

**Tuesday, September 21, 2021  
Medway Planning and Economic Development Board  
155 Village Street  
Medway, MA 02053**

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

**PRESENT:**

- Susy Affleck-Childs, Planning and Economic Development Coordinator

**PUBLIC COMMENTS:**

- There were no public comments.

**Plan Review Fee Estimate – RP Marzilla Site Plan Modification:**

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

- Tetra Tech plan review fee estimate dated September 17, 2021

The Board is in receipt of an application for modification for RP Marzilli site plan. The hearing will be held during the October 12, 2021 meeting. The plan review fee estimate from Tetra Tech is \$877.00.

**On a motion made by Matt Hayes, seconded by Rich Di Iulio, the Board voted to accept the peer view fee estimate for RP Marzilla Site Plan Modification for \$877.00.**

**Zoning Board of Appeals Petitions:**

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

- 6 Spring Street – Accessory Family Dwelling Unit (AFDU) Special Permit
- Ocean State Job Lot (114 Main Street) - Outdoor Display Special Permit

**6 Spring Street:**

The Board reviewed the ZBA application for an AFDU at 6 Spring Street. Upon review, the Board would recommend there be clarification if the overhang is encroaching on the setback. The Board would like a letter sent to the ZBA about the inconsistencies with the plan and application. Susy Affleck-Childs will prepare the letter.

**Ocean State Job Lot:**

The Board reviewed the ZBA application for Ocean State Job Lot for an outdoor display special permit. Upon review, the Board would like there to be more information provided about the 6 ft setback from the store. The display items should be located immediately adjacent to the building

and may not exceed sideways beyond the subject businesses storefront space. The distances are not shown on the plan. Member Di Iulio recommends that this be covered under the Medway Place site plan application. The Board would like a letter sent to ZBA; Susy Affleck-Childs will prepare that letter.

## **ENVIRONMENTAL STANDARDS:**

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

- Revised draft dated 9-15-21 with edits offered by the Board's noise Consultant Jeff Komrower.

The Board is in receipt of the most recent revision of the Environmental Standards. The revised draft copy is dated September 15, 2021 as edited by noise consultant Jeff Komrower.

A screen share of the document was shown.

There were several other individuals who participated via Zoom:

- Ellen Rosenfeld, property and business owner
- Dan Merrikin, Legacy Engineering
- John Lally, resident
- Andy Carballeira, Acentech
- Jeff Komrower, Noise Control Engineering

The Board thanked member Gay for working diligently with the consultants on further edits to the environmental standards. Member Gay noted that the proposed draft establishes standards for the whole town. The draft includes a purpose statement, definitions, and enforcement language. The purpose is to provide standards for uses which, by their operation, may generate impacts that are potentially hazardous, harmful to the environment, disturbing, offensive and objectionable. There is an enforcement component which allows the Building Commissioner to engage a technical consultant if needed to investigate any complaints. There are many definitions. There have been some revisions to the definition of ambient noise which is that the measurement metric to determine ambient noise levels will be A-weighted L(90) sound level. The L(90) sound level is the weighted sound level that is exceeded 90% of the time during a measurement period. There was also a definition added for prominent discrete tone. This is the presence of acoustic energy concentrated in a narrow frequency range, including but not limited to an audible tone. There were also charts included which change octave bands to single overall levels. There was also a definition included for sensitive receptor. This is defined as an occupied residence or facility whose occupants are more susceptible to the adverse effects of noise an odor including but not limited to hospitals, schools, daycare facilities, elderly housing, and convalescent facilities. There is a chart noting the Industrial Zoned Property to Industrial Zoned Property standards. There was also a chart for Industrial/Commercial Zoned Property to Commercial Zoned Property, and Industrial/Commercial Zoned property to Residential Zoned Property. The baseline ambient noise levels at the acceptance of these provisions will not exceed 47 dBA at any property line during daytime hours, 42 dBA at any property line during nighttime hours and 32 dBA during nighttime hours at sensitive receptors. The tonal requirements included the presence of prominent discrete tones as defined in Section 7.3 at any industrial, commercial or residential property lines and which shall be considered a violation when such

audible tone produces a 1/3 octave sound pressure level greater than that of either adjacent one-third octave band levels. The document includes definitions for temporary noise and also construction noise. There is language included about Special Permit and site plan applications for proposed activities that could potentially introduce noise will be required to conduct a background noise survey over a minimum of 7-day period to establish a level at each residential property line for conditions at the time of application.

There was discussion about the residential octave band criteria. There was a question about the 2 dBA increase and the cap to not to exceed the noted number 47. Consultant Carballeira noted that the margin of 2 dBA and the impact as a cap of 32 for a number of facilities would present a challenge for the design. It would be impossible for a facility to meet the standard as referenced in the chart with having a hard cap number. This would be numerically impossible for the facility to meet. He communicated that the cap is problematic. These are already at the receptors for the noted facilities. This is what was modeled by Consultant. The facility is designed at the sensitive receptors. The cap only applies to the sensitive receptors, all other would fall into the 42 dba at night. The Board needs to decide if they want a cap. The residences seem to have expressed that there should be a cap. The Consultant recommended a town wide study of the baseline ambient noise in the Town of Medway.

Resident, John Lally referenced an email from 2019 about a complaint from 4 Marc Road and the detrimental impacts by the noise situation at 2 Marc Road.

Ellen Rosenfeld responded that Mr. Lally has no right to represent employees at her location. The situation was addressed.

The Board realizes that this is third party information which was presented.

A recommendation was made that in the section on Temporary Construction there be language about the maintenance of the generators needing to comply. All the equipment on site must meet all requirements.

There was a recommendation to have the residential to industrial numbers be included in a tabular form. The Consultants think this would be a good suggestion and would provide consistency with the other sections.

### **Odor Provisions:**

The Board was made aware that there really has been no change to the odor provisions of the proposed environmental standards. bylaw. The Building Commissioner will be able to contact an odor consultant if there is an application which requires the use of an odor consultant.

The public hearing for the warrant articles will be held on October 12, 2021.

### **OTHER BUSIENSS:**

- Town meeting will be November 15, 2021.
- A Preliminary Plan has been submitted for a multi-family development at 56 Summer Street

**FUTURE MEETING:**

- September 28, 2021

**ADJOURN:**

**On a motion made by Jessica Chabot, seconded by Rich Di Iulio, the Board voted to adjourn the meeting.**

The meeting was adjourned at 8:36 pm.

Prepared by,  
Amy Sutherland  
Recording Secretary

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





**September 21, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Plan Review Fee Estimate – RP Marzilli**  
**Site Plan Modification**

- Tetra Tech plan review fee estimate dated September 17, 2021 for the proposed modification to the RP Marzilli site plan

<b>Date:</b>	September 17, 2021	<b>Amendment No.:</b>	002
<b>Project:</b>	R.P. Marzilli (21 Trotter Drive)	<b>TT Project No.:</b>	143-21583-19018
<b>To:</b>	Ms. Susan Affleck-Childs	<b>Amendment 002 Cost Estimate</b>	
<b>Co./Dept.:</b>	Medway PEDB	<b>Fee:</b>	\$ 835.00
<b>Address:</b>	155 Village Street Medway, MA 02053	<b>Expenses:</b>	\$ 42.00
		<b>Total:</b>	<b>\$ 877.00</b>
		<b>Revised Total Project Cost Estimate</b>	
		<b>Fee:</b>	\$ 15,348.00
		<b>Expenses:</b>	\$ 784.00
		<b>Total:</b>	<b>\$ 16,132.00</b>
			Estimated Date of Completion 2021

## SCOPE OF SERVICES

### Scope Change Descriptions


#### Task 4

Review modified plans resulting from changes made to the site plan during construction. This task includes review of the revised submission, one (1) review letter and attendance at one (1) hearing to present the review to the PEDB.

Budget: 5 hours @ \$167/hr = \$835

Task	Task Description	Initial Contract	Revision 1	Revision 2	Project Total
1	Site Visit	\$286.00	-	-	\$286.00
2	Design Review	\$2,073.00	-	-	\$2,073.00
3	Meeting Attendance	\$858.00	-	-	\$858.00
4	Construction Administration		\$11,296.00	\$835.00	\$12,131.00
	<i>Sub-Total</i>	\$3,217.00	\$11,296.00	\$835.00	\$15,348.00
	<i>Expenses</i>	\$177.00	\$565.00	\$42.00	\$784.00
	<b>Total Fee</b>	\$3,394.00	<b>\$11,861.00</b>	<b>\$877.00</b>	<b>\$16,132.00</b>

Please execute this change order to our existing Contract Agreement authorizing us to proceed with the above scope of service at the stated estimated cost. No work will be performed under this change order until it is signed and returned to Tetra Tech. Upon execution by both parties, this change order becomes part of our original Contract Agreement dated August 21, 2019 and previously approved CO 001.

Tetra Tech Authorization		Client Authorization (please sign and return)	
By:	Sean Reardon, P.E. 	By:	
Title:	Vice President	Title:	
Date:	September 17, 2021	Date:	

P:\21583\143-21583-19018 (21 TROTTER DRIVE)\PROJ\MGMT\CONTRACTS\ICOS\ICO 002\_21 TROTTER DR\_2021-09-17.DOCX



**September 21, 2021**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Zoning Board of Appeals Petitions**

- 6 Spring Street - Accessory Family Dwelling Unit Special Permit
- Ocean State Job Lot (114 Main Street) – Outdoor Display Special Permit

NOTE - The hearings on these two petitions are scheduled for the September 22, 2021 ZBA meeting.

For Tuesday night, I will have some comments for you with some thoughts on the types of conditions that may be advisable for the ZBA to consider.



# TOWN OF MEDWAY

## ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

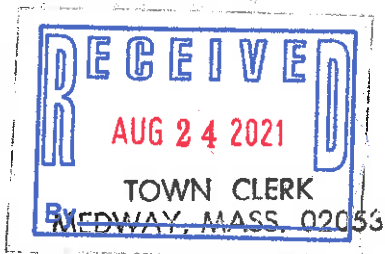
### GENERAL APPLICATION FORM

Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)

NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.

#### TO BE COMPLETED BY THE APPLICANT

<b>Applicant/Petitioner(s):</b> John + Lesley Kinney	<b>Application Request(s):</b>  Appeal <input type="checkbox"/> Special Permit <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Determination/Finding <input type="checkbox"/> Extension <input type="checkbox"/> Modification <input type="checkbox"/> Comprehensive Permit <input type="checkbox"/>
<b>Property Owner(s):</b> John + Lesley Kinney	
<b>Site Address(es):</b> 6 Spring St. Medway, Ma. 02053	
<b>Parcel ID(s):</b> 19-022	
<b>Zoning District(s):</b> AR-1	
<b>Registry of Deeds Book &amp; Page No. and Date or Land Court Certificate No. and Date of Current Title:</b>	



#### TO BE COMPLETED BY STAFF:

Check No.:  
Date of Complete Submittal: 8/23/21  
Comments:

*Margaret Brown*

8/23/21

# GENERAL APPLICATION FORM



## TOWN OF MEDWAY ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

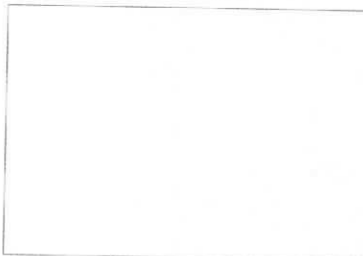
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<b>Site Address(es):</b> 6 Spring St. Medway, Ma. 02053	
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<b>Zoning District(s):</b> AR-1	
<b>Registry of Deeds Book &amp; Page No. and Date or Land Court Certificate No. and Date of Current Title:</b>	

TOWN CLERK STAMP



### TO BE COMPLETED BY STAFF:

Check No.:  
Date of Complete Submittal:  
Comments:

# GENERAL APPLICATION FORM

## APPLICANT/PETITIONER INFORMATION

The owner(s) of the land must be included as an applicant, even if not the proponent. Persons or entities other than the owner may also serve as co-applicants in addition to the owner(s), however, in each instance, such person shall provide sufficient written evidence of authority to act on behalf of the owner(s). For legal entities such as corporations, LLCs, etc., list the type and legal status of ownership, the name of the trustees/officer members, their affiliation, and contact information. Please provide attachment for information if necessary.

Applicant/Petitioner(s): John + Lesley Kinney		Phone: 508 380-2038
		Email: lesleykinney4@gmail.com
Address: 6 Spring St. Medway, Ma. 02053		
Attorney/Engineer/Representative(s): Daniel O'Driscoll		Phone: 508-533-3314
		Email: oodlandsurvey@gmail.com
Address: 46 Cottage St. Medway, Ma. 02053		
Owner(s): John + Lesley Kinney		Phone: 508 380-2038
		Email: lesleykinney4@gmail.com
Mailing Address: 6 Spring St. Medway, Ma. 02053		

Please list name and address of other parties with financial interest in this property (use attachment if necessary):

George + Leslie Bezkoravany  
(parents of Lesley Kinney)

Please disclose any relationship, past or present, interested parties may have with members of the ZBA:

NO ~~NA~~

I hereby certify that the information on this application and plans submitted herewith are correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of my knowledge, and that all testimony to be given by me during the Zoning Board of Appeals public hearing associated with this application are true to the best of my knowledge and belief.

Signature of Applicant/Petitioner or Representative: Lesley Kinney Date: 8/13/21

Signature Property Owner (if different than Applicant/Petitioner) \_\_\_\_\_ Date \_\_\_\_\_



# GENERAL APPLICATION FORM

## APPLICATION INFORMATION

		YES	NO
Applicable Section(s) of the Zoning Bylaw:	Residential		
	Requesting Waivers?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Does the proposed use conform to the current Zoning Bylaw?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Present Use of Property:	Unattached residential Single Family		
	Has the applicant applied for and/or been refused a building permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is the property or are the buildings/structures pre-existing nonconforming?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Proposed Use of Property:	Residential with additional attached in law dept.		
	Is the proposal subject to approval by the BOH or BOS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is the proposal subject to approval by the Conservation Commission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date Lot was created:	Is the property located in the Floodplain District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date Building was erected:	Is the property located in the Groundwater Protection District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the property meet the intent of the Design Review Guidelines?	Yes		
	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Describe Application Request: proposed addition to existing property and an in law apt. just under 800 sq. feet.			

## GENERAL APPLICATION FORM

**FILL IN THE APPLICABLE DATA BELOW**

Required Data	Bylaw Requirement	Existing	Proposed
A. Use		Unattached Residential	Unattached Residential addition w/ in-lane apt.
B. Dwelling Units		1	2
C. Lot Size			
D. Lot Frontage			
E. Front Setback			
F. Side Setback			
G. Side Setback			
H. Rear Setback			
I. Lot Coverage			
J. Height			To match existing
K. Parking Spaces		2	4
L. Other			

### FOR TOWN HALL USE ONLY

*To be filled out by the Building Commissioner:*

Date Reviewed \_\_\_\_\_

\_\_\_\_\_  
Medway Building Commissioner

Comments:

After completing this form, please submit an electronic copy to [zoning@townofmedway.org](mailto:zoning@townofmedway.org) and 4 paper copies to the Community & Economic Development Department.





**TOWN OF MEDWAY**

**ZONING BOARD OF APPEALS**

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**TO BE COMPLETED BY THE APPLICANT**

*Please provide evidence regarding how the Special Permit Decision Criteria, outlined below, is met. Please write "N/A" if you believe any of the Criteria is Not Applicable. Provide attachments if necessary.*

<p>1. The proposed site is an appropriate location for the proposed use:</p> <p><i>yes, private residential neighborhood.</i></p>
<p>2. Adequate and appropriate facilities will be provided for the operation of the proposed use:</p> <p><i>yes.</i></p>
<p>3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment:</p> <p><i>No.</i></p>
<p>4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area:</p> <p><i>No.</i></p>
<p>5. The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site, or operational attributes of the proposed use:</p> <p><i>No.</i></p>
<p>6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district:</p> <p><i>No.</i></p>

7. The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw:

Yes.

8. The proposed use is consistent with the goals of the Medway Master Plan:

Yes.

9. The proposed use will not be detrimental to the public good:

Yes.

*Luis Kenney*  
Signature of Applicant/Petitioner or Representative

8/13/21

Date

**SPECIAL PERMIT FORM**  
Accessory Family Dwelling Unit (AFDU)



**TOWN OF MEDWAY**

**ZONING BOARD OF APPEALS**

155 Village Street  
Medway, MA 02053

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**NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS. A GENERAL SPECIAL PERMIT APPLICATION IS REQUIRED IN ADDITION TO THIS FORM FOR AFDU'S.**

**TO BE COMPLETED BY THE APPLICANT**

Please provide evidence regarding how the Special Permit Decision Criteria, outlined below, is met. Please write "N/A" if you believe any of the Criteria is Not Applicable. Provide attachments if necessary.

<p><b>1. An accessory family dwelling unit shall be located within:</b></p> <ul style="list-style-type: none"><li>a. a detached single-family dwelling (principal dwelling unit); or</li><li><b>b. an addition to a detached single-family dwelling principal dwelling unit); or</b></li><li>c. a separate structure on the same premises as a detached single-family dwelling (principal dwelling unit).</li></ul>
<p><b>2. There shall be no more than one accessory family dwelling unit associated with a detached single-family dwelling (principal dwelling unit).</b></p> <p><i>yes, correct</i></p>
<p><b>3. No accessory family dwelling unit shall have more than <u>one bedroom</u>, unless a second bedroom is authorized by the Board of Appeals pursuant to 8.2.C. 8.</b></p>
<p><b>4. An accessory family dwelling unit shall not exceed 800 sq. ft. of gross floor area unless:</b></p> <ul style="list-style-type: none"><li>a. there is an existing detached accessory structure larger than 800 sq. ft. located on the same lot as a detached single-family dwelling (principal dwelling unit) and the Board of Appeals determines its use as an accessory family dwelling unit is in character with the neighborhood; or</li><li>b. authorized by the Board of Appeals pursuant to 8.2.C.8.</li></ul> <p><i>yes, accessory family dwelling is under 800 sq. feet</i></p>
<p><b>5. There shall be at least one designated off-street parking space for the accessory family dwelling unit in addition to parking for the occupants of the detached single-family (principal dwelling unit). The off-street parking space shall be located in a garage or in the driveway, and shall have vehicular access to the driveway. The location, quantity and adequacy of parking for the accessory</b></p>



**SPECIAL PERMIT FORM**  
Accessory Family Dwelling Unit (AFDU)

family dwelling unit shall be reviewed by the Board of Appeals to ensure its location and appearance are in keeping with the residential character of the neighborhood.

*yes, driveway/garage*

6. Occupancy of the single-family dwelling (principal dwelling unit) and accessory family dwelling unit shall be restricted as follows:

a. The owners of the property shall reside in one of the units as their primary residence, except for bona fide temporary absences due to employment, hospitalization, medical care, vacation, military service, or other comparable absences which would not negate the primary residency standard. For purposes of this Section, "owners" shall mean one or more individuals who hold legal or beneficial title to the premises.

b. The accessory dwelling unit and the detached single-family dwelling (principal dwelling unit) shall be occupied by any one or more of the following:

i. the owner(s) of the property;

☒ ii. the owner's family by blood, marriage, adoption, foster care or guardianship;

iii. an unrelated caregiver for an occupant of the detached single-family dwelling or the accessory family dwelling unit, who is an elder, a person with a disability, handicap or chronic disease/medical condition, or a child.

*yes, Leskey's parents*

7. An accessory family dwelling unit shall be designed so as to preserve the appearance of the single-family dwelling (principal dwelling unit) and be compatible with the residential character of the neighborhood. Any new separate outside entrance serving an accessory family dwelling unit shall be located on the side or in the rear of the building.

*yes, facing side of lot.*

In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility or a chronic medical condition, the Board of Appeals may allow reasonable deviations from the Basic Requirements where necessary to install features in the accessory family dwelling unit to facilitate the care of, and access and mobility for, disabled and handicapped individuals and persons with limited mobility or a chronic medical condition. This may include, but is not limited to, authorizing a second bedroom in the accessory family dwelling unit.

If you are seeking relief under this provision, please specify the relief sought and the reasons supporting your request.

*Lacey Kenney*

Signature of Applicant/Petitioner or Representative

*8/13/21*

Date



**GENERAL NOTES:**  
These drawings and specifications shall remain the sole and exclusive property of D. Michael Collins Architects as instruments of service. All drawings, sections of drawings, details, and design concepts shall be used only for the purpose intended by the Architect and shall not be copied, amended or reused at another site without the expressed written consent of the Architect. It is the responsibility of the Contractor to review these drawings and report any errors or discrepancies on the drawings, shop drawings, details, or associated sketches to the Architect before construction has commenced. Do not scale drawings.

**REVISIONS:**


**ISSUE DATES:**

ZBA 8.22.2021	

A . E . H U R W I T Z  
D E S I G N  
14 COUNTRYSIDE RD NATICK, MA

# KINNEY RESIDENCE

6 SPRING STREET  
MEDWAY, MA

**DRAWN:**  
**SCALE:** 1/8"=1'-0"  
**DATE:** 8.22.2021  
**DESCRIPTION:**  
EXISTING  
LOCATION

DWG. #

EX0





EXISTING FRONT ELEVATION



EXISTING LEFT SIDE ELEVATION



EXISTING BACK ELEVATION



EXISTING BACK ELEVATION

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**REVISIONS:**


**ISSUE DATES:**

**ZBA 8.22.2021**


A . E . H U R W I T Z  
D E S I G N  
14 COUNTRYSIDE RD NATICK, MA

**KINNEY  
RESIDENCE**

6 SPRING STREET  
MEDWAY, MA

**DRAWN:**

**SCALE: 1/8"=1'-0"**

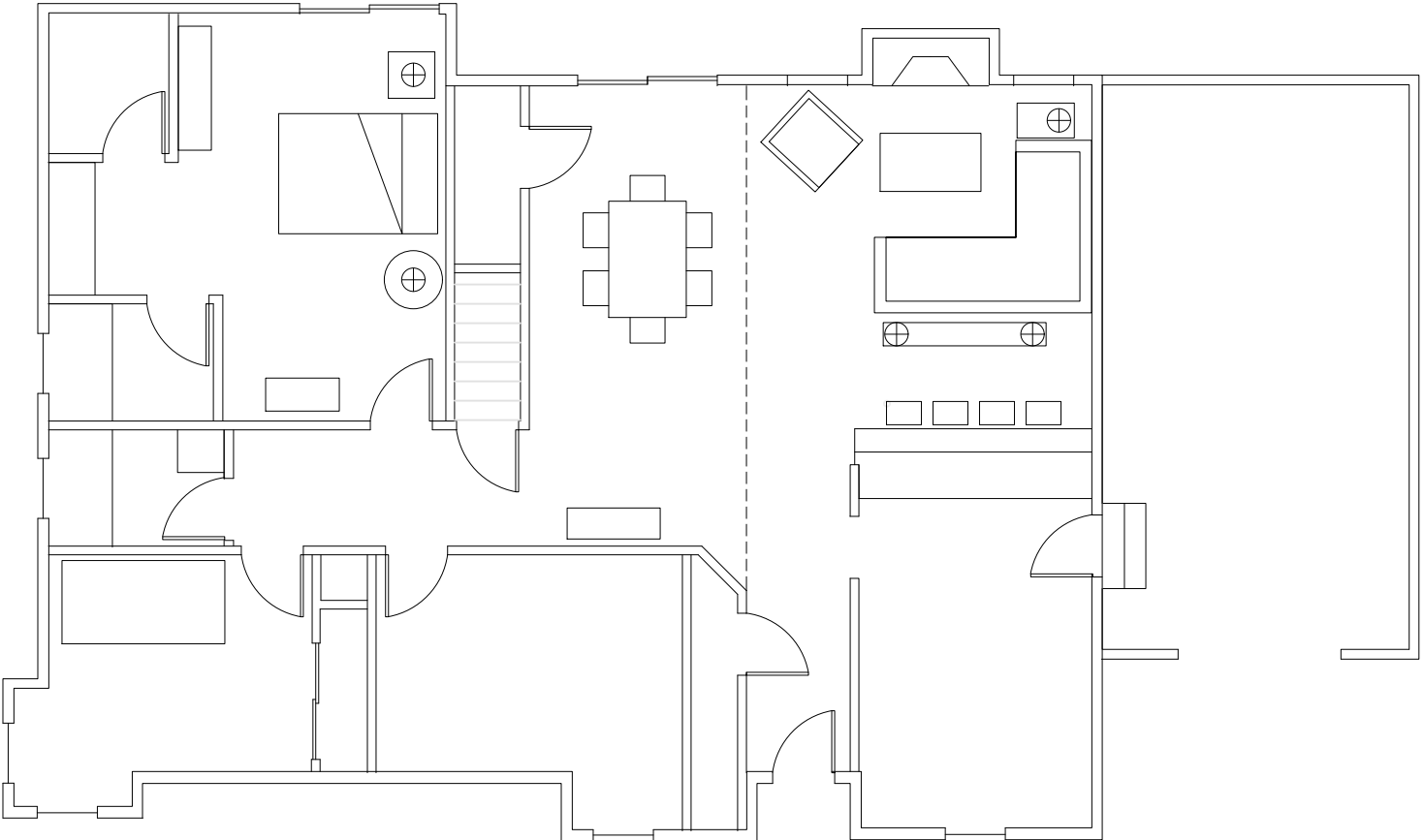
**DATE: 8.22.2021**

**DESCRIPTION:**  
EXISTING  
PHOTOGRAPHS

**DWG. #**

**EX1**





EXISTING FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"

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**REVISIONS:**

NO.	DESCRIPTION	DATE

**ISSUE DATES:**

NO.	DATE	DESCRIPTION

A . E . H U R W I T Z  
D E S I G N  
14 COUNTRYSIDE RD NATICK, MA

KINNEY  
RESIDENCE

6 SPRING STREET  
MEDWAY, MA

**DRAWN:**  
**SCALE:** 1/8"=1'-0"  
**DATE:** 8.23.2021  
**DESCRIPTION:**  
EXISTING FIRST  
FLOOR PLAN

DWG. #  
**EX2**



LOT 72  
45,576 S.F.

94.84'

$R=230.57'$   
 $L=247.49'$

241.47'

STANLEY ROAD

30.0'  
33.0'  
34.0'  
42.35'

$R=30.00'$   
 $L=46.34'$

50.9'  
WELL

61.3'

DRIVEWAY

154.05'

DECK  
EXISTING DWELLING  
No. 6

59.6'

SPRING STREET



*Daniel A. O'Driscoll*  
7/16/2021

PREPARED FOR: LESLEY KINNEY

DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS  
BOOK 34997 PAGE 373

PLAN REFERENCE: PLAN No. 1245 OF 1984

ZONING DISTRICT: AR-1

I CERTIFY THAT THE DWELLING IS LOCATED ON THE LOT AS SHOWN  
ON THIS PLAN.

I FURTHER CERTIFY THAT THE DWELLING DOES NOT LIE WITHIN A  
FLOOD HAZARD ZONE.

SCALE: 1"=30'

DATE: JULY 16, 2021

CERTIFIED PLOT PLAN  
6 SPRING STREET

MEDWAY, MASSACHUSETTS

*Daniel A. O'Driscoll*

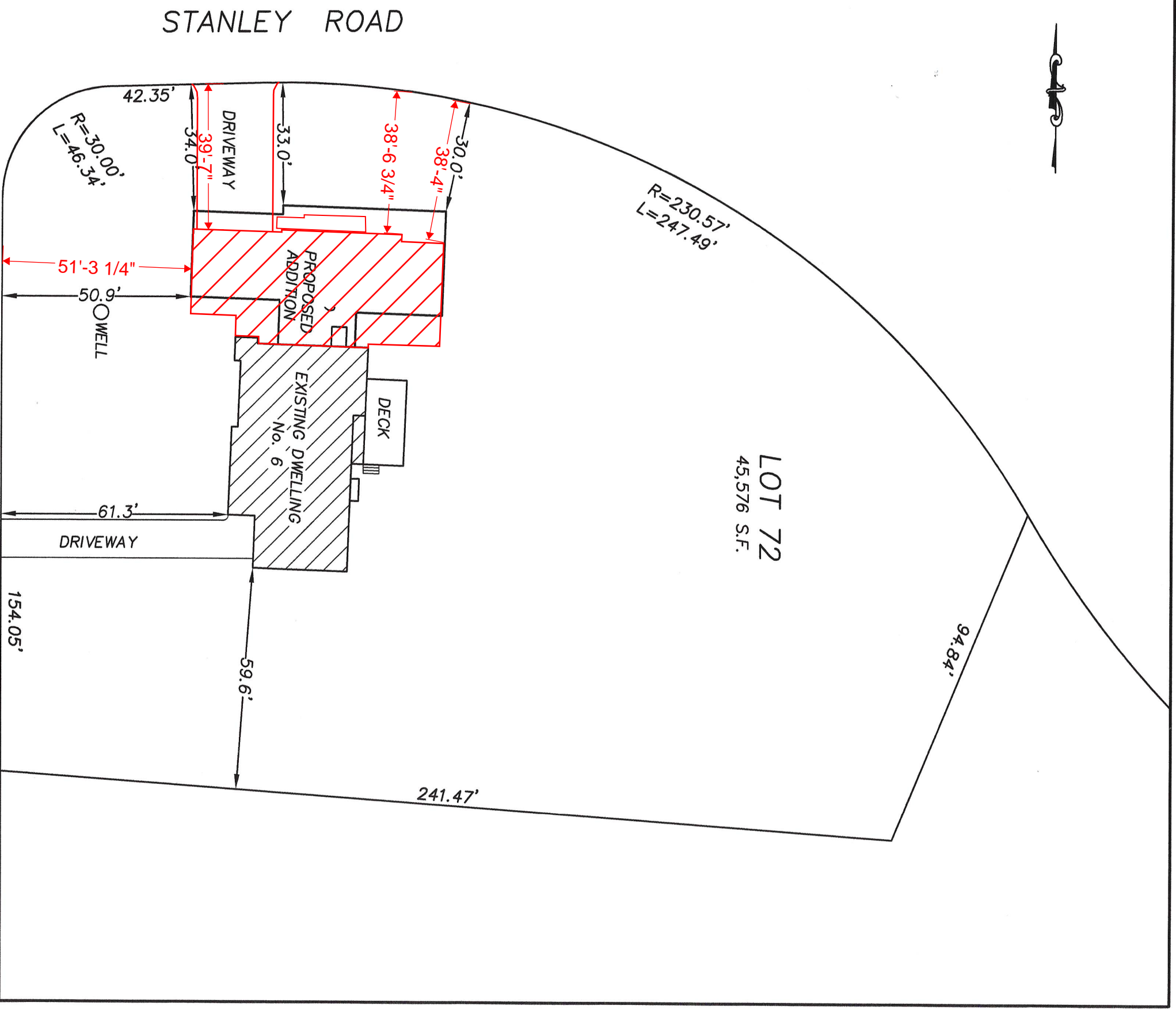
LAND SURVEYING, Inc.

*Daniel A. O'Driscoll* July 16, 2021  
PROFESSIONAL LAND SURVEYOR DATE

LAND SURVEYING GPS MAPPING LAND CONSULTING  
46 COTTAGE MEDWAY, MASSACHUSETTS 02053 508-533-3314

FILE No. 2175





PREPARED FOR: LESLEY KINNEY  
DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS  
BOOK 34997 PAGE 373

PLAN REFERENCE: PLAN No. 1245 OF 1984  
ZONING DISTRICT: AR-1

I CERTIFY THAT THE DWELLING IS LOCATED ON THE LOT AS SHOWN  
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I FURTHER CERTIFY THAT THE DWELLING DOES NOT LIE WITHIN A  
FLOOD HAZARD ZONE.

*Deaf A.O. Driscoll* JULY 16, 2021  
PROFESSIONAL LAND SURVEYOR DATE

SCALE: 1"=30'

DATE: JULY 16, 2021

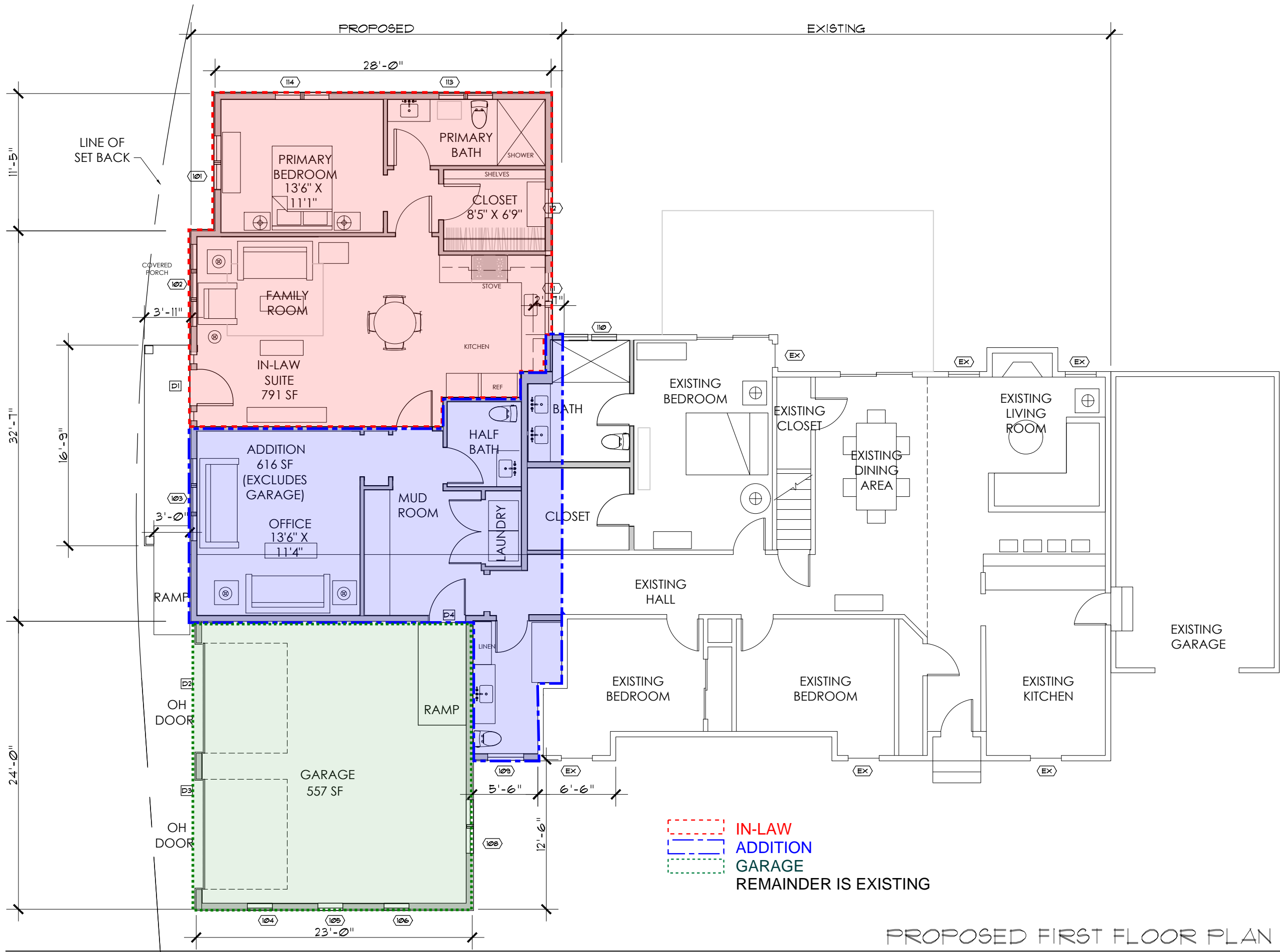
CERTIFIED PLOT PLAN  
6 SPRING STREET  
MEDWAY, MASSACHUSETTS

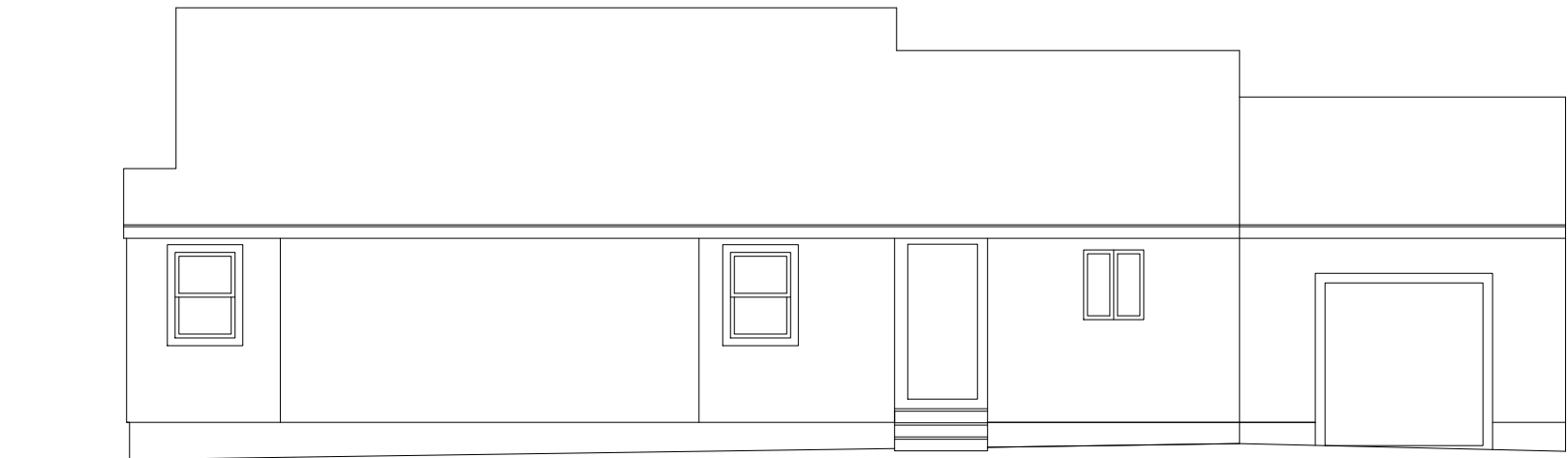
*O'DRISCOLL*

*LAND SURVEYING, Inc.*

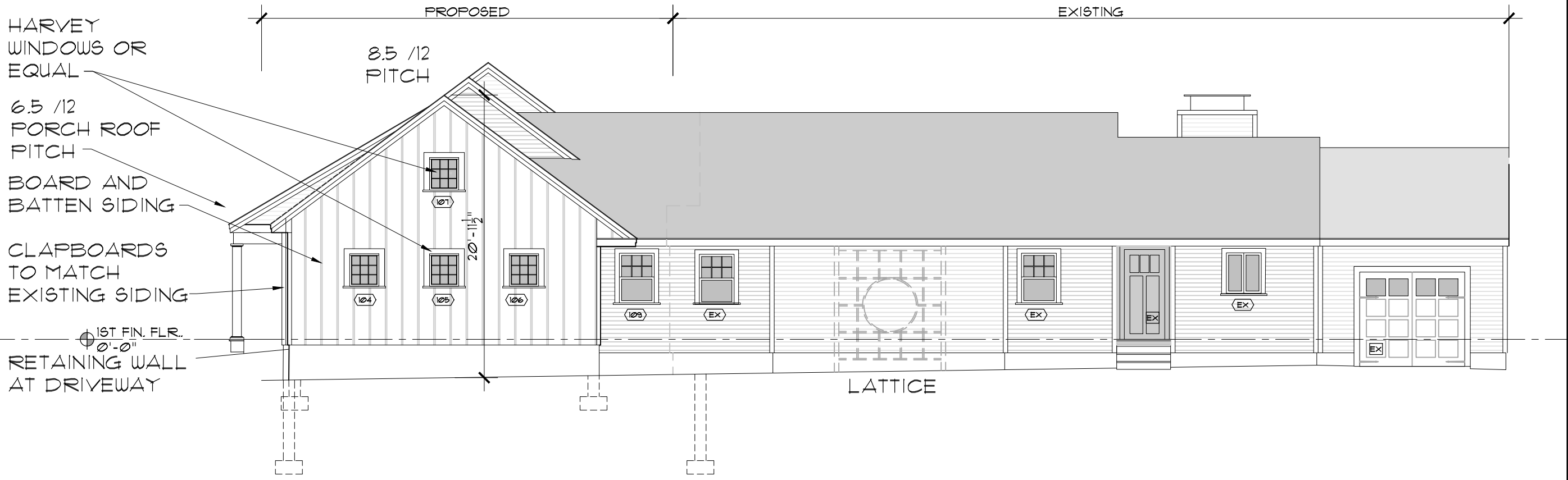
LAND SURVEYING GPS MAPPING LAND CONSULTING  
46 COTTAGE MEDWAY, MASSACHUSETTS 02053 508-533-3314

FILE No. 2175





EXISTING FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



PROPOSED FRONT ELEVATION  
SCALE: 1/8" = 1'-0"

**GENERAL NOTES:**  
These drawings and specifications shall remain the sole and exclusive property of D. Michael Collins Architects as instruments of service. All drawings, sections of drawings, details, and design concepts shall be used only for the purpose intended by the Architect and shall not be copied, amended or reused at another site without the expressed written consent of the Architect. It is the responsibility of the Contractor to review these drawings and report any errors or discrepancies on the drawings, shop drawings, details, or associated sketches to the Architect before construction has commenced. Do not scale drawings.

REVISIONS:


ISSUE DATES:


A. E. HURWITZ  
DESIGN

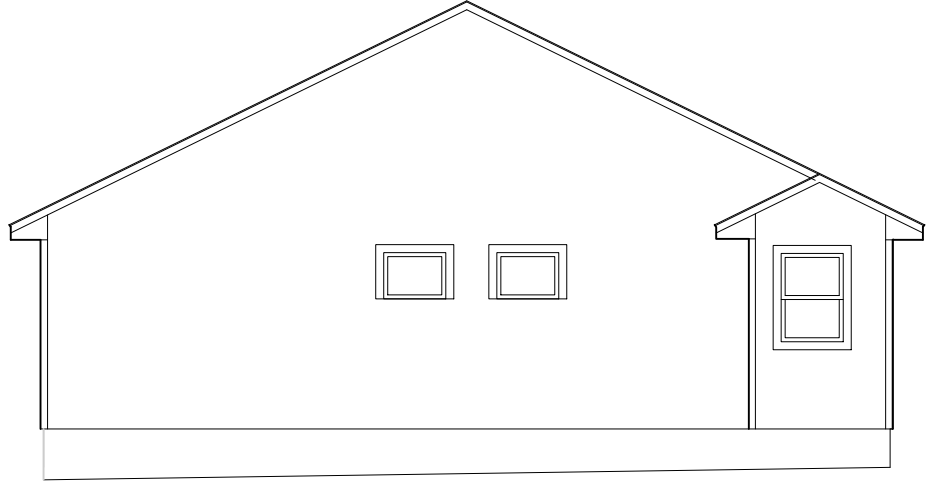
14 COUNTRYSIDE RD NATICK, MA

KINNEY  
RESIDENCE

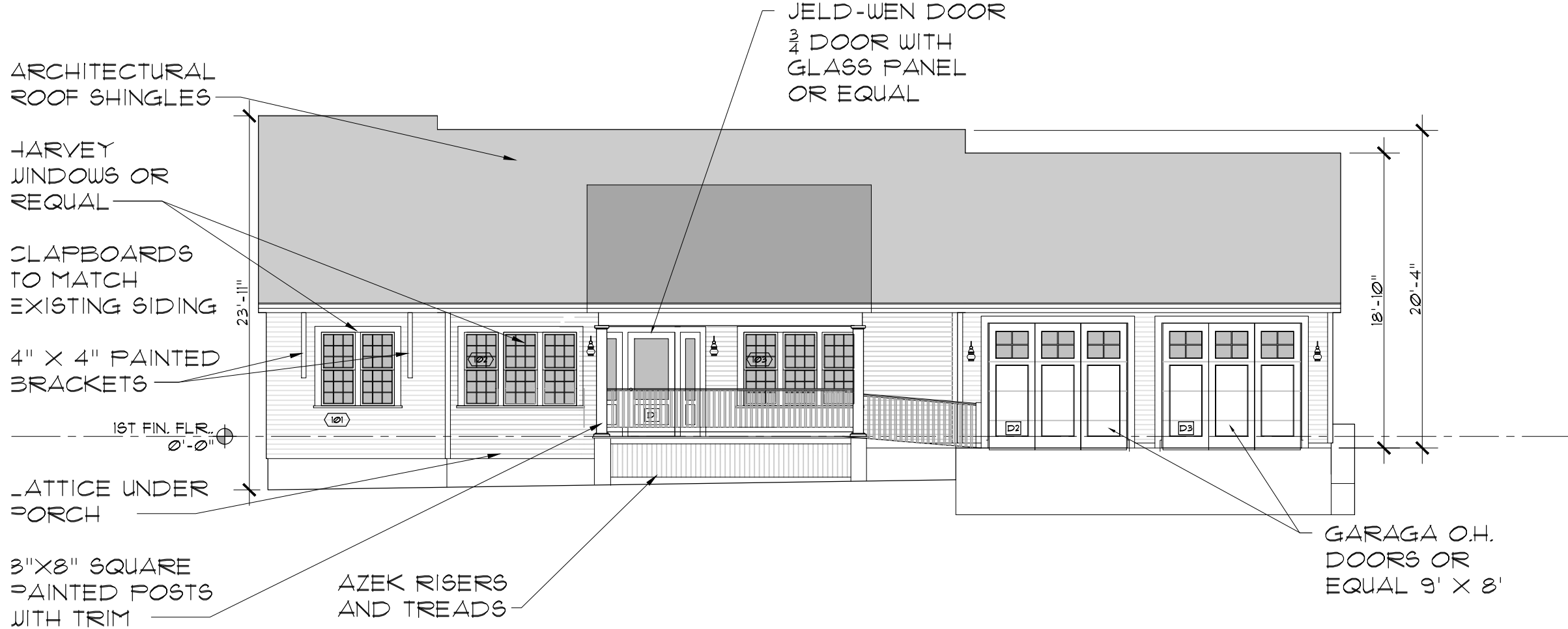
6 SPRING STREET  
MEDWAY, MA

DRAWN:  
SCALE: 1/8"=1'-0"  
DATE: 8.23.2021  
DESCRIPTION:  
FRONT ELEVATION

DWG. #  
A2.0



EXISTING LEFT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"



PROPOSED LEFT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"

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**REVISIONS:**

NO.	DESCRIPTION

**ISSUE DATES:**

NO.	DATE

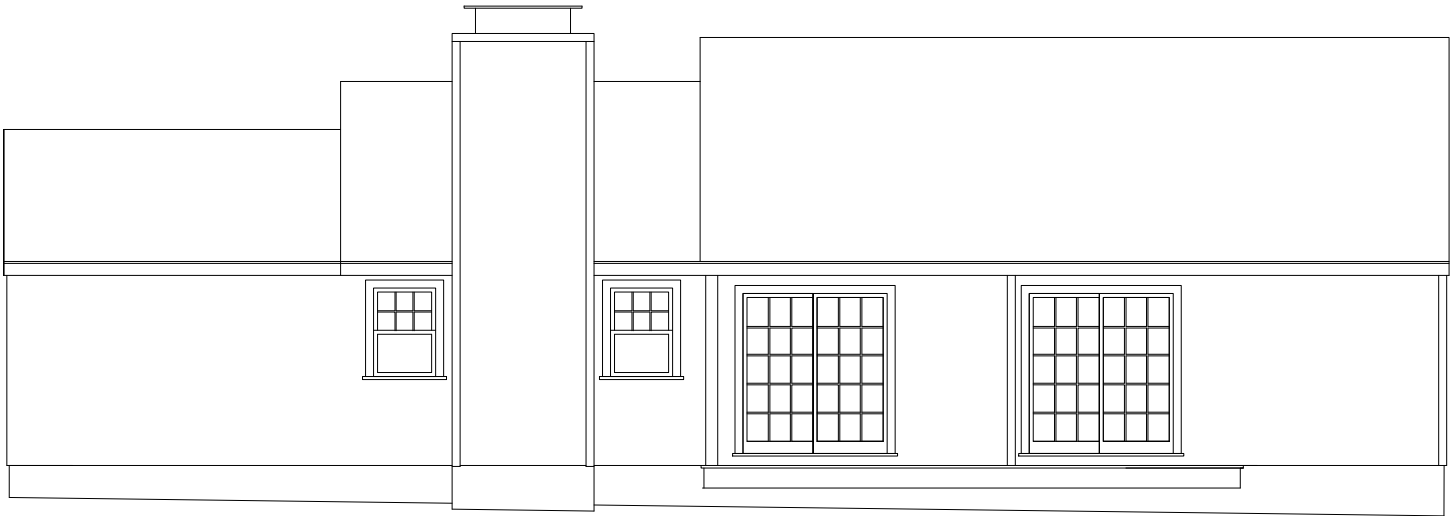
A. E. HURWITZ  
DESIGN  
14 COUNTRYSIDE RD NATICK, MA

KINNEY  
RESIDENCE

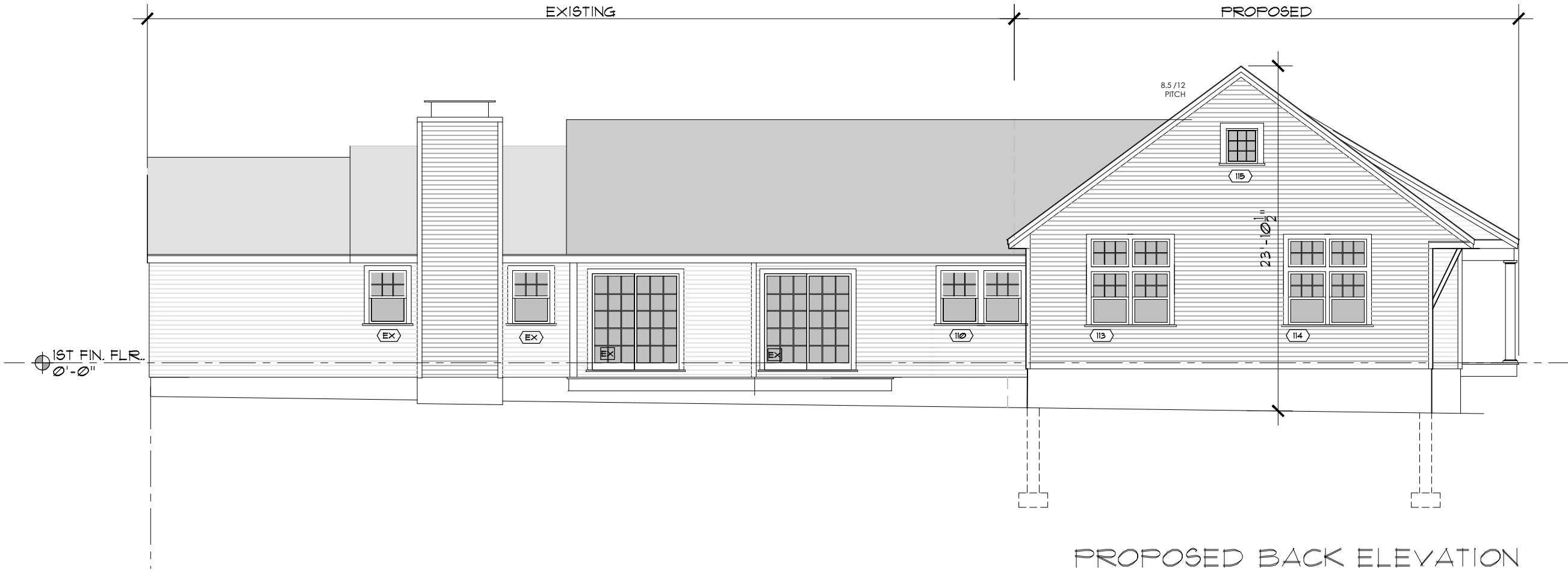
6 SPRING STREET  
MEDWAY, MA

DRAWN:  
SCALE: 1/8"=1'-0"  
DATE: 8.23.2021  
DESCRIPTION:  
LEFT SIDE  
ELEVATION

DWG. #  
A2.1



EXISTING BACK ELEVATION  
SCALE: 1/8" = 1'-0"



PROPOSED BACK ELEVATION  
SCALE: 1/8" = 1'-0"

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REVISIONS:


ISSUE DATES:


A . E . H U R W I T Z  
D E S I G N

14 COUNTRYSIDE RD NATICK, MA

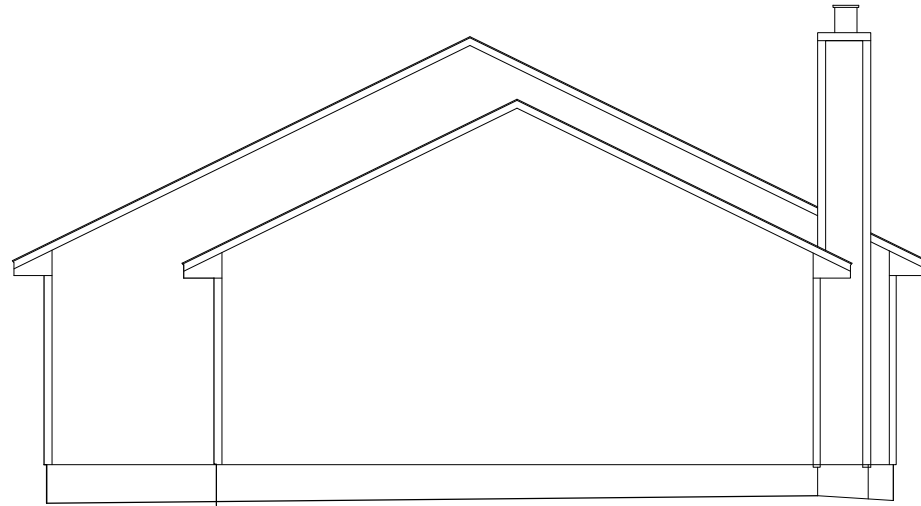
KINNEY  
RESIDENCE

6 SPRING STREET  
MEDWAY, MA

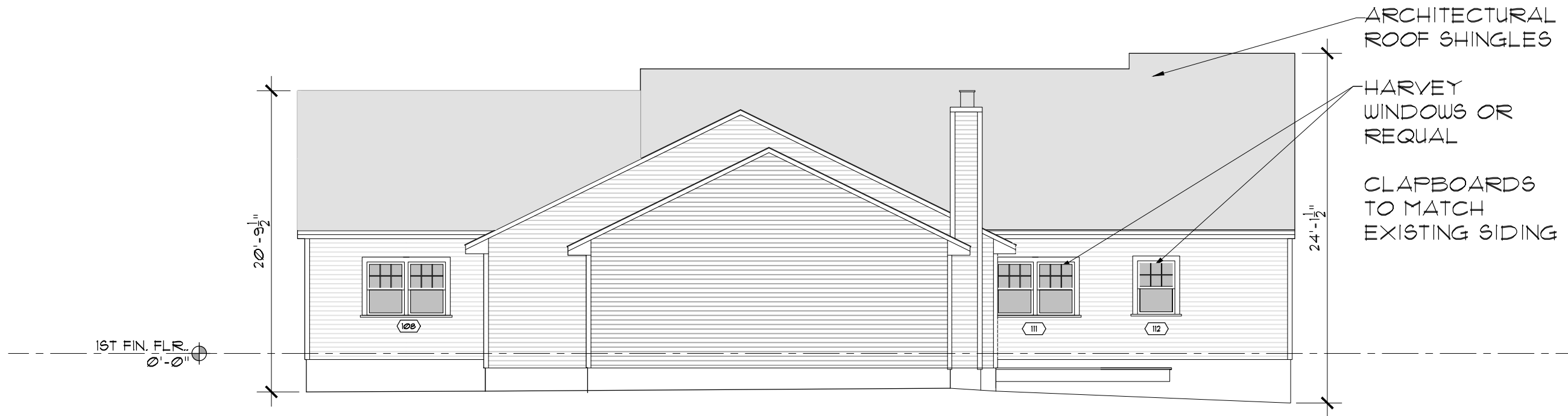
DRAWN:  
SCALE: 1/8"=1'-0"  
DATE: 8.23.2021  
DESCRIPTION:  
BACK  
ELEVATION

DWG. #

A2.2



EXISTING RIGHT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"



PROPOSED RIGHT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"

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REVISIONS:


ISSUE DATES:


A. E. HURWITZ  
DESIGN

14 COUNTRYSIDE RD NATICK, MA

KINNEY  
RESIDENCE

6 SPRING STREET  
MEDWAY, MA

DRAWN:  
SCALE: 1/8"=1'-0"  
DATE: 8.23.2021  
DESCRIPTION:  
RIGHT SIDE  
ELEVATION

DWG. #  
A2.3

# GENERAL APPLICATION FORM



## TOWN OF MEDWAY

### ZONING BOARD OF APPEALS

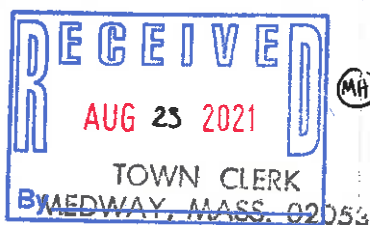
155 Village Street  
Medway MA 02053

Phone: 508-321-4915 | zoning@townofmedway.org  
www.townofmedway.org/zoning-board-appeal

**NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.**

#### TO BE COMPLETED BY THE APPLICANT

Applicant/Petitioner(s):	Application Request(s):	
Ocean State Job Lot of Medway, Inc dba Ocean State Job Lot #207		
Property Owner(s):	Appeal	<input type="checkbox"/>
Medway Realty, LLC c/o Diversified Funding, Inc	Special Permit	<input checked="" type="checkbox"/>
Site Address(es): 114 Main Street, Medway, MA 02057	Variance	<input type="checkbox"/>
	Determination/Finding	<input type="checkbox"/>
	Extension	<input type="checkbox"/>
	Modification	<input type="checkbox"/>
Parcel ID(s):	Comprehensive Permit	<input type="checkbox"/>
40-057		
Zoning District(s): CB		
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title: 641-1		



#### TO BE COMPLETED BY STAFF:

Check No.: 1062033614  
Date of Complete Submittal: 8/23/21  
Comments:

*Morgan B...*

8/23/21

**GENERAL APPLICATION FORM****TOWN OF MEDWAY****ZONING BOARD OF APPEALS**

155 Village Street  
Medway MA 02053

Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)

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	Extension <input type="checkbox"/>
	Modification <input type="checkbox"/>
Parcel ID(s):	Comprehensive Permit <input type="checkbox"/>
40-057	
Zoning District(s): CB	
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title: 641-1	

**TO BE COMPLETED BY STAFF:**

Check No.:

Date of Complete Submittal:

Comments:



# GENERAL APPLICATION FORM

## APPLICANT/PETITIONER INFORMATION

*The owner(s) of the land must be included as an applicant, even if not the proponent. Persons or entities other than the owner may also serve as co-applicants in addition to the owner(s), however, in each instance, such person shall provide sufficient written evidence of authority to act on behalf of the owner(s). For legal entities such as corporations, LLCs, etc., list the type and legal status of ownership, the name of the trustees/officer members, their affiliation, and contact information. Please provide attachment for information if necessary.*

<b>Applicant/Petitioner(s):</b> Ocean State Job Lot of Medway, Inc dba Ocean State Job Lot #207		<b>Phone:</b> 508-533-5396
		<b>Email:</b> permits@osjl.com
<b>Address:</b> 114 Main Street, Medway, MA 02057		
<b>Attorney/Engineer/Representative(s):</b> Jennifer Fredette- Licensing Coordinator		<b>Phone:</b> 401-443-9775
		<b>Email:</b> permits@osjl.com
<b>Address:</b> 375 Commerce Park Road, North Kingstown, RI 02895		
<b>Owner(s):</b> Medway Realty LLC, c.o Diversified Funding, Inc		<b>Phone:</b> 617-227-0893 ext 662
		<b>Email:</b> permits@osjl.com
<b>Mailing Address:</b> 63 Atlantic Avenue, Boston, MA 02110		

Please list name and address of other parties with financial interest in this property (use attachment if necessary):

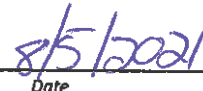
N/A

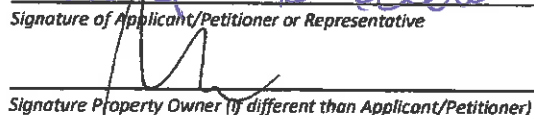
Please disclose any relationship, past or present, interested parties may have with members of the ZBA:

N/A

I hereby certify that the information on this application and plans submitted herewith are correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of my knowledge, and that all testimony to be given by me during the Zoning Board of Appeals public hearing associated with this application are true to the best of my knowledge and belief.

  
 Signature of Applicant/Petitioner or Representative

  
 Date

  
 Signature Property Owner (if different than Applicant/Petitioner)

  
 Date

## APPLICATION INFORMATION

YES NO

<b>Applicable Section(s) of the Zoning Bylaw:</b>	Requesting Waivers?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Section 5.4.1	Does the proposed use conform to the current Zoning Bylaw?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Present Use of Property:</b> General Merchandise Retailer	Has the applicant applied for and/or been refused a building permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Proposed Use of Property:</b> applying for outdoor display use	Is the property or are the buildings/ structures pre-existing nonconforming?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is the proposal subject to approval by the BOH or BOS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Is the proposal subject to approval by the Conservation Commission?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Date Lot was created:</b> unknown	Is the property located in the Floodplain District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Date Building was erected:</b> unknown	Is the property located in the Groundwater Protection District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Does the property meet the intent of the Design Review Guidelines?</b> Yes	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Describe Application Request:</b> Petitioner seeks a special permit to allow for an outside display to be located within the sidewalks immediately adjacent to or about the front entrance of the Ocean State Job Lot retail store located at 114 Main Street, Medway, for the purpose of displaying merchandise such as plants, flowers and other seasonal items.			

FILL IN THE APPLICABLE DATA BELOW

Required Data	Bylaw Requirement	Existing	Proposed
A. Use			
B. Dwelling Units			
C. Lot Size			
D. Lot Frontage			
E. Front Setback			
F. Side Setback			
G. Side Setback			
H. Rear Setback			
I. Lot Coverage			
J. Height			
K. Parking Spaces			
L. Other			

FOR TOWN HALL USE ONLY

To be filled out by the Building Commissioner:

Date Reviewed

Medway Building Commissioner

Comments:

After completing this form, please submit an electronic copy to [zoning@townofmedway.org](mailto:zoning@townofmedway.org) and 4 paper copies to the Community & Economic Development Department.



## TOWN OF MEDWAY

## ZONING BOARD OF APPEALS

155 Village Street  
Medway MA 02053

Phone: 508-321-4915 | [zoning@townofmedway.org](mailto:zoning@townofmedway.org)  
[www.townofmedway.org/zoning-board-appeal](http://www.townofmedway.org/zoning-board-appeal)

**NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.**

## TO BE COMPLETED BY THE APPLICANT

*Please provide evidence regarding how the Special Permit Decision Criteria, outlined below, is met. Please write "N/A" if you believe any of the Criteria is Not Applicable. Provide attachments if necessary.*

1. The proposed site is an appropriate location for the proposed use:

See Attached

2. Adequate and appropriate facilities will be provided for the operation of the proposed use:

See Attached

3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment:

See Attached

4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area:

See Attached

5. The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site, or operational attributes of the proposed use:

See Attached

6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district:

See Attached

7. The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw:

See Attached

8. The proposed use is consistent with the goals of the Medway Master Plan:

See Attached

9. The proposed use will not be detrimental to the public good:

See Attached

*Terrance R. Lockette*

*8/5/2021*

Signature of Applicant/Petitioner or Representative

Date

1. The proposed site is in an appropriate location for the proposed use as the proposed site is within a central business zoning district surrounded by mixed-use developments that include a variety of housing, shops, service and employment. The proposed site/lot is currently a retail store that specializes in/offers general merchandise and household goods. Petitioner seeks a special permit for an outdoor display consisting of merchandise, primarily plants, flowers and other seasonal items, being displayed within a safe location on the sidewalks immediately adjacent to Petitioner's front entrance. Moreover, Medway's Zoning Ordinances allow for outdoor displays in central business zoning districts with a special permit.
2. Adequate and appropriate facilities will be provided for the operation of proposed use. The proposed use will always be operated, maintained and secured by Petitioner's retail staff. Most of the required facilities for the outdoor display (i.e. display equipment and merchandise) are already present and there is little to no further alterations to the proposed site that will be required.
3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment as the proposed use will be in conformity with the surrounding zoning district, will be confined to Petitioner's sidewalks immediately adjacent to the proposed site's entrance, and will not be overly offensive or distracting to passersby.
4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area as the proposed use is an outdoor display consisting of mainly plants, flowers and other seasonal items which will be contained within the sidewalks immediately adjacent to Petitioner's front entrance and will not otherwise, in any way, affect traffic.
5. The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials or other undesirable visual site or operational attributes as the proposed use will not contain anything that would create such detrimental effects. Again, the proposed outside display will primarily contain merchandise such as plants, flowers and other seasonal items.
6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district as the proposed use will be in conformance with other retail businesses within the central business zoning district by displaying retail merchandise in and about the outside display.
7. The proposed use is in harmony with the general purpose and intention to the zoning bylaw, with the intent of the Zoning By-Law in this zoning district being the promotion of mixed-use development, combining retail/commercial services and/or office uses with residential sites.
8. The proposed use is consistent with the goals of the Medway Master Plan as the proposed use will promote and further provide opportunities for Petitioner, a current and operating business/retailer within the central business zoning district.

9. The proposed use will not be detrimental to the public good. The intent of the proposed use, the outdoor display, is to offer the public different merchandise, primarily consisting of plants, flowers and other seasonal items, for purchase within the central business zoning district.

ASSESSORS PARCEL 40-030  
#13 MEADOW RD  
N/F CELLUCCI

#17 MEADOW RD  
N/F CARINI

ASSESSORS PARCEL 40-0.  
#19 MEADOW RD  
N/F MISIUK

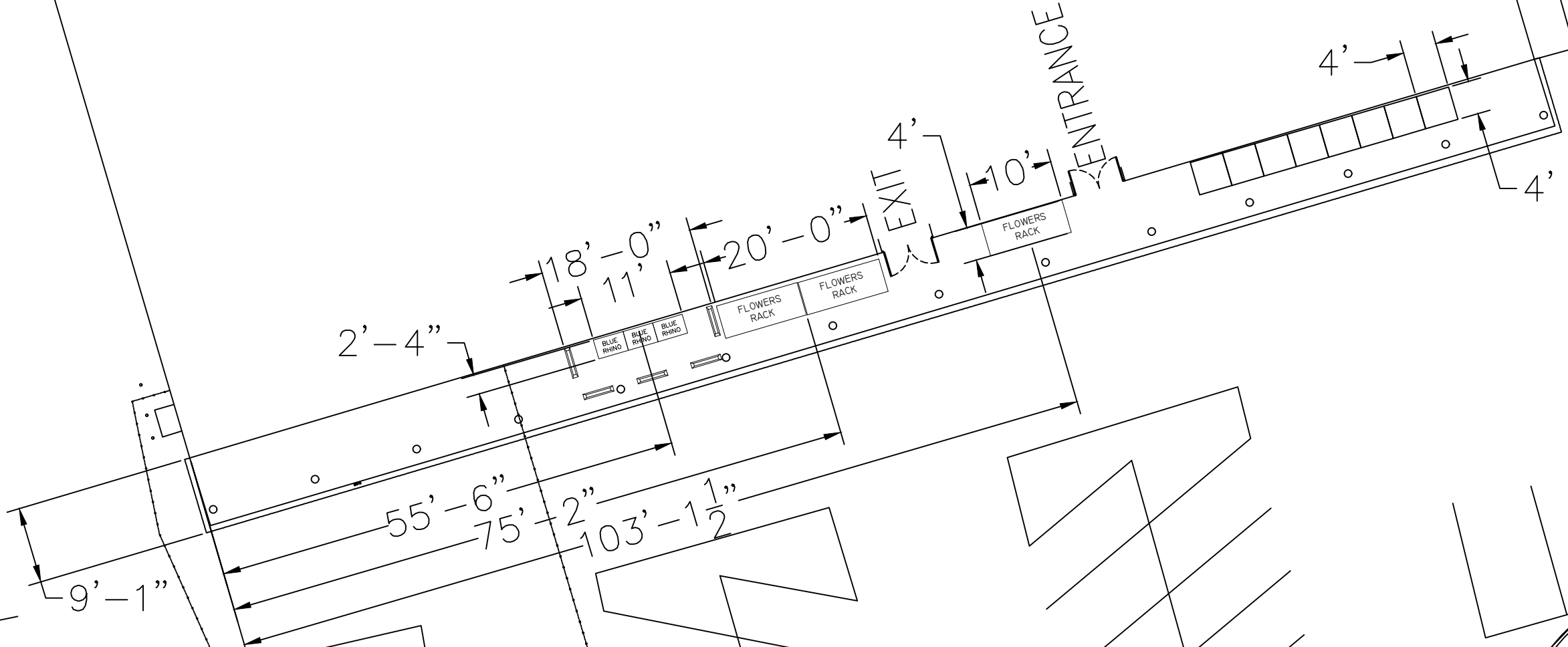
ASSESSORS PARCEL 40-058  
#116 MAIN ST  
N/F LONGOBARDI

OCEAN STATE JOB LOT

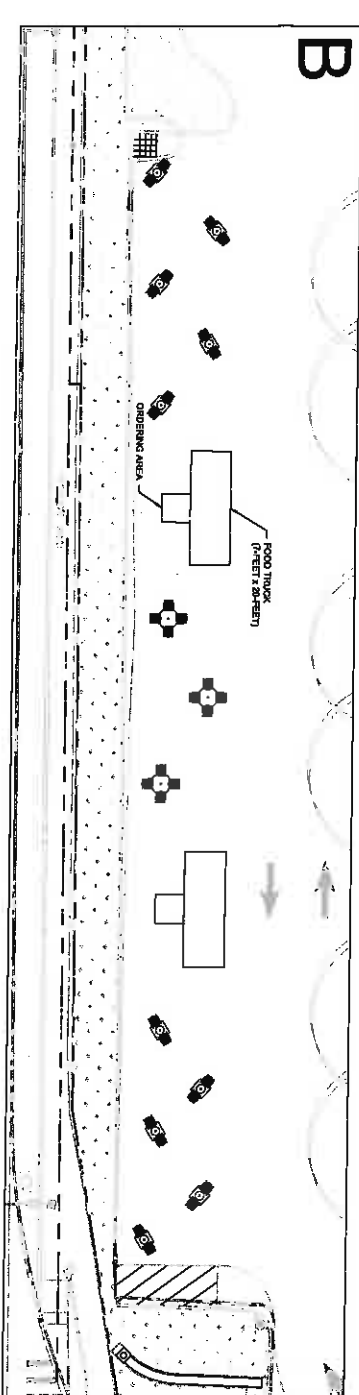
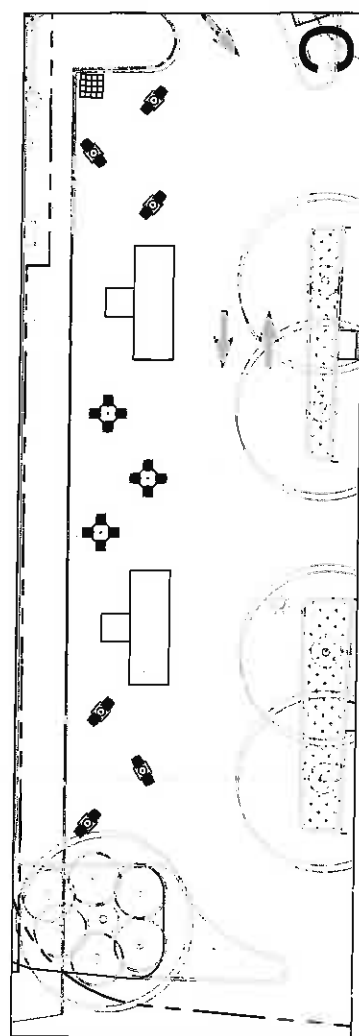
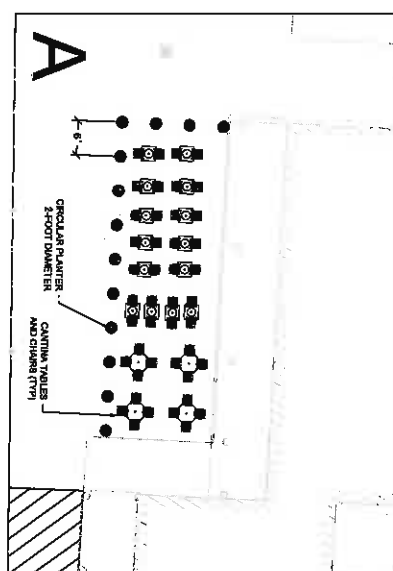
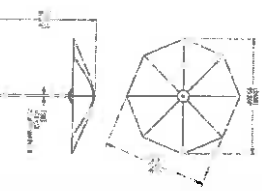
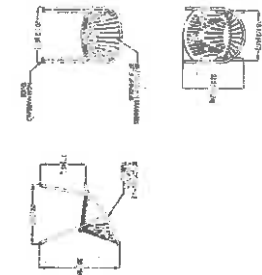
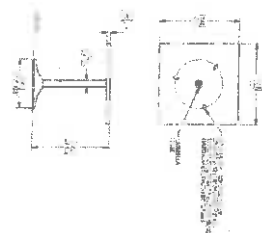
NE QUALITY CABINETS

ENTRANCE

EXIT







NOTES:  
1. ALL PROPOSED CHANGES ARE SUBJECT TO LOCAL APPROVALS REQUIRED UNDER THE ZONING BYLAW.

10 0 10 20  
SCALE IN FEET

**HOWARD STEIN HUDSON**  
11 BEDFORD STREET  
BOSTON, MA 02108  
www.hshudson.com

**MEDWAY PLACE**  
98, 108-114 MAIN STREET (ROUTE 109)  
MEDWAY, MA 02053  
NORFOLK COUNTY

NO.	DATE	DESCRIPTION
1	4/22/21	TEMP SEATING

PERMIT SET  
NOT FOR CONSTRUCTION

**TEMPORARY SEATING PLAN**

DATE: 4/22/21  
PROJECT NUMBER: 2016041  
DESIGNED BY: HL  
DRAWN BY: HL  
CHECKED BY: RL  
C2.00







**September 21, 2021**

**Medway Planning & Economic Development Board  
Meeting**

**Environmental Standards – Discussion of  
Further Revised Draft**

- Revised draft dated 9-15-21 prepared by nise consultant Jeff Komrower, revised by Tom Gay and Susy Affleck-Childs, with SAC organizational edits dated 9-17-21

# ENVIRONMENTAL STANDARDS

Revised DRAFT – JMK Inputs 9-15-21

SAC edits 9-21-21

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

## 7.3. ENVIRONMENTAL STANDARDS

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

**Ambient Noise:** The sound pressure level at a given location produced by everything else excluding the source of sound being monitored, analyzed, or evaluated. Also referred to as background noise. Ambient noise includes environmental noises from sources such as traffic, aircraft, waves, alarms, animals or noise from existing mechanical devices such as air conditioning, power supplies, or motors that are present prior to introduction of a new intrusive sound source that is being evaluated. ~~The measurement metric to determine ambient noise levels will be the A-weighted L<sub>90</sub> sound level.~~

**Commercial Zones:** Properties located in the Central Business, Village Commercial, Neighborhood Commercial, Oak Grove Village Center, or Oak Grove Business Park zoning districts as shown on the Medway Zoning Map

**(Hz) Hertz:** A unit ~~for measuring the number of cycles that occur in a second. In this standard, Hz will be referring to of frequency of change in the cycle of a~~ sound waves.

**(dB) Decibel:** ~~A unit of measurement of the intensity of sound~~ A logarithmic (dimensionless) measure used in describing the amplitude of sound.

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

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

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

**Industrial Zones:** Properties located in the East Industrial, West Industrial, Business/Industrial, or Energy Resource zoning districts as shown on the Medway Zoning Map

**L<sub>90</sub> Sound Level:** The A-weighted sound level that is exceeded ninety percent (90%) of the time during a measurement period.

**Noise Level:** The frequency weighted sound pressure level as measured with a sound level meter or equivalent device using the A-weighting network. This level is designated dBA.

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

**One-third Octave Band (TOB):** A frequency band where the highest frequency is 1.26 times the lowest frequency.

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

**Prominent Discrete Tone:** The presence of acoustic energy concentrated in a narrow frequency range, including, but not limited to, an audible tone, ~~which produces a one-third octave sound pressure level greater than that of either adjacent one-third octave and which exceeds the arithmetic average of the two adjacent one-third octave band levels by an amount greater than shown in the following table opposite the center of frequency for the one-third octave band containing the concentration of acoustical energy.~~

1/3 Octave Band Center Frequency (Hz)	dB	1/3 Octave Band Center Frequency (Hz)	dB
100	16	1250	4
125	14	1600	4
160	12	2000	3
200	11	2500	3
250	9	3150	3
315	8	4000	3
400	7	5000	4
500	6	6300	4
630	6	8000	5
800	5	10000	6
1000	4		

**Residential Zones:** Properties located in the Agricultural-I, Agricultural-II, Village Residential, or Oak Grove Neighborhood zoning districts as shown on the Medway Zoning Map

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

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

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



### Industrial Zoned Property to Industrial Zoned Property

<b>Octave Band Center Frequency (Hz)</b>	<b>Daytime (dB) 7:00 a.m.—9:00 p.m. @ Property Line</b>	<b>Nighttime (dB) 9:00 p.m.—7:00 a.m. @ Property Line</b>
63	72	67
125	60	55
250	53	48
500	47	42
1000	43	38
2000	40	35
4000	37	32
8000	33	28
Overall Level (dBA)	52	47

	<b>Daytime 7:00 a.m. – 9:00 p.m. @ Property Line</b>	<b>Nighttime 9:00 p.m. – 7:00 a.m. @ Property Line</b>
Overall Level (dBA)	60	60

### Industrial or Commercial Zoned Property to Commercial Zoned Property

	<b>Daytime 7:00 a.m. – 9:00 p.m. @ Property Line</b>	<b>Nighttime 9:00 p.m. – 7:00 a.m. @ Property Line</b>
Overall Level (dBA)	55	55

### Industrial or Commercial Zoned Property to Residential Zoned Property

<b>Octave Band Center Frequency (Hz)</b>	<b>Daytime (dB) 7:00 a.m.—9:00 p.m. @ Property Line</b>	<b>Nighttime (dB) 9:00 p.m.—7:00 a.m.</b>	
		<b>@ Property Line</b>	<b>@ Sensitive Receptor</b>
63	72	55	45
125	60	48	37
250	53	42	33
500	47	39	29
1000	43	36	27
2000	40	33	25
4000	37	30	23
8000	33	27	20
Overall Level (dBA)	52	42	32



### Commercial Zoned Property to Residential Zoned Property

Octave Band Center Frequency (Hz)	Daytime (dB) 7:00 a.m.—9:00 p.m. -@ Property Line	Nighttime (dB) 9:00 p.m.—7:00 a.m.	
		@ Property Line	@ Sensitive Receptor
63	67	55	45
125	55	48	37
250	48	42	33
500	42	39	29
1000	38	36	27
2000	35	33	25
4000	32	30	23
8000	28	27	20
Overall Level (dBA)	47	42	32

The introduction of any potential new noise sources cannot result in an increase in broadband sound pressure levels of more than 2 dB above the existing ambient conditions at the nearest residential property line or any sensitive receptor. The baseline ambient noise levels at the acceptance of these provisions (need to insert date here) will not exceed 47 dBA at any property line during daytime hours, 42 dBA at any property line during nighttime hours and 32 dBA during nighttime hours at sensitive receptors. ~~Permit applicants for facilities that could potentially introduce noise will be required to conduct a background noise survey over a minimum of a 7-day period to establish levels at each residential property line for conditions at the time of application. The sound monitoring is to be conducted by a qualified professional acoustic testing firm, in accordance with the procedures in with the most current versions of American National Standards ANSI S12.18<sup>1</sup>.~~

~~Sound analyzers used for the background noise monitoring should be capable of collecting 10 minute and hourly L<sub>90</sub> sound levels. The average of the hourly L<sub>90</sub> levels for nighttime and daytime hours will represent the background levels. The 10-minute L<sub>90</sub> sound levels will be used to determine if any unusual activity occurred during that hour. If so, that hourly measurement will be discarded and not included in the average calculation.~~

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

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<sup>1</sup> Acoustical Society of America, American National Standard ANSI S12.18-1994 (R2009), "Procedures for Outdoor Measurement of Sound Pressure Level," reaffirmed by ANSI June 15, 2009. Reference is to Method #1: General method for routine measurements. 9

2) Tonal Requirements – The presence of prominent discrete tones, as defined in Section 7.3 (c) at any industrial, commercial or residential property line shall be considered a violation when such audible tone produces a one-third octave sound pressure level greater than that of either adjacent one-third octave and which exceeds the arithmetic average of the two adjacent one-third octave band levels by an amount greater than shown in the following table opposite the center of frequency for the one-third octave band containing the concentration of acoustical energy.

1/3 Octave Band Center Frequency (Hz)	dB	1/3 Octave Band Center Frequency (Hz)	dB
100	16	1250	4
125	14	1600	4
160	12	2000	3
200	11	2500	3
250	9	3150	3
315	8	4000	3
400	7	5000	4
500	6	6300	4
630	6	8000	5
800	5	10000	6
1000	4		

**2.3) Temporary Noise.** For the purposes of this bylaw, non-continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is periodically produced. No person shall use or cause the use of any noise-producing equipment or tool (such as for construction, repair, or demolition operations) between the hours of 9:00 p.m. and 7:00 a.m.

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

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

b. **Investigation.** The Building Commissioner may determine that a noise source is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the

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

- Ambient noise (Daytime and Nighttime) and
- Operational noise levels (Daytime and Nighttime) at the facility property line and at Sensitive Receptors located anywhere on a property that is wholly or partially located within one thousand feet of the facility property line. **These operational measurements shall include one-third octave band measurements to check for the prominent discrete tone condition as defined in Section 7.3(c).**

**c. Noise Control Plan.**

1. If the Building Commissioner determines that there is a violation, he or she shall order the owner or operator to come into compliance. The owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience.
2. **Special permit and site plan applicants for facilities that could potentially introduce noise will be required to conduct a background noise survey over a minimum of a 7-day period to establish levels at each residential property line for conditions at the time of application. The sound monitoring is to be conducted by a qualified professional acoustic testing firm, in accordance with the procedures in with the most current versions of American National Standards ANSI S12.18<sup>2</sup>. Sound analyzers used for the background noise monitoring should be capable of collecting 10-minute and hourly L<sub>90</sub> sound levels. The average of the hourly L<sub>90</sub> levels for nighttime and daytime hours will represent**

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<sup>2</sup> Acoustical Society of America, American National Standard ANSI S12.18-1994 (R2009), "Procedures for Outdoor Measurement of Sound Pressure Level," reaffirmed by ANSI June 15, 2009. Reference is to Method #1: General method for routine measurements. 9

the background levels. The 10-minute L<sub>90</sub> sound levels will be used to determine if any unusual activity occurred during that hour. If so, that hourly measurement will be discarded and not included in the average calculation.

3. If a special permit or site plan approval is required for construction/operation of any facility which could introduce noise sources into the community, once background ambient noise levels are established, the applicant shall submit a noise plan during the permitting process to demonstrate that the noise levels as described above will not be exceeded. The noise control plan shall use established acoustical prediction procedures and should predict noise levels at property lines as well as sensitive receptors. The noise control plan shall include the concept of “buy quiet”, which means using the quietest equipment that will meet operational requirements. The concept of using the Best Available Control Technology (BACT) shall also be employed to assure that any equipment being installed is as quiet as possible. The potential existence of prominent discrete tones as defined above shall also be evaluated.
  - d. **Corrective Measures.** Non-residential uses that produce non-compliant noise must install and maintain noise reducing equipment in accordance with the approved noise control plan to meet the requirements of this section. The Building Commissioner may require the provision of reports to document ongoing noise compliance.
  - e. **Continued Noise Compliance.** Should it be determined that a facility goes out of compliance and exceeds any allowable noise limit conditions (e.g. due to equipment wear), corrective action will be required to bring the facility back into compliance which could include, but not be limited to, equipment replacement or additional mitigation steps.
3. **Vibration:** No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for thirty seconds or more in any one hour from 9:00 p.m. to 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range on the most recent edition of Table 7, U.S. Bureau of Mines Bulletin NO. 442 (U.S. Department of the Interior).
4. **Odors:** The Building Commissioner may determine that an odor is disturbing, offensive or objectionable and is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or the imposition of fines and non-criminal penalties.
  - a. **Standards** – Disturbing, offensive or objectionable odors as defined in Paragraph C. shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life

or the use of property. Failure to meet either the Reasonableness Standard or the Measurement Standard listed below shall constitute a violation of this section.

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

Testing Materials) - E679 and meet the selection criteria of EN13725 (international olfactometry standard). As a component of such investigation, measurements may be done in the field by using:

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

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

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

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

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

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

#### **E. Exemptions**

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

Or to act in any manner relating thereto.