 gross square feet shall be used for the home-based business. As used herein, *"gross floor area"* shall mean the total floor area of all heated and ventilated, and therefore habitable, rooms in the dwelling or on the premises, and includes basements, attics and accessory structures if they are heated and ventilated.

   b) On the premises, a home based business shall be conducted indoors, wholly within the confines of the principal residential dwelling on the parcel or within a building or other structure accessory thereto.

   c) Accessory structures, such as sheds, detached garages, and barns may be used for unheated storage of materials/supplies/goods/tools and equipment associated with the home based business.

   d) No more than one person other than a resident of the premises is employed thereon at one time in connection with such use and no more customers than can be accommodated in one passenger vehicle are served at any one time.

   e) There shall be no change in the exterior appearance of the existing building on the premises nor shall any new building on the premises deviate from the residential character of the area. More specifically, there shall be no visible evidence of the conduct of a home-based business when viewed from the street right-of-way or from an adjacent lot.

      1) There shall be no outside storage of material or equipment, and no outside fabrication of sub-assemblies;
      2) There shall be no outside parking of more than two "commercial motor vehicles", as defined by the Massachusetts Registry of Motor Vehicles in 540 CMR 4.02, that are associated with the home-based business;
      3) There shall be no public display of goods or wares, and no signs shall be permitted for a home based business except as specifically provided in SECTION V. Sub-Section R. of the Medway Zoning Bylaw.
      4) At any given time, parking for no more than two (2) vehicles for a non-resident employee and/or customers is permitted.

   f) In accordance with SECTION V. Sub-Section B. AREA STANDARDS, there shall be no activity that might result in excessive or offensive noise, heat, vibration, glare, electrical or electronic interference, smoke, dust, fumes, odors, unsightliness or other objectionable effects discernible at the property line. Only general types and sizes of

tools, equipment and machinery that are typically found in dwellings for hobby or domestic purposes shall be permitted. No hazardous, flammable or explosive substances other than types and amounts that are typically found in a dwelling are permitted. No toxic substances may be used or stored in conjunction with a home-based business.

g) *Waste Standards* – A home based business shall not generate any solid waste or sewage discharge in volume or type which is not normally associated with the neighborhood's residential use.

h) *Deliveries* **–** Deliveries or pick-ups of supplies or products associated with the home based business are allowed between 8 am and 8 pm. Vehicles used for delivery and pick-ups for the home based business are limited to those that customarily serve residential neighborhoods.

i) *Quantity* – There is no limit to the number of home based businesses that may occupy a single dwelling unit, provided that the cumulative total of the area on the premises used for home based businesses shall comply with 2. a) herein.

3. ***Special Permits*** **-** Home based businesses which do not comply with all of the above standards shall only be allowed if granted a special permit by the Zoning Board of Appeals to exceed one or more of the standards to a higher authorized limit that shall be specified in such a special permit. To determine the appropriateness of the proposed home-based business, the Zoning Board of Appeals shall consider the standard special permit criteria in SECTION III. J. herein. The ZBA may also consider the size of the lot, size of existing and/or proposed buildings on the premises, and proximity and visibility of abutters as well as any conditions, safeguards and limitations that may be imposed to protect the residential character and primary residential use of the zoning district.

4. ***Registration*** **–** Pursuant to the provisions of Mass General Laws, Chapter 110, 5 & 6 and Chapter 227:5A, most home based businesses are required to register with the Medway Town Clerk and obtain a Business Certificate before commencing business operations.

(This sub-section added June 14, 2010)

BB. REGISTERED MARIJUANA DISPENSARY

1. ***Purposes***

a) To address possible adverse public health and safety consequences and impacts on the quality of life of the Town of Medway related to the passage of Question 3 on the November 6, 2012 State Referendum.

b) To provide for the limited establishment of a Registered Marijuana Dispensary (RMD) in an appropriate place and under strict conditions in accordance with Chapter 369 of the Acts of 2012, and 105 CMR 725.000.

c) To minimize the adverse impacts of a RMD on adjacent properties, residential neighborhoods, schools, playgrounds and other land uses potentially incompatible with such a facility.

d) To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of RMD's.

e) To limit the overall number of RMD's in the community to what is essential to serve the public necessity.

2. ***Applicability***

a) The commercial cultivation [unless it meets the requirements for an agricultural exemption under Chapter 40A Section 3], production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a RMD under this Sub-Section.

b) No RMD shall be established except in compliance with the provisions of this Sub-Section.

c) Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

d) If any provision of this Sub-Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Sub-Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Sub-Section are severable.

3. ***Definitions***

Marijuana – The same substance defined as "marijuana" under 105 CMR 725.004.

Marijuana for Medical Use – Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients as defined in105 CMR 725.004.

*Registered Marijuana Dispensary (RMD)***–** Shall mean a not-for-profit entity, as defined by Massachusetts law only, registered by the Massachusetts Department of Public Health under 105 CMR 725.000 that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their registered personal caregiver as determined by 105 CMR 725.000.

4. ***Eligible Locations for Registered Marijuana Dispensaries –*** Registered Marijuana Dispensaries, other than agricultural operations meeting exemption standards under Chapter 40A Section 3, may be allowed by special permit from the Planning and Economic Development Board in the following zoning districts, provided the facility meets the requirements of this Sub-Section:

   a) Industrial I
   b) Industrial II
   c) Industrial III
   d) Business/Industrial
   e) Commercial I

5. ***General Requirements and Conditions for all Registered Marijuana Dispensaries***

   a) All non-exempt RMD's shall be contained within a permanent building or structure. No RMD shall be located inside a building containing residential units or inside a movable or mobile structure such as a van, trailer, cargo container or truck.

   b) Size standards:

      1) A standalone dispensary shall not exceed 3,500 sq. ft. for product display, client dispensary, and patient consultation area.

      2) A standalone cultivation facility shall not exceed 25,000 sq. ft.

      3) A facility to manufacture/process marijuana infused products shall not exceed 5,000 sq. ft.

      4) Any combination of the above three facilities shall not exceed 30,000 sq. ft.

      5) The RMD shall be of adequate interior space to accommodate all activities inside the building so as not to have outside patient queuing on sidewalks, in parking areas, or in other areas outside the RMD.

   c) A RMD shall not be located in a building that contains any medical doctors' offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.

   d) The hours of operation of RMD's shall be set by the Special Permit Granting Authority, but in no event shall any RMD be open and/or operating between the hours of 8:00 PM and 8:00 AM.

   e) No RMD shall be located on a lot within 500 linear feet of any lot with the following:

      1) residence

      2) public school

      3) private educational entity that provides instruction to children and youth in an ongoing organized basis

      4) licensed registered childcare facility

5) library

6) religious facility

7) playground, public park, or ball field

8) recreation center

9) Registered Marijuana Dispensary

10) halfway house or similar facility

11) drug or alcohol rehabilitation facility.

The distance requirement may be reduced by the SPGA if the applicant demonstrates that the RMD would otherwise be effectively prohibited from locating within the municipality and that adequate security measures will be employed to prevent the diversion of medical marijuana to minors who are not qualifying patients.

Distances shall be calculated by direct measurement in a straight line without regard for intervening structures from the nearest property line of the land used as noted above to the nearest portion of the building in which the RMD is located.

f) No smoking, burning or consumption of any product containing marijuana or marijuana-infused products shall be permitted on the premises of a RMD.

g) A RMD may not have a drive-thru service.

h) Signage

1) Signage for the RMD shall include the following language: "Registration card issued by the MA Department of Public Health required."

The required text shall be a minimum of two inches in height.

2) No permitted RMD shall use any advertising material or graphics that are ~~is~~ misleading, deceptive, or false, or that is designed to appeal to minors.

3) A RMD shall not display on the exterior of the facility any advertisement for medical marijuana or any brand name.

4) Off-site signage or advertising in any form, including billboards shall not be allowed.

i) The RMD shall provide the Medway Police Department, Building Commissioner and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key holders to whom the Town can provide notice if there are operating problems associated with the establishment.

j) Prohibition Against Nuisances – No RMD shall create a nuisance to abutters or to the surrounding area, or create any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

k) Openness of Premises

1) Any and all cultivation, distribution, possession, storage, display, sales or other distribution of medical marijuana shall occur only within the restricted interior area of the RMD.

2) The RMD shall be designed and constructed such that no area or portion where marijuana is processed or stored is visible from the exterior of the building.

3) The front of the building which shall include the public entrance to the RMD shall be fully visible from the public street or building frontage.

4) Marijuana, marijuana infused products, and products that facilitate the use of medical marijuana shall not be displayed or clearly visible to a person from the exterior of the RMD.

l) No marijuana or marijuana based products shall be sold, grown or cultivated, interior or exterior to a residential dwelling unit except if a Hardship Cultivation Registration is granted by the Mass Department of Public Health according to 105 CMF 725.035.

6. ***Special Permit Requirements***

a) A RMD shall only be allowed by special permit from the Medway Planning and Economic Development Board in accordance with G.L. c. 40A, §9, subject to the following statements, regulations, requirements, conditions and limitations.

b) A RMD is subject to site plan review and approval by the Planning and Economic Development Board pursuant to SECTION V. C. of the Medway Zoning Bylaw which shall be coordinated with the special permit application process.

c) A special permit for a RMD shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:

1) cultivation of Marijuana for Medical Use (horticulture) except that sites protected under Chapter 40A Section 3 shall not require a special permit;

2) processing and packaging of Marijuana for Medical Use, including marijuana that is in the form of smoking materials, food products, tinctures, oils, aerosols, ointments, and other marijuana infused products;

3) retail sale or distribution of Marijuana for Medical Use to Qualifying Patients;

4) retail sale of products that facilitate the use of marijuana for medical purposes and of patient educational materials.

d) A special permit application for a RMD shall include the following:

1) the name and address of each owner of the facility;

2) copies of all required licenses and permits issued for the RMD to the applicant by the Commonwealth of Massachusetts and any of its agencies;

3) evidence of the Applicant's right to use the site of the RMD for the RMD, such as a deed, or lease;

4) a statement under oath disclosing all of the Applicant's owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated

individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;

5) a certified list of all parties in interest entitled to receive notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;

6) a detailed site plan that includes the following information:

a. a detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the facility including but not limited to sales, storage, cultivation, processing, food preparation, etc.

b. proposed security measures for the RMD, including lighting, fencing, gates and alarms, etc., to ensure the safety of qualifying patients, their caregivers, and facility employees and to protect the premises from theft.

7) a copy of the policies/procedures for the transfer, acquisition, or sale of medical marijuana between approved RMD's in compliance with 105 CMR 725.105(B)(2).

8) a copy of the policies/procedures for patient or personal caregiver home-delivery.

7. ***Special Permit Procedure***

a) The special permit application and public hearing procedure for a RMD shall be that as provided in G.L. c. 40A.

8. ***Mandatory Findings*** - The Special Permit Granting Authority shall not issue a special permit for a RMD unless it finds that:

a) the RMD is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, §11;

b) the RMD demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and

c) the applicant has satisfied all of the conditions and requirements of this Sub-Section and SECTION III. Sub-Section J. Special Permit Criteria.

9. ***Conditions*** – In issuing its decision, the Special Permit Granting Authority shall impose conditions, limitations and safeguards that are reasonably appropriate to:

a) improve site design, traffic flow, and public safety;

b) protect water quality, air quality and significant environmental resources;

c) preserve the character of the surrounding area.

These conditions, limitations and safeguards may address but are not limited to:

d) hours of operation

e) landscaping and site amenities

10. ***Annual Reporting*** - Each RMD permitted under this Bylaw shall as a condition of its special permit file an annual report with the Special Permit Granting Authority, the Building Inspector, the Health Agent, and the Police Chief no later than January 31st of each year, providing a copy of all current applicable state licenses for the RMD and/or its owners and demonstrate continued compliance with the conditions of the special permit.

11. ***Duration of Special Permit***

a) A special permit shall lapse if not exercised within two years from the grant thereof if a substantial use has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

b) A special permit granted under this Sub-Section shall remain exclusively with the applicant which shall be the owner or lessee of the premises described in the application. The special permit shall terminate automatically on the date the applicant alienates that title or leasehold interest in the premises.

12. ***Abandonment or Discontinuance of Use*** - A RMD shall be required to remove all material, plants, equipment and other paraphernalia:

a) prior to surrendering its state issued licenses or permits; or
b) within six months of ceasing operations; whichever comes first.

13. Receipt of a special use permit from the Medway Planning and Economic Development Board for a RMD does not preclude an applicant from having to secure other required local permits from other Town boards/departments including but not limited to the Board of Health, Conservation Commission or the Department of Public Services.

(Sub-Section BB. Was added May 13, 2013 and amended May 12, 2014)

MEDWAY TOWN CLERK

155 VILLAGE STREET
MEDWAY, MASSACHUSETTS 02053
(508) 533-3204 • FAX: (508) 533-3287
mwhite@townofmedway.org

MARYJANE WHITE, CMMC
CERTIFIED MASSACHUSETTS MUNICIPAL CLERK
JUSTICE OF THE PEACE
Notary Public

July 7, 2014

I certify that this document, dated July 7, 2014, constitutes the complete Medway Zoning Bylaw with all approved amendments through May 12, 2014 Annual Town Meeting.

Maryjane White
Town Clerk

TOWN OF MEDWAY

Planning & Economic Development Board

155 Village Street
Medway, Massachusetts 02053

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew Hayes, P.E.
Karyl Spiller Walsh
Richard Di Iulio, Associate Member

July 7, 2014

HISTORY OF ZONING AMENDMENTS

In 1951, the Town of Medway adopted its first *Zoning Bylaw*. In 1966 and 1968, Town Meeting approved major changes to it. The *Medway Zoning Bylaw* was completely recodified in 1975. Since then, Medway's Town Meeting has approved a variety of amendments over the years including modest revisions, comprehensive rewrites of existing sub-sections, and the addition of entirely new sub-sections. This publication of the Medway Z*oning Bylaw* includes a list of amendments that have been approved since the May 8, 2000 Town Meeting. The most recent amendments are listed first. We hope this will serve as a useful history of the *Medway Zoning Bylaw* and its changes over time.

Date of Enactment/ Town Meeting Vote	**Nature of Amendment**	**Date Approved by Attorney General**
May 12, 2014 *(Article 32)*	Deleted Sub-Section BB Temporary Moratorium on Medical Marijuana Treatment Centers and replaced with provisions for Registered Marijuana Dispensaries	June 19, 2014
**********		
May 13, 2013 *(Article 28)*	Amended the Zoning Map to modify the boundaries of the Commercial IV zoning district	September 6, 2013
May 13, 2013 *(Article 29)*	Substantive revision to the Parking Regulations; established a new Sub-Section H Parking Regulations and removed parking standards from the individual zoning district standards.	September 6, 2013
May 13, 2013 *(Article 30)*	Amended Sub-Section R. Sign Regulations by revising Table 2 regarding wall signs in multi-unit buildings in multi-tenant developments.	September 6, 2013

Date of Enactment/ Town Meeting Vote	Nature of Amendment	Date Approved by Attorney General
May 13, 2013 *(Article 31)*	Established a new Sub-Section BB in SECTION V. USE REGULATIONS to adopt a temporary moratorium on the use of land and structures for medical marijuana treatment centers	September 6, 2013
**********		
May 14, 2012 *(Article 30)*	Deleted Sub-Section C. Purpose and From SECTION I. AUTHORITY AND PURPOSE	July 23, 2012
May 14, 2012 *(Article 31)*	Added and revised a series of definitions to SECTION II. DEFINITIONS	July 23, 2012
May 14, 2012 *(Article 32)*	Added Kennel to the list of special permit uses in Paragraph 1. c) in SECTION V. USE REGULATIONS, Sub-Section E. Agricultural Residential District I	July 23, 2012
May 14, 2012 *(Article 33)*	Added Kennel to the list of special permit uses in Paragraph 1. c) and inserted "single family" between the word any and dwelling in Paragraph 4, both in SECTION V. USE REGULATIONS, Sub-Section F. Agricultural Residential District II	July 23, 2012
May 14, 2012 *(Article 34)*	Made a series of amendments to Paragraphs 1 and 2 in SECTION V. USE REGULATIONS, Sub-Section G. Commercial I	July 23, 2012
May 14, 2012 *(Article 35)*	Made a series of amendments to Paragraphs 1 and 3 in SECTION V. USE REGULATIONS, Sub-Section I. Commercial District III	July 23, 2012
May 14, 2012 *(Article 36)*	Made a series of amendments to Paragraphs 1 and 3 in SECTION V. USE REGULATIONS, Sub-Section J. Commercial District IV	July 23, 2012
May 14, 2012 *(Article 37)*	Made a series of amendments to Paragraphs 1 and 2 in SECTION V. USE REGULATIONS, Sub-Section K. Commercial District V	July 23, 2012
May 14, 2012 *(Article 38)*	Added Sub-Section L. Accessory Family Dwelling Units to Section V. USE REGULATIONS and amended Sub-Sections E. ARI, F. ARII, I. Commercial District III	July 23, 2012

Date of Enactment/ Town Meeting Vote	Nature of Amendment	Date Approved by Attorney General
	and J. Commercial District IV regarding accessory family dwelling units	
May 14, 2012 *(Article 39)*	Made a series of amendments to Paragraphs 1 and 2 in SECTION V. USE REGULATIONS, Sub-Section M. Industrial District I	July 23, 2012
May 14, 2012 *(Article 40)*	Made a series of amendments to Paragraphs 1 and 2 in SECTION V. USE REGULATIONS, Sub-Section N. Industrial District II	July 23, 2012
May 14, 2012 *(Article 41)*	Made a series of amendments to Paragraphs 1 and 2 in SECTION V. USE REGULATIONS, Sub-Section O. Industrial District III	July 23, 2012
May 14, 2012 *(Article 42)*	Replaced SECTION V. USE REGULATIONS, Sub-Section Q. Floodplain/ Wetland Protection Districts	July 23, 2012
May 14, 2012 *(Article 43*)	Amended Paragraph 9 in SECTION V. USE REGULATIONS, Sub-Section R. Sign Regulation	July 23, 2012
May 14, 2012 *(Article 44)*	Revised Paragraphs 1–11 in SECTION V. Use REGULATIONS, Sub-Section T. Open Space Residential Development (OSRD)	August 30, 2012
May 14, 2012 *(Article 45)*	Made a series of amendments to Paragraphs 1 and 2 in SECTION V. USE REGULATIONS, Sub-Section Y. Business/Industrial District	July 23, 2012
May 14, 2012 *(Article 46)*	Deleted reference to Kennel in SECTION V. USE REGULATIONS, Sub-Section A. General Requirements	July 23, 2012
May 14, 2012 *(Article 47)*	Replaced SECTION V. USE REGULATIONS, Sub-Section X. Affordable Housing, in its entirety	July 23, 2012
	**********	
June 13, 2011 *(Article 24)*	Added the Medway Village Adaptive Use Overlay District in Sub-Section W. Adaptive Use Overlay District of SECTION V. USE REGULATIONS; amended the Zoning Map to include the new district.	August 4, 2011

Date of Enactment/ Town Meeting Vote	Nature of Amendment	Date Approved by Attorney General
June 13, 2011 *(Article 25)*	Made a series of amendments to Sub-Section T. Open Space Residential Development in SECTION V. USE REGULATIONS	August 4, 2011 and September 1, 2011
June 13, 2011 *(Article 26)*	Amended portions of Paragraphs 4 and 6 in Sub-Section R. Sign Regulations in SECTION V. USE REGULATIONS	August 4, 2011 and September 1, 2011
June 13, 2011 *(Article 27)*	Amend the Medway Zoning Map to revise the boundaries between AR2 and Commercial District III.	August 4, 2011
	**********	
June 14, 2010 *(Article 30)*	Added new definitions in SECTION II DEFINITIONS	September 29, 2010
June 14, 2010 *(Article 31)*	Added new allowed uses in Sub-Section M. Industrial District I in SECTION V.	September 29, 2010
June 14, 2010 *(Article 32)*	Added new allowed uses and revised an allowed use in Sub-Section N. Industrial District II in SECTION V.	September 29, 2010
June 14, 2010 *(Article 33)*	Added new allowed uses to Sub-Section O. Industrial III in SECTION V.	September 29, 2010
June 14, 2010 *(Article 34)*	Added a new item e) in Paragraph 5 of Sub-Section C. Site Plan Review and Approval in SECTION V. regarding Sidewalks.	September 29, 2010
June 14, 2010 *(Article 35)*	Amended portions of Paragraphs 4, 5, 6, 7, 8, 9, 10 and 11 in Sub-Section R. Sign Regulation in SECTION V.	September 29, 2010
June 14, 2010 *(Article 36)*	Amended Sub-Section B. Area Standards In SECTION V. by adding paragraph 7 Exterior Lighting Regulations	September 29, 2010
June 14, 2010 *(Article 37)*	Added new definitions in SECTION II DEFINITIONS; amended Sub-Section E. Agricultural Residential District I and Sub-Section F. Agricultural Residential District II in SECTION V. regarding home occupations; Added a new Sub-Section AA Home Based Businesses in SECTION V.	September 29, 2010

Date of Enactment/ Town Meeting Vote	Nature of Amendment	Date Approved by Attorney General
June 14, 2010 *(Article 38)*	Added a new Sub-Section Z. Small Wind Generation in SECTION V.	September 29, 2010
	**********	
June 15, 2009 *(Article 36)*	Added a new paragraph 9 to Sub-Section F. Agricultural Residential II of SECTION V. re: Infill (Affordable) Lots and Dwelling Units	October 13, 2009
June 15, 2009 *(Article 32)*	Added a definition for Planning Board in SECTION II.	September 14, 2009
June 15, 2009 *(Article 33)*	Added Table 7 in Sub-Section R. Sign Regulation of SECTION V. re: sign standards for the Business Industrial zoning district	September 14, 2009
June 15, 2009 *(Article 34)*	Deleted text re: adult uses in SECTION V. Sub-Section G. Commercial District I; Sub-Section I. Commercial District III; and Sub-Section J. Commercial District IV; and added text in Sub-Section M. Industrial District I.	September 14, 2009
June 15, 2009 *(Article 37)*	Made a series of amendments to Sub-Section T. Open Space Residential Development in SECTION V.	September 14, 2009
	**********	
November 10, 2008 *(Article 15)*	Revised Sub-Section C. Site Plan Review and Approval in SECTION V. by replacing 8. d) (5) regarding waivers, conditions, limitations, safeguards, and mitigation measures for major site plan projects.	February 19, 2009
November 10, 2008 *(Article 16)*	Added a new Paragraph 12 to Sub-Section T. Open Space Residential Development in SECTION V regarding waivers, conditions, limitations, safeguards, and mitigation measures.	February 19, 2009
November 10, 2008 *(Article 17)*	Added a new item 15) in Paragraph 4. f) in Sub-Section U. Adult Retirement Community Planned Unit Development in SECTION V regarding waivers, conditions, limitations, safeguards, and mitigation measures.	February 19, 2009

Date of Enactment/ Town Meeting Vote	Nature of Amendment	Date Approved by Attorney General
November 10, 2008 *(Article 18)*	Revised Sub-Section C. Site Plan Review and Approval in SECTION V. by replacing Paragraph 10 in its entirety regarding modifications to previously approved site plans.	February 19, 2009
November 10, 2008 *(Article 19)*	Amended Paragraph 2 a) in Sub-Section W. Adaptive Use Overlay District in SECTION V. to adjust the boundaries of the Adaptive Use Overlay District.	February 19, 2009
November 10, 2008 *(Article 20)*	Deleted Sub-Section. Commercial District VI in its entirety from SECTION V.; Amended the Medway Zoning Map by rezoning all parcels previously shown as Commercial District VI to Commercial District I.	February 19, 2009
November 10, 2008 *(Article 21)*	Replaced SECTION IV. DISTRICTS in its entirety to update the list of Medway zoning districts.	February 19, 2009
	**********	
June 2, 2008 *(Article 21)*	Amended the Medway Zoning Map to revise the boundaries of the Agricultural Residential II zoning district.	September 24, 2008
June 2, 2008 *(Article 22)*	Added new Sub-Section Y. Business/ Industrial to SECTION V.	September 24, 2008
June 2, 2008 *(Article 23)*	Added new allowed uses to Sub-Section M. Industrial District I in SECTION V; Added definition for *Contractor's Quarters"* in SECTION II.	September 24, 2008
June 2, 2008 *(Article 24)*	Deleted Sub-Section H. Commercial District II in its entirety in SECTION V.; made substantive changes to Sub-Section G. Commercial District I in SECTION V.; added a definition for *Useable Floor Space* in SECTION II; and amended the Medway Zoning Map to revise the boundaries of the Commercial I zoning district.	September 24, 2008
June 2, 2008 *(Article 25)*	Made a series of amendments to Sub-Section T. Open Space Residential Development in SECTION V.	September 24, 2008
June 2, 2008 *(Article 27)*	Amended Sub-Section D. Non-Conforming Uses in SECTION V. by revising items (a) (b) in Paragraph 4.	September 24, 2008

Date of Enactment/ Town Meeting Vote	Nature of Amendment	Date Approved by Attorney General
June 2, 2008 *(Article 28)*	Amended Sub-Section R. Sign Regulation In SECTION V. by adding provisions to Table 4 regarding projecting signs in the Industrial I, II and III zoning districts.	September 24, 2008
June 2, 2008 *(Article 29)*	Amended paragraphs 9 and 10 in Sub-Section R. Sign Regulation in SECTION V. regarding sign variances and special permits	September 24, 2008
June 2, 2008 *(Article 12) (Special Town Meeting)*	Added a new Sub-Section X. Affordable Housing to SECTION V.	September 18, 2008
	**********	
November 19, 2007 *(Article 14)*	Added a new Paragraph 6 Parking Regulations to Sub-Section B. Area Standards in SECTION V. to address location of parking, size of parking spaces including an option for compact parking spaces, paving, bicycle racks, pavement markings and options for shared parking.	January 15, 2008
November 19, 2007 *(Article 17)*	Revised the definition of *Sign Surface Area* in Paragraph 4 of Sub-Section R. Sign Regulations in SECTION V.	January 15, 2008
November 19, 2007 *(Article 18)*	Revised Sub-Section R. Sign Regulations, Paragraph 9, to modify the process by which the Design Review Committee reviews proposed sign designs.	January 15, 2008
November 19, 2007 *(Article 19)*	Amended Sub-Section W. Adaptive Use Overlay District of SECTION V. by adding a new Paragraph 4 to establish the Medway Mill Conversion Subdistrict including Provisions for multi-family residential uses and density standards.	January 15, 2008
	**********	
May 14, 2007 *(Article 25)*	Added a new purpose to SECTION I to address design and aesthetics	August 30, 2007
May 14, 2007 *(Article 26)*	Revised definition for *Adult Retirement Community Planned Unit Development (ARCPUD)* in SECTION II.	August 30, 2007
May 14, 2007 *(Article 27)*	Revised definition for *ARCPUD Coordinated Unit(s)* in SECTION II.	August 30, 2007
May 14, 2007 *(Article 28)*	Revised definition for *Local Convenience Retail* in SECTION II.	August 30, 2007

Date of Enactment/ Town Meeting Vote	Nature of Amendment	Date Approved by Attorney General
May 14, 2007 *(Article 29)*	Deleted 3rd and 4th paragraphs of Sub-Section D. Board of Appeals in SECTION III.	August 30, 2007
May 14, 2007 *(Article 30)*	Added new Sub-Section J. Special Permit Criteria to SECTION III.	August 30, 2007
May 14, 2007 *(Article 31)*	Revised Paragraph 2 in Sub-Section E. Agricultural Residential I of SECTION V. regarding special permits for accessory family dwelling units	August 30, 2007 *(with changes)*
	Revised Paragraph 2 in Sub-Section F. Agricultural Residential II of SECTION V. regarding special permits for accessory family dwelling units	August 30, 2007
May 14, 2007 *(Article 32)*	Revised Paragraph 2 g) in Sub-Section G. Commercial District I of SECTION V to add item 5) to authorize the ZBA to alter parking requirements by special permit.	August 30, 2007
May 14, 2007 *(Article 33)*	Revised Paragraph 2 g) in Sub-Section H. Commercial District II of SECTION V to add item 5) to authorize the ZBA to alter parking requirements by special permit	August 30, 2007
May 14, 2007 *(Article 34)*	Revised Paragraph 1in Sub-Section K. Commercial District V of SECTION V to allow certain uses by special permit by the Planning Board	August 30, 2007
May 14, 2007 *(Article 35)*	Revised Paragraph 2 f) in Sub-Section O. Industrial District III of SECTION V to increase the allowable building height to 60’ and authorize the ZBA to authorize Building heights up to 100’ by special Permit.	August 30, 2007
May 14, 2007 *(Article 36)*	Added a new purpose to Paragraph 1 in Sub-Section T. Open Space Residential Development of SECTION V to address affordable housing	August 30, 2007
May 14, 2007 *(Article 37)*	Revised Paragraph 9 in Sub-Section T. Open Space Residential Development of Section V regarding Open Space Requirements	August 30, 2007

Date of Enactment/ Town Meeting Vote	Nature of Amendment	Date Approved by Attorney General
May 14, 2007 *(Article 38)*	Revised Paragraph 10 in Sub-Section T. Open Space Residential Development of Section V regarding General Design Standards	August 30, 2007
May 14, 2007 *(Article 39)*	Revised Paragraph 11 in Sub-Section T. Open Space Residential Development of Section V by including additional Decision considerations	August 30, 2007
May 14, 2007 *(Article 40)*	Revised Paragraph 4 c) in Sub-Section U. Adult Retirement Community Overlay District regarding ARCPUD General Standards	August 30, 2007
May 14, 2007 *(Article 41)*	Revised Paragraph 4 d) in Sub-Section U. Adult Retirement Community Overlay District of SECTION V regarding ARCPUD Open Space Standards	August 30, 2007
May 14, 2007 *(Article 42)*	Revised Paragraph 4 f) in Sub-Section U. Adult Retirement Community Overlay District of SECTION V regarding Planning Board Findings	August 30, 2007
	**********	
October 23, 2006 *(Article 24)*	Revised Paragraph 6 a) 6) in Sub-Section V. Groundwater Protection District of SECTION V. to clarify what uses are permitted.	May 7, 2007
October 23, 2006 *(Article 25)*	Added two new areas to be subject to the provisions of Sub- Section V. Groundwater Protection District of SECTION V and revised the Zoning Map	May 7, 2007
	**********	
June 12, 2006 *(Article 31)*	Revised definition of *Affordable Housing Unit* in SECTION II.	September 19, 2006
June 12, 2006 *(Article 32)*	Added a general standard to Paragraph 4. c) of SECTION V, Sub-Section U. Adult Retirement Community Overlay District to require that 10% of ARCPUD dwellings to be *Affordable Housing Units*	September 19, 2006
June 12, 2006 *(Article 33)*	Revised the pre-application process for ARCPUD projects, SECTION V. Sub-Section U. Adult Retirement Community Overlay District,	September 19, 2006

Date of Enactment/ Town Meeting Vote	Nature of Amendment	Date Approved by Attorney General
	Paragraph 4 b) to include a 4-step site design process	
June 12, 2006 *(Article 34)*	Added a new Sub-Section P. Exempt Uses to SECTION V. to establish reasonable regulations for exempt uses – child care, religious and educational facilities	September 19, 2006
June 12, 2006 *(Article 39)*	Amended the Zoning Map by changing the zoning of 1.8 acres of land owned by Ellen Realty Trust, Parcel 493A, Assessors Map 6-4, from ARI to Industrial I.	September 19, 2006
June 12, 2006 *(Article 40)*	Revised item 5. a) (14) in Sub-Section R. Sign Regulation in SECTION V regarding advertising matter on open, welcome and store hour signs.	September 19, 2006
	**********	
June 6, 2005 *(Article 28)*	Revised text in SECTION V. Sub-Section U. Adult Retirement Community Overlay District to address widths of one and two-way roadways	October 5, 2005
June 6, 2005 *(Article 30)*	Added definition for *Drive-thru Facility* to SECTION II.	October 5, 2005
June 6, 2005 *(Article 31)*	Added a provision in SECTION V. Sub-Section. G. Commercial District I, requiring a special permit from the ZBA for a drive-thru facility.	October 5, 2005
June 6, 2005 *(Article 32)*	Added a provision in SECTION V. Sub-Section H. Commercial District II, requiring a special permit from the ZBA for a drive-thru facility.	October 5, 2005
June 6, 2005 *(Article 33)*	Amended the Zoning Map by changing the zoning of approximately 2.6 acres from AR-II to Commercial V (expanding the Commercial V area at the southeast corner of the intersection of routes 126 and 109).	October 5, 2005
June 6, 2005 *(Article 34)*	Added sign regulations for Commercial District V. to SECTION V. Sub-Section R. Sign Regulation.	October 5, 2005

Date of Enactment/ Town Meeting Vote	Nature of Amendment	Date Approved by Attorney General
June 6, 2005 *(Article 35)*	Added sign regulations for the Adaptive Use Overlay District to SECTION V. Sub-Section R. Sign Regulation.	October 5, 2005
June 6, 2005 *(Article 36)*	Revised Sub-Section B. Area Standards of SECTION V. by adding a new sentence at the end of paragraph 4 regarding wetland replication areas.	October 5, 2005
June 6, 2005 *(Article 37)*	Revised in its entirety Sub-Section T. Open Space Residential Development of SECTION V.	October 5, 2005
June 6, 2005 *(Article 38)*	Revised in its entirety Sub-Section C. Site Plan Review and Approval of SECTION V.	October 5, 2005
June 6, 2005 *(Article 43)*	Revised 3. b) in Sub-Section W. Adaptive Use Overlay District of SECTION V. to further define permitted uses.	October 5, 2005
June 6, 2005 *(Article 44)*	Revised 4. a) and b) in Sub-Section W. Adaptive Use Overlay District of SECTION V. to further define Site Development Standards	October 5, 2005
	**********	
June 28, 2004 *(Article 19)*	Added new Sub-Section W. Adaptive Use Overlay District to SECTION V; Amended Zoning Map	October 8, 2004
June 28, 2004 *(Article 20)*	Revised in its entirety Sub-Section Q. Signs of SECTION V. (Retitled to Sub-section R. Sign Regulation)	October 8, 2004
	**********	
May 10, 2004 *(Article 37)*	Added provision in SECTION V. Sub-Section E. to allow accessory family dwelling unit in the AR I district by special permit from the ZBA.	August 18, 2004
May 10, 2004 *(Article 38)*	Added provision in SECTION V. F Sub-Section F. to allow accessory family dwelling unit in the AR II district by special permit from the ZBA.	August 18, 2004
May 10, 2004 *(Article 39)*	Amended 3rd paragraph of SECTION V. Sub-Section E	August 18, 2004

Date of Enactment/ Town Meeting Vote	Nature of Amendment	Date Approved by Attorney General
May 10, 2004 *(Article 40)*	Amended 3rd paragraph of SECTION V. Sub-Section F.	August 18, 2004
May 10, 2004 *(Article 41)*	Added new Sub-Section K. Commercial District V to SECTION V. and relettered former sub-sections "K" through "T" to "L" through "U"; Amended the Zoning Map to indicate the new Commercial V district	August 18, 2004
May 10, 2004 *(Article 42)*	Added new Sub-Section V. Groundwater Protection District to SECTION V; Amended Zoning Map	August 18, 2004
May 10, 2004 *(Article 43)*	Updated list of zoning districts in SECTION IV	August 18, 2004
May 10, 2004 *(Article 44)*	Added definition for S*hed* to SECTION II.	August 18, 2004
	**********	
June 23, 2003 *(Article 5)*	Added definition for *Accessory Family Dwelling Unit* to SECTION II.	October 22, 2003
	**********	
May 12, 2003 *(Article 25)*	Added definitions for: *Affordable Housing Unit, Automobile Service Station, Automobile Car Wash, Low or Moderate Income,* and *Shopping Center* to SECTION II.	*September 25, 2003*
May 12, 2003 *(Article 26)*	Amended 4th paragraph in SECTION V. Sub-Section A.	September 25, 2003
May 12, 2003 *(Article 28)*	Amended SECTION V. G, 1. c) & d)	September 25, 2003
May 12, 2003 *(Article 29)*	Amended SECTION V. H, 1. j)	September 25, 2003
May 12, 2003 *(Article 30)*	Added SECTION V. K, 1. f)	September 25, 2003
May 12, 2003 *(Article 31)*	Amended Zoning Map - Changed Industrial IV District to Agricultural Residential II District; Deleted all provisions of SECTION V. Sub-Section O. Industrial IV District	September 25, 2003
May 12, 2003 *(Article 33)*	Amended SECTION V. T, 4. c) 8)	September 25, 2003
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Date of Enactment/ Town Meeting Vote	Nature of Amendment	Date Approved by Attorney General
June 24, 2002 *(Article 6)*	Amended Zoning Map - Enlarged Commercial District I	August 30, 2002
	**********	
May 13, 2002 *(Article 26)*	Amended SECTION V. Q, 4. k)	August 28, 2002
May 13, 2002 *(Article 27)*	Amended opening paragraph of SECTION V. Sub-Section C	August 28, 2002
May 13, 2002 *(Article 31)*	Amended SECTION V. D, 4.	August 28, 2002
May 13, 2002 *(Article 32)*	Amended SECTION V. H, 2. g) 2)	August 28, 2002
May 13, 2002 *(Article 33)*	Amended SECTION V. K, 2. h)	August 28, 2002
	**********	
November 5, 2001 *(Article 1)*	Amended SECTION V. M, 1. g)	January 24, 2002
November 5, 2001 *(Article 2)*	Added definition for *Detention and Retention Basins* to SECTION II.	January 24, 2002
November 5, 2001 *(Article 4)*	Amended SECTION V. G, 2. g) 2)	January 24, 2002
November 5, 2001 *(Article 5)*	Amended SECTION V. T, 4. d) 1) and added SECTION V. T, 4. d) 8), 9) & 10)	January 24, 2002
November 5, 2001 *(Article 6)*	Amended SECTION III by adding I.	January 24, 2002
November 5, 2001 *(Article 24)*	Amended Zoning Map - Expanded boundaries of Commercial District I	January 24, 2002
	**********	
February 12, 2001 *(Article 3)*	Amended opening paragraph of SECTION V. Sub-Section C.	March 14, 2001
February 12, 2001 *(Article 4)*	Amended SECTION V. M, 1. e) & f)	March 14, 2001
February 12, 2001 *(Article 5)*	Amended SECTION V. M. 2. f)	March 14, 2001
	**********	
October 16, 2000 *(Article 6)*	Amended SECTION II re: numbering of Definitions	February 12, 2001
October 16, 2000 *(Article 7)*	Amended SECTION V. by adding 1. f) to sub-sections L, M, N and O	February 12, 2001
October 16, 2000 *(Article 8)*	Added definitions for *Business, Office & Professional Use* to SECTION II	February 21, 2001

Date of Enactment/ Town Meeting Vote	Nature of Amendment	Date Approved by Attorney General
October 16, 2000 *(Article 10)*	Amended opening paragraph of SECTION V. C.	February 12, 2004
October 16, 2000 *(Article 11)*	Amended SECTION V. C, 3. a)	February 12, 2001
October 16, 2000 *(Article 12)*	Amended SECTION V. C, 3. b)	February 12, 2001
October 16, 2000 *(Article 13)*	Added Sub-Section T. Adult Retirement Community Overlay District to SECTION V.	February 12, 2001
**********		
May 8, 2000 *(Article 28)*	Amended Zoning Map – Expanded Commercial District VI	September 22, 2000

Town of Medway Zoning Map

Zoning District

- AR-I Agricultural-Residential I
- AR-II Agricultural-Residential II
- BI Business-Industrial
- C-I Commercial I
- C-III Commercial III
- C-IV Commercial IV
- C-V Commercial V
- IND-I Industrial I
- IND-II Industrial II
- IND-III Industrial III
- AUOD Adaptive Use Overlay District
- Groundwater Protection District

Other Features

- Medway Parcel Outlines

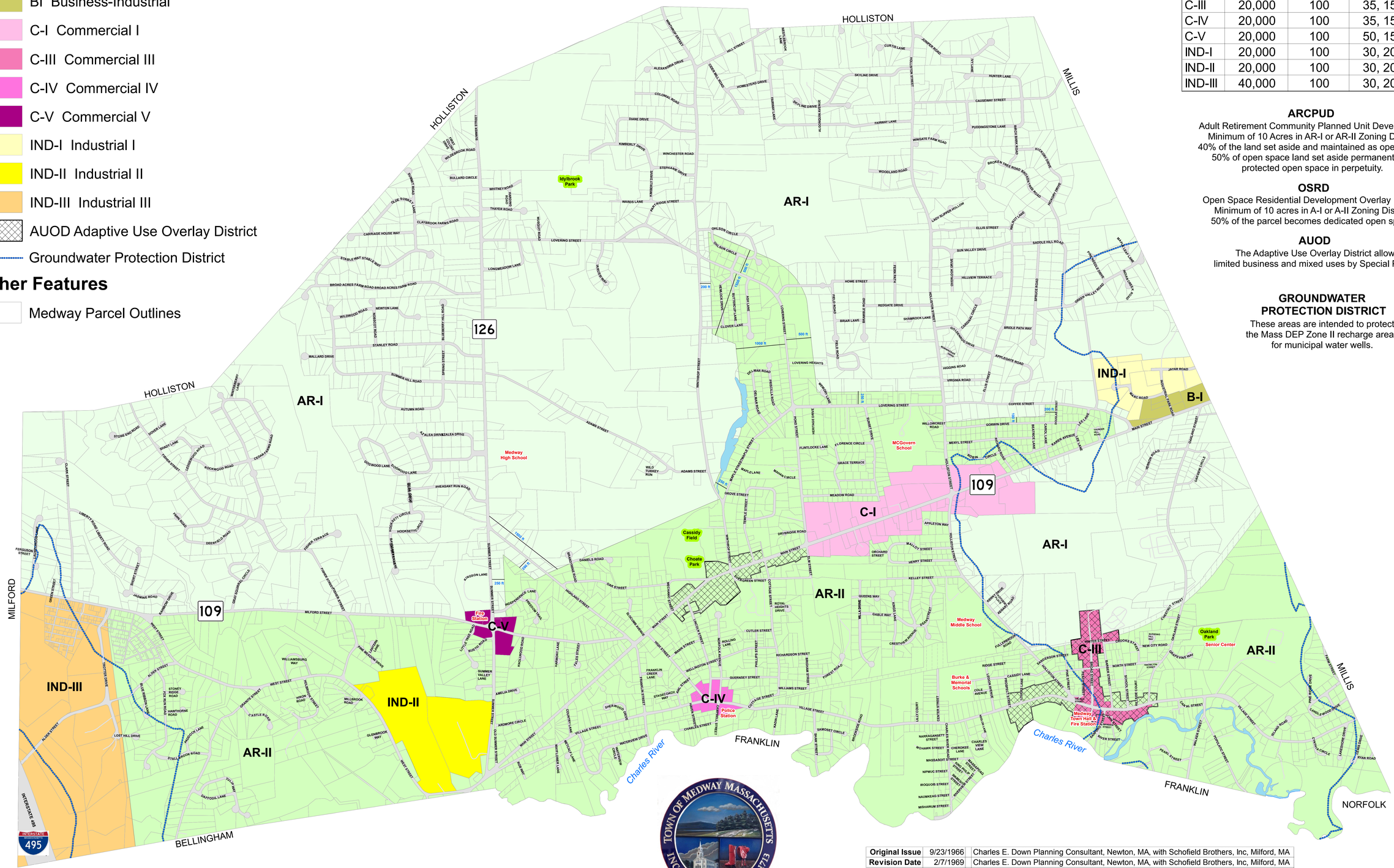
ZONE	lot size (sq ft)	frontage (ft)	front, side, rear (ft)
AR-I	44,000	180	35, 15, 15
AR-II	22,500	150	35, 15, 15
BI	20,000	100	35, 15, 15
C-I	20,000	100	50, 25, 25
C-III	20,000	100	35, 15, 15
C-IV	20,000	100	35, 15, 15
C-V	20,000	100	50, 15. 15
IND-I	20,000	100	30, 20, 30
IND-II	20,000	100	30, 20, 30
IND-III	40,000	100	30, 20, 30

ARCPUD
Adult Retirement Community Planned Unit Development
Minimum of 10 Acres in AR-I or AR-II Zoning District
40% of the land set aside and maintained as open space
50% of open space land set aside permanently as protected open space in perpetuity.

OSRD
Open Space Residential Development Overlay District
Minimum of 10 acres in A-I or A-II Zoning District
50% of the parcel becomes dedicated open space

AUOD
The Adaptive Use Overlay District allows limited business and mixed uses by Special Permit.

GROUNDWATER PROTECTION DISTRICT
These areas are intended to protect the Mass DEP Zone II recharge areas for municipal water wells.



0 0.5 1 2 Miles

Map prepared by
Fran V Hutton Lee
July 7, 2014

The information on this map is believed to be correct but errors in data entry or transmission may occur. The map is not to be used for legal purposes. The information on this map is subject to change or revision at any time.

Prepared for the Medway
Planning & Economic Development Board
155 Village Street, Medway, MA 02053
508-533-3291
planningboard@townofmedway.org
Data provided by
Town of Medway and MassGIS

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	3/9/1970	Charles E. Down Planning Consultant, Newton, MA, with Schofield Brothers, Inc, Milford, MA
	7/8/1974	Charles E. Down Planning Consultant, Newton, MA, with Schofield Brothers, Inc, Milford, MA
	6/22/1979	Charles E. Down Planning Consultant, Newton, MA, with Schofield Brothers, Inc, Milford, MA
	6/5/1986	Stone and Webster Engineering Corporation, Boston, MA
	1/1/1995	Stone and Webster Engineering Corporation, Boston, MA
	5/30/2001	DesLauriers Municipal Solutions, Inc, Franklin, MA
	5/30/2009	PGC Associates, INC, Franklin, MA
	12/1/2012	PGC Associates, INC, Franklin, MA
	4/17/2012	Fran V Hutton Lee, with Medway Planning and Economic Development, Medway MA
	10/10/2013	Fran V Hutton Lee, with Medway Planning and Economic Development, Medway MA
	7/7/2014	Fran V Hutton Lee, with Medway Planning and Economic Development, Medway MA