

**Tuesday February 19, 2019**  
**Medway Planning and Economic Development Board**  
**Medway Senior Center – 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>

**ALSO PRESENT:**

Susy Affleck-Childs, Planning and Economic Development Coordinator  
Gino Carlucci, PGC Associates planning consultant

The Chairman opened the meeting at 7:07 p.m.

There were no Citizen Comments.

**2 Marc Road/Ellen Realty Trust Adult Recreational Marijuana Special Permit – Public Hearing Continuation**

The Board is in receipt of an email dated 2-18-19 from project engineer Dan Merrikin on behalf of applicant Ellen Rosenfeld, requesting a continuation of the hearing to the Board's next meeting. **(See Attached)**. The applicant needs some additional time to review the revised draft decision which now includes considerable language regarding odor control.

**On a motion made by Bob Tucker, seconded by Rich Di Iulio, the Board voted unanimously to continue the public hearing to Tuesday, February 26, 2019 at 7 pm to be held at Medway Town Hall.**

Susy Affleck-Childs asked board members if they want the two environmental consultants (noise and odor) to attend the next hearing on 2 Marc Road. Members responded yes.

NOTE – Chairman Rodenhiser informed members that two other marijuana cultivation special permit applications are forthcoming – one for 6 Industrial Park Road and another for 4 Marc Road.

**MEETING MINUTES**

**On a motion made by Tom Gay and seconded by Matt Hayes, the Board voted unanimously to approve the minutes of the February 5, 2019 meeting as presented.**

The Board decided to hold over consideration of the minutes of the February 12, 2019 meeting to the next meeting.

**REPORTS**

Susy Affleck-Childs reported that she, Barbara Saint Andre and Jack Mee met today with John Greene, the developer and owner of the Medway Mill project. He is now ready to revisit his idea about adding a multifamily rental apartment building and parking at the site. Mr. Greene is exploring his permitting options – adaptive use overlay district, multi-family overlay district,

friendly 40B, non-friendly 40B, 40R. Bob Tucker noted that the Medway Mill property may be under the jurisdiction of the Army Corps of Engineers due to Chicken Brook running through the site.

Andy Rodenhiser reported a conversation with Selectmen Dennis Crowley who asked about cutting back on the Town's affordable housing requirements in light of the Town's expected attainment of the 10% affordability goal as a result of the proposed 39 Main Street apartment development. The Board discussed the Town's AH status. It was noted that the Town is currently in "safe harbor". It is understood that this will expire in mid-August 2019 which is 2 years after the Town approved the MetroWest apartment development on West Street; that project is still securing funding. It is expected that approval of the 39 Main Street development by mid-August will put the Town back into "safe harbor". Gino Carlucci reminded Board members that the 10% status will likely change after the 2020 census which will likely result in an increase in the total number of housing units in town and therefore the percentage of affordable units will probably decrease. Susy Affleck-Childs indicted that Director of Community and Economic Development Barbara Saint Andre has a good handle on these numbers. Members thought it would be helpful to get a report on this from Barbara and to share that information with Selectmen Crowley.

Susy Affleck-Childs reported that the forthcoming site plan application for a building addition for the Marzilli and Company property at 21 Trotter Drive may be delayed. There is an outstanding and unresolved Conservation Enforcement Order on the property that has to be addressed. Conservation Agent Bridget Graziano has visited the site and there are a number of wetland violations that must be remedied.

Andy Rodenhiser reported that he understands the Finkelstein properties on the south side of Main Street have been sold for \$5.4 million. He asked Susy Affleck-Childs to check at the Registry of Deeds for a status on that sale.

## **POSSIBLE ZONING BYLAW AMENDMENTS FOR MAY TOWN MEETING**

The Board is in receipt of the following drafts of proposed amendments to the Medway Zoning Bylaw to submit to the Town Administrator/Board of Selectmen for inclusion on the warrant for the May 2019 annual town meeting: (**See Attached**)

- Miscellaneous "housekeeping" articles from Barbara Saint Andre
- Site Plan Review – Adding language re: mitigation measures and review by Building Commissioner to identify existing zoning violations to be remedied. Would like to also discuss time schedule for Board to make major and minor site plan decisions.
- Parking – Incorporates recommendations from Ted Brovitz, the consultant working with the Oak Grove Zoning Task Force
- Recreational Marijuana – A few minor housekeeping edits and adding a requirement for odor and noise control plans as part of the application
- Medical Marijuana – A few minor housekeeping edits and adding a requirement for odor and noise control plans as part of the application
- Incidental Accessory Objects – Defines and specifies items that are not subject to standard setback requirements

Susy Affleck-Childs noted that the deadline for submitting articles to the Town Administrator/BOS office is Friday, February 22, 2019.

The Board reviewed and discussed the “housekeeping”, marijuana and site plan articles.

The two marijuana articles include language to require the submittal of comprehensive noise mitigation and odor control plans for future special permit applications for medical and recreational marijuana cultivation facilities and to authorize the Board to impose odor and noise control mitigation conditions.

The housekeeping articles include removing the sunset date for making stylistic editing changes to the bylaw, refining the definition of “buffer”, changing the term “Building Inspector” to “Building Commissioner”, refining definition of buildable lot in terms of uplands and wetlands by changing the word “dwelling” to “structure”, and adjusting special permit criteria for non-conforming uses and structures.

The site plan article adds in several sections to authorize the Board to address mitigation measures, having the Building Commissioner prepare reports of zoning violations that could be remedied through site plan approval process, and adding language that site plan approval lapses after 2 years of no implementation is underway.

Andy Rodenhiser advocated for revising the bylaw to require a site plan for any change in tenancy. That would force commercial landlords to have site plans for the multi-tenant properties. He expressed concern about the on-going issues at the Medway Shopping Center, especially safety issues at the rear of the property where TumbleBeans is located. Members commented on the frustration of there being no site plan for the Medway Shopping Center.

Susy Affleck-Childs explained the parking article includes recommendations from Oak Grove Zoning consultant Ted Brovitz that would be beneficial to have as parking options throughout the community. These include options for shared parking. The Board agreed to review that at the next meeting.

### **FUTURE MEETINGS:**

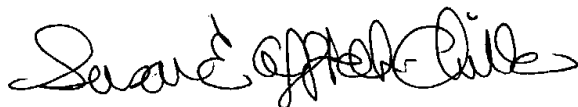
- Tuesday, February 26, March 12 & 26, 2019

### **ADJOURN:**

**On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to adjourn the meeting.**

The meeting was adjourned at 8:55 p.m.

Prepared by,



Susan E. Affleck-Childs  
Planning and Economic Development Coordinator

## Susan Affleck-Childs

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**From:** Daniel Merrikin <dan@legacy-ce.com>  
**Sent:** Monday, February 18, 2019 11:39 AM  
**To:** Susan Affleck-Childs  
**Cc:** Rosenfeld, Ellen  
**Subject:** 2 Marc Road

Hi Susy,

We are in the process of digesting your newest proposed decision. In particular we are trying to assess the proposed odor requirements (i.e. the study requirements). Unfortunately we need time to do this and will have no meaningful input for the Board on Tuesday.

We therefore request that you continue the hearing with no discussion until your next meeting, at which point we should hopefully be prepared to bring this to conclusion.

Thanks

Dan

*We've changed our name. As of January 1, 2019 Merrikin Engineering, LLP is now Legacy Engineering LLC.*

Daniel J. Merrikin, P.E.  
President



Legacy Engineering LLC  
730 Main Street  
Suite 2C  
Millis, MA 02054

[www.legacy-ce.com](http://www.legacy-ce.com)

[dan@legacy-ce.com](mailto:dan@legacy-ce.com)  
508-376-8883(c)  
508-868-8353(c)



**February 19, 2019**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Zoning Bylaw Amendments Discussion**

- Miscellaneous “housekeeping” articles from Barbara Saint Andre
- Site Plan Review – Adding language re: mitigation measures and review by Building Commissioner to identify existing zoning violations to be remedied. Would like to also discuss time schedule for Board to make major and minor site plan decisions.
- Parking – Incorporates recommendations from Ted Brovitz, the consultant working with the Oak Grove Zoning Task Force
- Recreational Marijuana – A few minor housekeeping edits and adding a requirement for odor and noise control plans as part of the application
- Medical Marijuana – A few minor housekeeping edits and adding a requirement for odor and noise control plans as part of the application
- Incidental Accessory Objects – Defines and specifies items that are not subject to standard setback requirements

NOTE - The deadline for submitting articles to the Town Administrator/BOS office is Friday, February 22, 2019.

I have asked Michael Lannan of TechEnvironmental for a price proposal for revising Section 7.3 Environmental Standards. That is forthcoming. I hope to have a proposal for your consideration Tuesday night.

Barbara Saint Andre proposals  
2-12-19  
With SAC edits (2-14-19)

Article \_\_\_\_

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. FORMAT: 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** vegetated, open areas, earthen berms or mounds, landscaped areas, or any combination thereof 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.

And delete the definition of "Building Inspector" in its entirety, and change the words "Building Inspector" to "Building Commissioner" wherever they appear in the Zoning Bylaw.

Section 5.5. NON-CONFORMING USES AND STRUCTURES: Add a new subsection: "**H. Special Permits. Special permits granted under this Section 5.5 are not subject to the special permit criteria under Section 3.4.**"

Section 6.2. GENERAL PROVISIONS 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.

Section 8.9 REGISTERED MEDICAL MARIJUNAN FACILITIES: Amend Sections 8.9.D and 8.9.E 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)

(Amended 5/21/18)

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

1. 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.

Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

## SITE PLAN REVIEW – Proposed amendments

February 14, 2019

Amendments offered by Barbara Saint Andre and Susy Affleck-Childs

Article \_\_\_\_

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 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~~ **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~~.
5. **Site plan projects may also be subject to other Town bylaws and/or permit requirements including but not limited to Stormwater Management and Land Disturbance Permit, Scenic Road Work Permit, Order of Conditions, and a Street Opening 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. Said communication may include, but not be limited to the Building Commissioner's findings and any questions or concerns that could be clarified during the site plan review process so as to avoid the need for subsequent site plan modifications after project approval and plan endorsement. The Inspector of Buildings' report shall also identify any current zoning violations existing at the site to 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 the 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**

**Commented [BSA1]:** Does this limit the statement at the beginning of this section?

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 safe 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.

**H. J.** 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.

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 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

**Proposed Amendments to Parking Section of ZBL  
Ted Brovitz (Oak Grove Zoning Consultant) and SAC  
2-14-19**

Article \_\_\_\_

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.~~
- D. Schedule of Off-Street Parking Requirements.
1. The minimum number of off-street parking and loading spaces shall be as set forth in Table 3. Off-street parking requirements for a use not specifically listed in Table 3 shall be as specified by the Building Commissioner based on a listed use of similar characteristics of parking demand generation.

**Commented [SA1]:**  
Recommended by Ted Brovitz

**Commented [SA2]:**  
Recommended by Ted Brovitz

**Commented [SA3]:**  
Recommended by Ted Brovitz

**TABLE 3. SCHEDULE OF OFF-STREET PARKING REQUIREMENTS**

Use	Minimum Number of Parking Spaces
Multifamily unit in a mixed-use development	1.5 spaces per unit
ARCPUD housing unit (as defined in Section 8.5)	2 spaces per unit
Business, professional and governmental office, bank	1 space per 300 sq. ft.
Medical office or clinic	1 space per 300 sq. ft.
Veterinary hospital	1 space per 300 sq. ft.
Retail store	1 space per 300 sq. ft.
Service establishment	1 space per 300 sq. ft.
Warehouse/distribution facility	1 space per each 2 persons employed or anticipated to be employed on the largest shift and 1 additional space for each 1,000 sq. ft.
Manufacturing	1 space per each 2 persons employed or anticipated to be employed on the largest shift and 1 additional space for each 1,000 sq. ft.
Restaurant	1 space for each employee and 1 space for every 3 seats.
Vehicle fuel station	1 space per fueling position plus 1 space per 300 sq. ft. including service areas and retail/convenience store areas. The temporary parking areas at fueling positions shall not count toward the sq. ft. parking requirement
Vehicle repair shops	1 space per 300 sq. ft. plus 2 spaces per service bay
Dance/martial arts/other exercise studios	1 space per 300 sq. ft.
Studios for artists/design professionals	1 space per 300 sq. ft.
Other uses not specified herein	Where a use is not specifically referenced in this table, the parking requirement for the most nearly comparable use or industry standards shall apply.
*In all instances in Table 3, sq. ft. shall mean net floor area.	
**ARCPUD parking requirements may be waived by the Planning Board in accordance with Section 8.5.	

- 2. Oak Grove Park Districts - The minimum number of off-street parking spaces in the Oak Grove Park Districts under SECTION 9 shall be consistent with Table 3 above except as identified in Table 4 below. Any parking spaces in excess of the given requirements in Table 3 and Table 4 shall require a special permit from the Planning and Economic Development Board. Outdoor seating cafes and accessory buildings are exempt from off-street parking requirements.**

**TABLE 4. SCHEDULE OF OFF-STREET PARKING REQUIREMENTS  
IN THE OAK GROVE PARK DISTRICTS**

<b>Commercial and Mixed Use</b>	<b>Required Parking Spaces<sup>1</sup></b>
Retail Business, Commercial or Personal Service Establishment	1 space per 400 sq. ft.
General Office or Retail in Mixed Use Buildings	1 space per 500 sq. ft.
Medical or Dental Office or Clinic	5 spaces per doctor or dentist within a single office or suite
Restaurant or Place of Assembly	1 space for each 2 seats
<b>Residential Use</b>	<b>Required Parking Spaces<sup>1</sup></b>
Single Family Attached Unit or Cottage Unit	1.5 per DU with 2 bedrooms or less; and 2 per DU with 3 bedrooms or more located within 300 feet of the Dwelling Unit
1-bedroom unit in Multi-Family Building or Mixed-Use Building	1 space
2-bedroom unit in Multi-Family Building or Mixed Use Building	1.5 spaces
3 or more bedroom unit in Multi-Family Building or Mixed Use Building	2 spaces
1. Required Parking equals both the minimum and maximum parking required for the use	

**E. General Parking Requirements.** Except as may be determined pursuant to sub-section J herein, the following parking requirements shall be met:

**1. Computation of Required Parking Spaces.**

- a. The minimum number of parking spaces shall be the largest whole number obtained after calculating the parking requirements in accordance with Table 3 **and** 4. Any fractional parking space shall be rounded up to the next whole number.
- b. For a parcel with two or more uses, the minimum number of parking spaces shall be the sum of the minimum number of spaces required for each use, determined in accordance with Table 3 **and** 4, except as may be authorized pursuant to sub-section J herein.
- c. No existing off-street parking spaces shall be eliminated if their removal would cause the total number of spaces provided on a site to be less than the number required in Table 3 **and** 4.
- d. For purposes of determining compliance with this Section 7.1.1, parking spaces that serve as loading or unloading areas shall not be credited toward the minimum required number of off-street parking spaces in Table 3 **and** 4.

**J. Reduced Parking.** The number of parking spaces required pursuant to Table 3 **and** 4 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.

1. The reduction shall not exceed 30 percent of the minimum number of spaces required under Table 3 **and** 4.

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.**
3. **The Board may grant a special permit for reduced parking only upon finding that:**
  - ~~h.a.~~ 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.
- 3.4. In granting a special permit for reduced parking, the Board may impose reasonable conditions including but not limited to requiring additional parking should uses change over time, or requirements to designate green space for reserve parking.

**Commented [SA4]:** We may want to provide a definition for shared parking.

#### 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 and 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

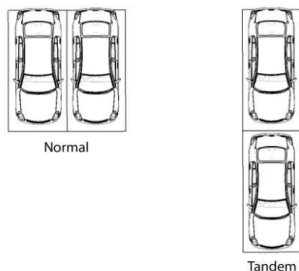
**Commented [SA5]:**  
Do we need a definition for valet parking?

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 PEDB
  - b. An attendant must be 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.
2. **Tandem Parking.** By special permit, the PEDB 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.
  - e. Up to 75% of the total off-street parking spaces provided may incorporate tandem parking.

**Commented [SA6]:**  
We may want to include a definition of tandem parking

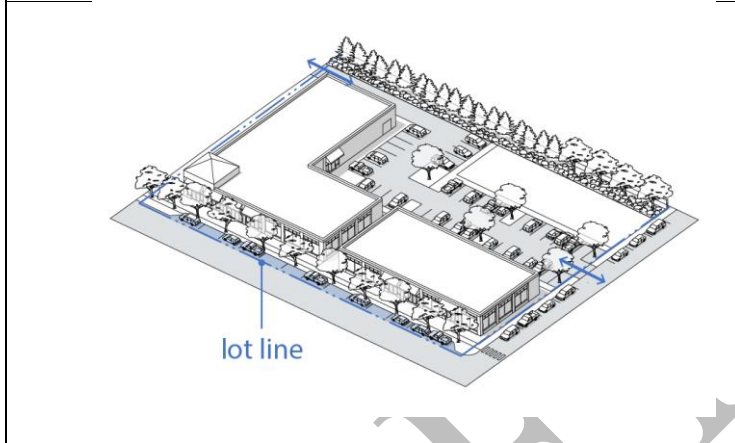
**FIGURE 1 - TANDEM PARKING**



3. **Street Side Parking.** By special permit, the PEDB 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.

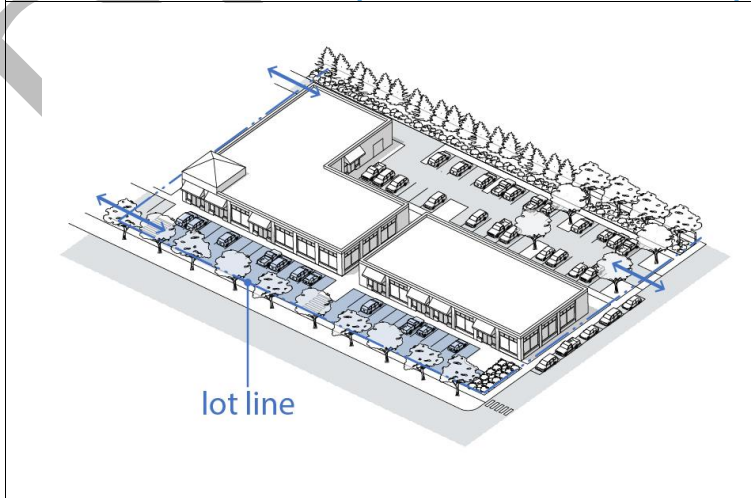
**FIGURE 2 - STREET SIDE PARKING (ON FRONT PROPERTY LINE)**



4. **Teaser 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.

**Commented [SA7]:**  
We may want to include a definition for teaser parking

**FIGURE 2 – TEASER PARKING (IN FRONT OF PRIMARY BUILDING)**





5. **Structured Parking.** By special permit, the Board may allowed 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.

**Commented [SA8]:**

We may want to include a definition for structured parking.

\*\*\*\*\*

## Possible 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. **Insert graphic here.**

**Teaser Parking** - Parking spaces located in front of a business to lure customers with their apparent convenience. **Insert graphic here.**

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

DRAFT

**SECTION 8.10 – RECREATIONAL MARIJUANA**  
**Proposed Amendments**  
**SAC – 2-14-19**

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 qualified environmental consultant 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

**MEDICAL MARIJUANA AMENDMENTS**  
**SAC – February 14, 2019**

**ARTICLE :**

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)

(Amended 5/21/18)

**Commented [SA1]:** This change is recommended by Barbara Saint Andre

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

1. 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.

**Commented [SA2]:** This change is recommended by Barbara Saint Andre

**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 qualified environmental consultant with demonstrated experience in the area of marijuana odor mitigation.**

**Commented [SA3]:** Suggested by SAC

**Commented [SA4]:** Suggested by SAC

**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**

**Commented [SA5]:** Suggested by SAC

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

# **ACCESSORY USES AND INCIDENTAL ACCESSORY OBJECTS**

**Draft – February 15, 2019**

## **ARTICLE :**

To see if the Town of Medway will vote to amend the Zoning Bylaw, Section 2 DEFINITIONS by inserting the following definition in alphabetical order:

**Incidental Accessory Object – A visible, functional or ornamental object that is subordinate to a principal building, structure or use and is located on the same lot as the principal building or structure or on an adjoining lot under the same ownership and in the same zoning district.**

And by amending Sub-Section 6.3 Accessory Building and Structures by adding Paragraphs F., G., and H. as follows:

- F. No part of any accessory building/structure shall be located closer than five (5) feet to any principal building or structure unless it is attached to and forms part of the principle building or structure.**
- 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 principle 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. Incidental Accessory Objects**

- 1. The following incidental accessory objects shall be exempt from the dimensional and density regulations specified in TABLES 2, 2A, 2B and 2C.**
  - **Bench**
  - **Birdhouse**
  - **Flagpole**
  - **Light post**
  - **Mailbox**
  - **Bus shelter**
  - **Community signage**
  - **Address marker or stone**
- 2. Incidental accessory objects not specified in Section 6.3 H. shall comply with the standard schedule of dimensional and density regulations specified in TABLE 2.**