

**Tuesday, April 2, 2019**  
**Medway Planning and Economic Development Board**  
**76 Oakland 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>Attendance</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

**The meeting is being broadcast and recorded by Medway Cable Access.**

**ALSO PRESENT:**

Susy Affleck-Childs, Planning and Economic Development Coordinator

The Chairman opened the meeting at 7:00 p.m.

There were no Citizen Comments.

**PUBLIC HEARING CONTINUATION - PROPOSED ZONING BYLAW AMENDMENTS:**

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

- Public Hearing Continuation Notice
- Housekeeping article
- Medical Marijuana article
- Recreational Marijuana article
- Site Plan Review article
- Parking article
- Accessory Structures article

**ARTICLE 26 – Site Plan Review:**

Susy Affleck-Childs summarized the changes that were made based on last week's meeting. Paragraph J. was revised so that the authority to grant waivers would only apply to the lighting requirements of the zoning bylaw; it would not apply to waivers from noise, vibration and odor standards.

Bob Tucker stated he is not comfortable with this at all. It might be OK for this board in whom he has complete confidence, but what about future boards? This idea was brought up just 2 weeks ago and the Board has not had sufficient time to discuss this thoughtfully.

Andy Rodenhiser indicated that this idea came up as a result of the DPS building site plan process.

The Board discussed the option to not include Paragraph J at all in the warrant article.

Rich Di Iulio indicated there could be unintended consequences of this change.

Tom Gay stated that allowing light spillage onto abutting or companion properties within a project site under the same ownership would be OK but not onto adjacent properties owned by others.

Bob Tucker asked if the Building Department is conducting lighting reviews as part of building permit applications. They should be getting photometric plans.

All Board members indicated they would be OK with delaying a decision on this to have time for a more thoughtful discussion.

It was suggested that an alternative would be to place the waiver option within the applicable individual sections of the Zoning Bylaw instead of in the site plan section.

***On a motion made by Bob Tucker, seconded by Matt Hayes, the Board voted unanimously to remove paragraph J. from Article 26.***

#### **ARTICLE 27: Accessory Buildings or Structures**

Susy Affleck-Childs reported that she had removed item F. based on the discussion at last week's meeting. Item F pertained to a minimum distance between primary and accessory buildings. Instead, she inserted a new Item F to reflect Jack Mee's comments from the last meeting. This pertained to reducing the minimum side and rear yard setback for small buildings such as sheds (less than 200 sq. ft.) to 5'. This aligns with building code requirements; small structures less than 200 sq. ft. in size do not need to secure building permits.

Andy Rodenhiser asked about screening and the impact of sheds being closer to property lines. It was noted that many people put "stuff" behind their sheds.

Related to property maintenance and neighbor concerns, Andy Rodenhiser mentioned a discussion at Monday night's Board of Selectmen's meeting. Neighbors on Grey Squirrel are concerned about the outside condition of a property in their neighborhood where there is yard improvement work seemingly continuing indefinitely with considerable construction equipment. Mr. Rodenhiser noted his long-standing concern about the appearance of the community and blighted properties. He is willing to work on a bylaw for a future town meeting.

Board members agreed that there should be some discussion about adding broader screening requirements into the zoning bylaw.

***On a motion by Rich Di Iulio, seconded by Tom Gay, the Board unanimously approved including the new item F. in Article 27.***

#### **ARTICLE 23: Housekeeping**

Susy Affleck-Childs noted that the Board had decided to discuss further the proposed amendment to Section 6.2.D to require 50% uplands of the minimum lot size on any parcel where a "structure" is to be built as compared to the current language where the uplands

requirement only applies to “dwellings”. This new language has broader applicability. At last week’s meeting, a question had been raised about the impact of this change. Could it be detrimental to the Town’s economic development efforts?

Susy reported that she had discussed this with Barbara Saint Andre who was not concerned about it. Susy also indicated that this change had been suggested by Bridget Graziano, Conservation Agent.

Andy Rodenhiser asked if there might be impacts on other sections of the Zoning Bylaw.

Members discussed the actual language of the text and agreed it was awkward. It was decided to remove the word “unless” as it did not make sense.

***On a motion made by Tom Gay and seconded by Matt Hayes, the Board voted unanimously to proceed with this amendment to Section 6.2.D and remove the word “unless”.***

***On a motion made by Bob Tucker and seconded by Rich Di Iulio, the Board voted unanimously to recommend all of the articles, as amended, for approval by Town Meeting.***

***On a motion by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to close the public hearing on proposed amendments to the Medway Zoning Bylaw.***

### **OTHER BUSINESS:**

- Salmon Senior Living Community – The Board discussed neighbor complaints about the noise of the chippers involved in tree removal.
- Medway Community Church – Susy Affleck-Childs noted that there had been an abutter complaint about the noise on Saturday from jackhammering of the rock on the site of the new parking lot.
- Susy Affleck-Childs reported that Tetra Tech had completed the survey work for the parcels at Speroni Acres with the stormwater basins. Andy Rodenhiser commented that the Town should try to recoup the Town’s costs from the insurance bond.

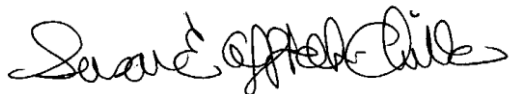
Andy Rodenhiser noted that he would be away for the April 9 meeting.  
Matt Hayes will be away for the April 23 meeting.

### **ADJOURN:**

**On a motion made by Matt Hayes, seconded by Tom Gay, the Board voted unanimously to adjourn the meeting.**

The meeting was adjourned at 8:08 p.m.

Respectfully Submitted,



Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

Library meeting room	\$ 1,000
Thayer Homestead partial self-support of property, including salaries and benefits	\$ 70,000
Tobacco license compliance inspections	\$ 2,500
Self-supporting food services, including salaries and benefits	\$ 12,000

or act in any manner relating thereto.

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

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 22:** (Amend General Bylaws: Delete Development Review Coordinating Council)

To see if the Town will vote to delete Section 2.16 of the Town's General Bylaws (Development Review Coordinating Council) in its entirety, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 23:** (Zoning Bylaw Amendments: Misc. Housekeeping)

To see if the Town will vote to amend the Zoning Bylaw as follows; unless otherwise noted, new text is shown in **bold** and deleted text is shown as stricken through:

Section 1.7: Delete the last sentence, so that the section shall read as follows:

The Planning and Economic Development Coordinator, under the auspices of the Planning and Economic Development Board, is authorized to edit this Zoning Bylaw for format only through the use of bold, italics, underscores, bullets, font style, font size, spacing and other similar editing measures to improve the Bylaw's readability and ease of use without changing the text, section and heading titles, numbering, or content in any manner; and to clearly denote those terms throughout the Bylaw that are officially defined within SECTION 2 of this Bylaw. ~~This Section 1.7 will expire on May 9, 2018.~~

Section 2 Definitions: Amend the definition of buffer area as follows:

**Buffer area:** Natural, wooded, **and/or** vegetated, open areas, earthen berms, or earthen mounds, **or** landscaped areas, or any combination thereof, **which may include** including fences and walls, used to physically separate or screen one use or property from another use or property or provide a visual or sound barrier between adjacent properties by shielding or reducing noise, lights or other intrusions.

Delete the definition of “Building Inspector” in its entirety, and change the words “Building Inspector” and “Inspector of Buildings” to “**Building Commissioner**” wherever they appear in the Zoning Bylaw.

Add the following new definitions:

**Building Commissioner** - Where used in this bylaw, the term “Building Commissioner” shall be interpreted to mean “Building Commissioner and/or his designee”.

**Bus Stop Shelter** – A small, roofed structure, usually having three walls and at least one open side, designed primarily for the protection and convenience of bus passengers.

Section 5.5: Add a new subsection: “**H. Special Permits. Special permits granted under Section 5.5.C are not subject to the special permit criteria under Section 3.4.**”

Section 6.2.D: Amend to read as follows:

**Buildable Lot.** No ~~dwelling structure~~ may be erected on any lot unless **that does not include contiguous upland area of** at least 50 percent of the required minimum lot area for the **zoning** district ~~is contiguous upland~~. The upland shall be land that is not subject to protection under the Wetlands Protection Act, G.L. c. 131, § 40. The upland shall not include wetland replication areas that may be required by the Conservation Commission.

Or act in any manner relating thereto.

## **PLANNING AND ECONOMIC DEVELOPMENT BOARD**

### **BOARD OF SELECTMEN RECOMMENDATION:**

### **FINANCE COMMITTEE RECOMMENDATION:**

#### **ARTICLE 24:** (Amend Zoning Bylaw: Medicinal Marijuana)

To see if the Town will vote to amend the Zoning Bylaw as follows; unless otherwise noted, new text is shown in **bold** and deleted text is shown as stricken through:

Section 8.9 REGISTERED MEDICAL MARIJUNAN FACILITIES: Amend Sections 8.9.D., 8.9.E., and 8.9.J. to read as follows:

**D. Eligible Locations for Registered Medical Marijuana Facilities.** Registered Medical Marijuana Facilities, ~~other than agricultural operations meeting exemption standards under G.L. c. 40A § 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 Section:

<b>Retail RMMF</b>	<b>Non-Retail RMMF</b>
Business Industrial (BI)	East Industrial (EI) West Industrial (WI)

**E. General Requirements and Conditions for all Registered Marijuana Dispensaries**

- ♦ All ~~non-exempt~~ RMMFs shall be contained within a permanent building or structure. No RMMF 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.

**J. Special Permit Requirements**

- 4. The RMMF special permit application shall include the following:
  - i. **A comprehensive noise mitigation plan prepared by a qualified acoustical consultant (whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience)**
  - j. **A comprehensive odor control, abatement and mitigation plan prepared by a certified environmental engineer or certified environmental professional with demonstrated experience in the area of marijuana odor mitigation.**

**6. Conditions**

These conditions, limitations, and safeguards may address but are not limited to:

- d. Hours of operation
- e. Landscaping and site amenities
- f. **Requirements for noise and odor mitigation measures and monitoring**

Or to act in any manner relating thereto.

**PLANNING AND ECONOMIC DEVELOPMENT BOARD**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 25:** (Zoning Bylaw Amendment: Recreational Marijuana)

To see if the Town will vote to amend the Zoning Bylaw as follows; unless otherwise noted, new text is shown in **bold** and deleted text is shown as stricken through:

Section 8.10 RECREATIONAL MARIJUANA: Amend Section 8.10.E. and 8.10.J. to read as follows:

**E. General Requirements and Conditions for all Recreational Marijuana Establishments**

- 1. All ~~non-exempt~~ RMEs shall be contained within a permanent building or structure. No RME 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.

**J. Special Permit Requirements**

5. The RME special permit application shall include the following:
  - h. **A comprehensive noise mitigation plan prepared by a qualified acoustical consultant (whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience**
  - i. **A comprehensive odor control, abatement and mitigation plan prepared by a certified environmental engineer or certified environmental professional with demonstrated experience in the area of marijuana odor mitigation.**

7. Conditions

These conditions, limitations, and safeguards may address but are not limited to:

- d. Hours of operation
- e. Landscaping and site amenities
- f. **Requirements for noise and odor mitigation measures and monitoring**

Or to act in any manner relating thereto.

**PLANNING AND ECONOMIC DEVELOPMENT BOARD**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 26:** (Amend Zoning Bylaws: Site Plan Review)

To see if the Town will vote to amend portions of Section 3.5 the Zoning Bylaw, Site Plan Review, as set forth below; unless otherwise noted, new text is shown in **bold** and deleted text is shown as stricken through:

Amend Section 3.5.3. Applicability A. as follows:

- A. Site plan review shall apply to the following:
  3. Administrative Site Plan Review - New construction or any alteration, reconstruction, renovation or change in use of any multi-family, commercial, industrial, institutional or municipal building or use which is not subject to Major or Minor Site Plan Review but which involves one or more of the following:
    - a. The addition of less than 1,000 square feet of gross floor area, ~~or~~
    - b. Exterior alteration ~~or~~ renovation of an existing building or premises, visible from a public or private street or way which includes any of the following:
      - i) installation or replacement of awnings
      - ii) change in a building's exterior surface material
      - iii) rearrangement or addition of windows or doors

- iv) façade reconstruction ~~/ or~~ replacement
- v) roofing if the Building ~~Inspector~~ **Commissioner** determines the roof to be a distinctive architectural feature of the building
- c. The redesign, alteration, expansion or modification of an existing parking area ~~or the creation of a new parking area~~ involving the addition of up to nine new parking spaces
- d. The creation of a new parking area involving the addition of one to nine parking spaces**
- ~~d.e.~~ The redesign of the layout/configuration of an existing parking area of ten to nineteen parking spaces
- ~~e.f.~~ A change in curb cuts ~~/ or~~ vehicular access to a site from a public way
- ~~f.g.~~ Installation or alteration of sidewalks and other pedestrian access improvements
- ~~g.h.~~ Removal of hedges, living shrubs, and trees greater than four inches in caliper
- ~~h.i.~~ Installation of fencing or retaining walls
- ~~i.j.~~ Outdoor placement of cargo containers, sheds, membrane structures, equipment and materials
- ~~j.k.~~ Removal, ~~/~~ disturbance, ~~/ or~~ alteration of 5,000 – 10,000 square feet of impervious surface
- ~~k.l.~~ The conversion of a residential use to a permitted non-residential or mixed-use
- ~~l.m.~~ Installation of a wireless communication facility as defined in this *Zoning Bylaw*
- 4. ~~Consideration of activities subject to administrative site plan review may be advanced to minor or major site plan review status at the determination of the Building Inspector or the Board when the collective scope and/or quantity of the proposed activities is substantial enough to merit review by the Board at a public meeting.~~

**~~5.~~ 4. Relationship to Other Permits and Approvals.**

- d. Site plan projects may also be subject to other Town bylaws and/or permit requirements including but not limited to a Stormwater Management and Land Disturbance Permit, Scenic Road Work Permit, Order of Conditions, water and sewer connection permits, and a Street Opening/Roadway Access Permit. \**

Amend Section 3.5.4. Procedures for Site Plan Review as follows:

- F. The Building Commissioner shall review major and minor site plan applications and all associated submittals for compliance with the *Zoning Bylaw* and provide written communication to the Board, prior to the first public hearing date. The report shall identify any current zoning violations existing at the site which may be addressed through the site plan review process.**
- ~~F.~~ G. The Board shall review and act upon applications for major and minor site plan review, requiring such conditions as necessary to satisfy the Site Plan Review Standards under**



Section 3.5.5 B. below, and notify the applicant of its decision. The decision shall be by majority vote of the membership, shall be made in writing and shall be filed with the Town Clerk within ninety days of the date of application for Major Site Plan Review, or sixty days of the application date for Minor Site Plan Review. The applicant may request, and the Board may grant by majority vote of the membership, an extension of the time limit set forth herein.

- G. H.** The Board may approve a major and minor site plan or approve it with conditions, limitations, safeguards and mitigation measures or deny a site plan only if the plan does not include adequate information as required by the Site Plan Rules and Regulations, or if the plan depicts a use or structure so contrary to health, safety and welfare of the public that no set of conditions would render the project tenable.
- I.** **In its site plan decision, the Board may require reasonable mitigation measures to offset adverse impacts of the development on the community, including:**
- a. Requirements for off-site improvements up to a maximum value of six percent 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/ and 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 Board for the relevant type of structure(s) and use (s).**
  - b. Donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements.**
  - c. Unless the Board determines that adequate means of pedestrian travel is already provided to the site, sidewalks shall be provided along the entire frontage of the subject property along existing public ways, including the frontage of any lots held in common ownership with the parcel(s) within five years prior to the submission of the application for site plan review and approval. In those instances where the Board determines that sidewalk construction is not feasible or practical, the Applicant will fund sidewalk construction elsewhere in the community. This may be accomplished either by constructing an equivalent length of sidewalk elsewhere in the community as authorized by the Department of Public Works or making a payment in lieu of sidewalk construction to the Town, or a combination of both.**
- J.** **The Board may authorize waivers from strict compliance with the performance standards of Section 7.1.2 if it determines that the provisions are excessively burdensome to the Applicant, or do not apply to the particular site or situation under review, or 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, or that a waiver is in the best interests of the Town, and that a waiver is consistent with the purpose and intent of the *Zoning Bylaw*.**

#### **H. K. Procedures for Administrative Site Plan Review**

- a. The Board's designee **may designate one person or an Administrative Site Plan Review Team, which** shall review and act on applications for administrative site plan review and may require conditions as necessary to satisfy the Administrative Site Plan Review Standards.
- b. **Applications for Administrative Site Plan Review shall be provided to the Board.**
- c. Consideration of activities subject to administrative site plan review may be advanced to minor or major site plan review status at the determination of the Building Inspector ~~Commissioner, or the Board, or the Administrative Site Plan Review Team~~ when the collective scope and/or quantity of the proposed activities is substantial enough to merit review by the Board. ~~at a public meeting.~~

Amend Section 3.5.6. Appeal as follows:

- B. Any person aggrieved by an administrative site plan decision may appeal to the Planning and Economic Development Board **within twenty days of the date the decision is filed with the Town Clerk.**

Add a new Section 3.5.7 Lapse as follows:

#### **3.5.7 Lapse**

**Site plan approval shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, § 17 or this bylaw, from the grant thereof, if a substantial use of the permit thereof has not sooner commenced except for good cause, or, in the case of a site plan approval for construction, if construction has not begun by such date except for good cause.**

Or act in any manner relating thereto.

#### **PLANNING AND ECONOMIC DEVELOPMENT BOARD**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

#### **ARTICLE 27: (Amend Zoning Bylaw: Accessory Buildings)**

To see if the Town of Medway will vote to amend the Zoning Bylaw, Section 6.3 Accessory Building or Structures by adding Paragraphs F., G., and H. as follows:

- F. Any detached accessory building or structure less than two hundred square feet in area and less than fifteen feet in height shall have a minimum setback of five feet from the rear and side lot lines. Any detached accessory building or structure that exceeds these limits shall conform to the otherwise applicable yard setback regulations as specified in TABLE 2 in Section 6.1 Schedule of Dimensional and Density Regulations.**

**G. No accessory building or structure shall be constructed and occupied or an accessory use started on any lot prior to the time construction begins on the principal building or structure or use to which it is accessory. Conversely, no accessory building or structure shall continue to be used or occupied after a principal building or structure has been vacated or removed from the lot.**

**H. The setback requirements specified in TABLE 2 DIMENSIONAL AND DENSITY REGULATIONS shall not apply to public bus stop shelters.**

Or to act in any manner relating thereto.

## **PLANNING AND ECONOMIC DEVELOPMENT BOARD**

### **BOARD OF SELECTMEN RECOMMENDATION:**

### **FINANCE COMMITTEE RECOMMENDATION:**

#### **ARTICLE 28:** (Amend Zoning Bylaw: Off-Street Parking and Loading)

To see if the Town will vote to amend portions of Section 7.1.1 of the Zoning Bylaw, Off-Street Parking and Loading, as set forth below; unless otherwise noted, new text is shown in **bold** and deleted text is shown a stricken through.

#### **7.1.1. Off-Street Parking and Loading**

A. Purposes. ~~The purposes of this Section 7.1 are to ensure the availability of safe and convenient vehicular parking areas; to encourage economic development; to promote safety for pedestrians, bicyclists, motor vehicle occupants, and property and business owners; to reduce impervious surfaces; and to protect adjoining lots and the general public from nuisances and hazards associated with off-street parking areas.~~ **The purposes of this Section 7.1.1 are as follows:**

- 1. To ensure the availability of safe and convenient vehicular parking areas for existing and new development.**
- 2. To minimize excessive and inefficient off-street parking lots that result in unneeded paved impervious surfaces and lost opportunities to develop new buildings that expand the tax base.**
- 3. To promote safety for pedestrians, bicyclists, motor vehicle occupants, and property and business owners.**
- 4. To protect adjoining lots and the general public from nuisances and hazards associated with off-street parking areas.**
- 5. To encourage the use of public transportation, bicycling, and walking in lieu of motor vehicle use when a choice of travel mode exists.**
- 6. To minimize the impact of sidewalk interruptions and conflict points on the walkability of the public realm.**

**J. Reduced Parking.** The number of parking spaces required pursuant to Table 3 may be

reduced by special permit from the Planning and Economic Development Board, subject to the provisions herein. Where the Board of Appeals is the special permit granting authority for the proposed use, the Board of Appeals shall have the authority to administer this Section.

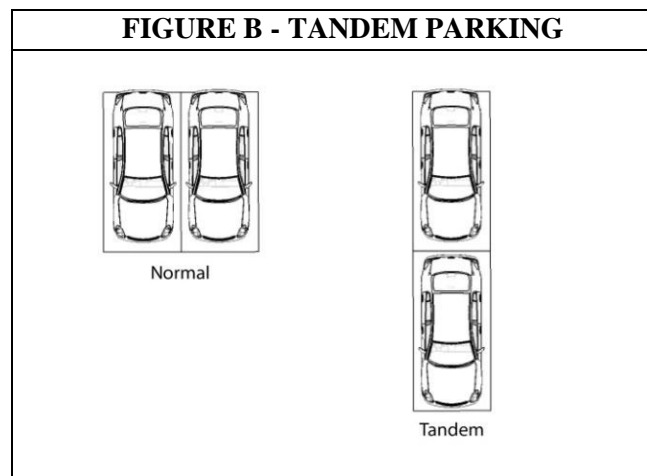
2. The applicant shall demonstrate to the Board's satisfaction that a reduction is warranted due to circumstances such as but not limited to:
  - a. **Potential for Shared Parking** - Peak parking needs generated by the proposed uses occur at different times.
  - b. Demographic or other characteristics of site users.
  - c. For a nonresidential development, the applicant agrees to participate in a transportation demand management program.
  - d. The extent to which the applicant's proposal accommodates other means of transportation to or circulation within the site, such as sidewalks or bicycle racks, or safe and convenient pedestrian walkways between buildings in a multi-building development.
  - e. Safe, convenient forms of pedestrian access between the proposed development and nearby residential uses.
  - f. The presence of a public or private parking lot within 400 feet of the proposed use.
  - g. The availability of legal on-street parking.
  - h. **The availability in a residential or mixed use development project of an active car-sharing program for residents and/or employees where cars for the car-share program are available on the site or within a 700-foot walking distance of the site.**
2. The Board may grant a special permit for reduced parking only upon finding that:
  - ~~h.~~a. The reduced number of parking spaces is consistent with the general purposes of this Section 7.1.1.
  - ~~i.~~ b. The proposed number of parking spaces will be sufficient for the proposed uses.
  - ~~j.~~ c. The decrease in required off-street parking is supported by a parking analysis prepared by a registered professional engineer. Such analysis shall consider existing and proposed uses on the site; rate of parking turnover for various uses; expected peak traffic and parking loads for various uses based on customary hours of operation; availability of public transportation; industry parking standards for various uses; and other factors.

#### **K. Special Parking Types and Standards.**

1. **Valet Parking.** By special permit, the Board may allow valet parking if the building is pre-existing, the use is for food or entertainment, and where there is no physical means of providing the required number of parking spaces on the lot where the building and use are located. The required number of minimum or

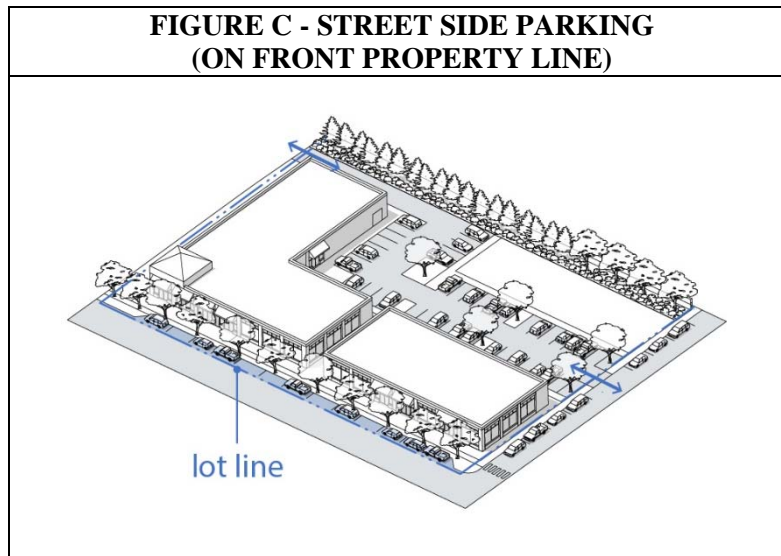
maximum spaces continue to apply for valet parking but parking spaces do not require individual striping and may be permitted on-site or off-site as a means of satisfying the applicable off-street parking requirements where:

- a. A lease, recorded covenant, or other comparable legal instrument, executed and filed with the Town of Medway and Norfolk County Registry of Deeds, guaranteeing long term use of the off-site accessory parking area is provided to the Board.
  - b. An attendant is present at all times when the lot is in operation.
  - c. An equivalent number of valet spaces are available to replace the number of required off-street parking spaces.
  - d. The design of the valet parking area will not cause queuing in a vehicular travel lane.
  - e. The valet parking lot is not located in a residential zoning district.
2. **Tandem Parking.** By special permit, the Board may allow tandem parking under the following conditions:
- a. To be used to meet parking requirements for residential units only. Tandem parking means two vehicles only.
  - b. Tandem spaces shall be assigned to the same dwelling unit.
  - c. Tandem parking shall not be used to provide guest parking.
  - d. Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 30 feet in length.
  - f. Up to 75% of the total off-street parking spaces provided may incorporate tandem parking.



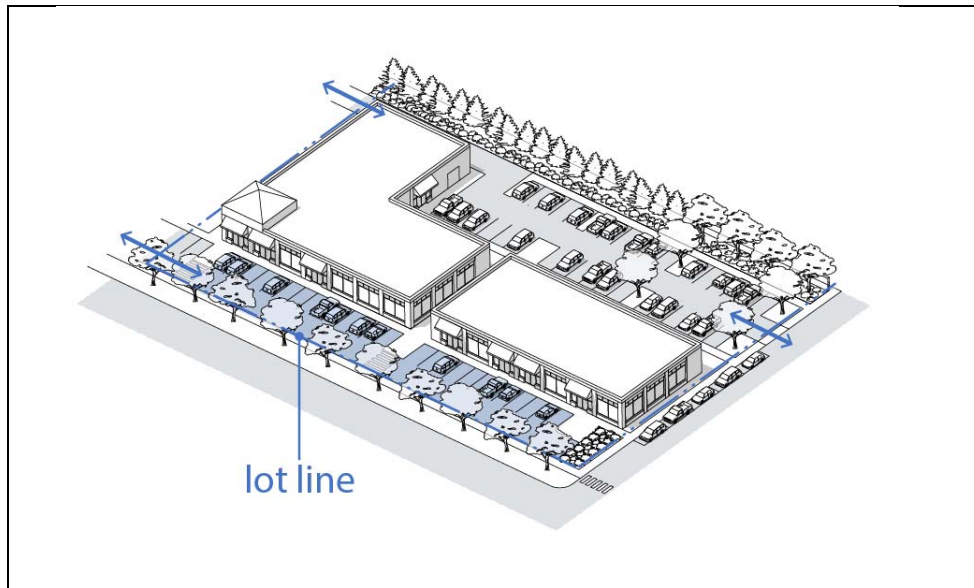
3. **Street Side Parking.** By special permit, the Board may allow parallel or angled parking provided on a privately-owned lot directly adjacent to the public street

right-of-way in combination with a minimum five foot wide planting strip with street trees planted 40 feet on center, and a five foot minimum concrete sidewalk connecting to public sidewalks on abutting lots and to the primary building on-site. These parking spaces shall be privately owned but accessible to the public. These parking spaces effectively function as on-street parking.



4. **Frontage parking.** By special permit, the Board may allow a limited amount of off-street surface parking to be placed between a public street and the street facing façade of a primary building. Where this is permitted by the Board, the parking area will be setback a minimum of twenty feet from the street line and streetscape treatments including street trees, landscaping, and a minimum 5-foot sidewalk will be placed adjacent to the street line. The sidewalk shall also be connected to the front door of the primary building by a dedicated pedestrian connection. The portion of the parking lot located in front of the primary building shall be limited to one double row of vehicles and associated parking aisle.

**FIGURE D – FRONTAGE PARKING  
(IN FRONT OF PRIMARY BUILDING)**



- 5. Structured Parking.** By special permit, the Board may allow structured parking.
- a. **Permitted Types.** Off-street parking structures may include a private garage or carport, an above-ground parking structure, or an underground parking structure.
  - b. **Access.** Pedestrian access to structured parking must lead directly to a public sidewalk and to the primary building. Structured parking may also be attached directly to the primary building allowing pedestrians to enter directly into the building.
  - c. **Design and Construction.** The street facing facade of any story of a building occupied by motor vehicle parking must be designed as follows:
    - 1) Fenestration and facade openings must be vertically and horizontally aligned and all floors fronting on the facade must be level (not inclined).
    - 2) The facade must include windows of transparent or translucent, but non-reflective, glass or openings designed to appear as windows for between twenty percent and fifty percent of the wall area of each floor.
    - 3) Windows must be back-lit during evening hours and internal light sources must be concealed from view from public sidewalks.
    - 4) The facade area masking the floors occupied by motor vehicle parking must be seamlessly integrated into the architectural design of the building's facade.

And to add the following definitions in alphabetical order to Section II DEFINITIONS:

**Shared Parking** – The joint use of a parking area or facility for more than one use at different times.

**Structured Parking** - A building or structure consisting of more than one level and used for the temporary parking of motor vehicles.

**Tandem Parking** - A parking space that is located after or behind another in a lengthwise fashion. The space is accessed only by passing through another parking space from a street, lane, drive aisle or driveway.

**Frontage Parking** – Off-street surface parking spaces placed between a public street and the street facing façade of a building to encourage customers with their apparent convenience.

**Valet Parking** - A service offered by a business whereby an attendant parks and retrieves patrons' vehicles.

Or to act in any manner relating thereto.

## **PLANNING AND ECONOMIC DEVELOPMENT BOARD**

### **BOARD OF SELECTMEN RECOMMENDATION:**

### **FINANCE COMMITTEE RECOMMENDATION:**

#### **ARTICLE 29:** (Amend General Bylaws: Add Right to Farm Bylaw)

To see if the Town will vote to amend the General Bylaws by adding a new section **X** as follows, or act in any manner relating thereto.

#### **Section 1 Legislative Purpose and Intent**

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A, subject to strict compliance with all state and local laws, rules and regulations, including but not limited to the Medway Zoning and General By-Laws, Medway Board of Health regulations, and subdivision rules and regulations of the Medway Planning and Economic Development Board, and any Rules and Regulations of any Medway board, committee, department or agency. We the citizens of Medway restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Medway by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.