

**October 17, 2017
Medway Planning and Economic Development Board
155 Village Street
Medway, MA 02053**

Members	Andy Rodenhiser	Bob Tucker	Tom Gay	Matt Hayes	Rich Di Iulio
Attendance	Absent with Notice	X	x	X	X

ALSO PRESENT:

- Susy Affleck-Childs, Planning and Economic Development Coordinator
- Mackenzie Leahy, ZBA Administrative Assistant

Vice Chairman Bob Tucker opened the meeting.

There were no Citizen Comments.

Proposed Zoning Bylaw Amendments – Public Hearing

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

- Public Hearing Notice
- Proposed Article A – Zoning District Names
- Proposed Article B – Modify definition of “Services” and adjust the Use Table
- Proposed Article D – Replacement of wireless communication facilities section
- Proposed Article D – Modify zoning district boundaries plus three maps

On a motion made by Matt Hayes, and seconded by Tom Gay, the Board voted unanimously to waive the reading of the public hearing notice.

ARTICLE C: To Amend Section 8.7 Wireless Communication Facilities by replacing the language in its entirety.

Administrative Assistant, Mackenzie Leahy and Zoning Board of Appeals member Rory Stumpf were present to discuss the proposed article which has been initiated by the ZBA. The last time an application for wireless communication facilities was submitted to the ZBA was back in 2014. The public was made aware that the existing regulations have outdated information which needs to be brought up to date with the current standards and laws. This proposed article includes more information about the location, height and design components. This has been reviewed and edited by town counsel. The proposal complies with all federal regulations. There has been inclusion of design standards such as landscaping and fencing. This also outlines what is allowed by right and explains what is needed for those seeking a special permit. This proposal was created by looking at various other WCF bylaws from surrounding communities and matching what is needed for the Town of Medway. The proposed document calls out general requirements which are part of the special permit. A WCF shall not exceed 120 feet in height under any circumstances. There was discussion on E. 5 which states that no WCF shall be located on land under jurisdiction of the Conservation Commission, land with a conservation restriction and land within a FEMA flood Zone except a WCF in Zone X (500 year storm).

An attorney from Robinson and Cole representing Verizon was present to offer suggestions. She referenced E 4 & 5 regarding that no WCF with a mounted and building mounted device shall be located, erected, or modified nearer to any residential dwelling than a distance equal to one and a half times the vertical height of the facility (inclusive of any appurtenant buildings/structures. It was explained that they would not like a condition that these units cannot be placed on conservation land or flood plain areas. The flood zone and wetland areas are good locations for WCFs. There was also a suggestion that the language needs to allow for repair and maintenance of these units. The forthcoming project on West Street was also mentioned.

The following recommendations were suggested:

- Eliminate #6 since this is under the jurisdiction of the Conservation Commission.
- Combine #4 & #5
- Add a # 7 under the Special Permit requirements that the height could be increased.
- Language about construction and maintenance was added.
- There is language regarding performance surety if abandoned.
- The height limit is that the WCF will not exceed 120 ft.

Mackenzie Leahy will take all the comments and will revise the language.

On a motion made by Rich Di Iulio and seconded by Matt Hayes, the Board voted unanimously to revise the warrant language based on recommendations.

ARTICLE D: Zoning District Boundary Changes

To rezone all or portions of twenty-one properties on Holliston Street, Coffee Street, Memory Lane, Lovering Street, Howe Street, Woodland Road, and Ohlson Circle to adjust the boundary lines between Agricultural Residential Districts I and II in this area so that all of the specified properties are completely located in the Agricultural I Zoning District and to amend the zoning map and to rezone seven properties on Coffee Street, Winthrop Street, Lovering Street from Agricultural Residential I zoning to Agricultural Residential II Zoning and to amend the Zoning map accordingly and to rezone seven properties on Coffee Street, Winthrop Street and Lovering Street from Agricultural Residential zoning to Agricultural Residential II zoning and to amend the maps accordingly; and to rezone all or portions of 53 properties on Coffee Street, Holliston Street, Gorwin Drive, Memory Lane, Ohlson Circle, Lovering Street, Hemlock Drive, Clover Lane and Winthrop Street to adjust the boundary lines between agricultural residential districts I and II in this area so that all of the specified properties are completely locates in Agricultural II district and to amend the zoning map.

It was indicated that letters were sent to all property owners about the proposed changes and to notify them of the public hearing.

The Board explained that the goal of this article is to continue the Board's work to clean up zoning district boundary lines to match with property boundary lines.

A representative for the Wilson family, owner of 82 Lovering Street, was present along with family members. It is the wish of the family to retain the split zoning and to not have it all rezoned to ARI.

Mr. Symonds was also present and wanted his land at 68 Lovering Street to not be rezoned to ARI.

The owners of 68 Lovering Street and 70 Lovering Street would like also the line moved so that their entire parcels are zoned AII.

Selectmen Crowley stated that would like this amendment to the language cleaned up prior to town meeting and not have to be addressed on the floor of the town meeting.

On a motion made by Tom Gay, and seconded by Rich Di Iulio, the Board voted unanimously to recommend rezoning the parcels at 82, 70, and 68 Lovering to be all ARII rather than split or ARI.

Note – Map B will be revised.

There was discussion that 6 Howe Street has the house right in the middle. It was recommended to leave this as ARI. Both of the Maps A and C were reviewed.

On a motion made by Rich Di Iulio and seconded by Tom Gay, the Board voted unanimously to approve Map A and Map C as presented.

ARTICLE A: Zoning District Names and Descriptions:

This article is to see if the Town will vote to amend the Medway Zoning Bylaw, Section 4.1 Districts to change the names of various zoning districts as noted:

B. Non-Residential Districts:

- Central Business
- Village Commercial
- Neighborhood Commercial
- Business/Industrial
- East Industrial
- Energy Resources
- West Industrial

On a motion made by Rich Di Iulio, and seconded by Matt Hayes, the Board voted unanimously to recommend the name changes to the zoning districts.

ARTICLE B: Definitions:

To see if the Town will vote to amend the zoning bylaw Section 2 Definitions by revising the definition for “services”. The new proposed language was provided. The term “service establishment” will replace the term “service”.

On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted unanimously to update the definition and revise the Use Table as proposed.

On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to continue the public hearing to October 24, 2017 at 8:45 pm.

Village Estates Modification:

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

- Public Review Continuation Notice
- Draft Decision dated 10-13-17
- ZBA Decision re: 2 family special permit

The Board is in receipt of the draft decision. This was also reviewed by the applicant. A copy of the sewer easement has been forwarded to town counsel.

Resident/abutter Wayne Brundage commented that this is being advertised as a two family but the building elevations on line do not appear to be so.

The Board addressed Mr. Brundage by explaining that the building inspector will need to address this when a building permit application is applied for. The Board recommended he go to speak with the building inspector.

On a motion made by Matt Hayes and seconded by Tom Gay, the Board voted 3 to 1 in favor of the Village Estates Modification Plan.

Speroni Acres:

Speroni Acres will be tabled until the next meeting.

Other Business:

- The Community Transportation Needs Survey will be discussed at the next meeting.
- Town Meeting will be Monday, November 13, 2017. It was suggested that the Board post a meeting for prior to Town Meeting in case one is needed.
- The Board's decisions for Paul Revere, Choate Park and Oakland Field have been filed with the Town Clerk.
- DRC met with the BOS about a new changeable message board sign.

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 9:00 pm.

Respectfully submitted,

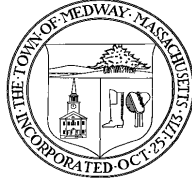


Amy Sutherland
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator



October 17, 2017

**Medway Planning & Economic Development Board
Meeting**

Proposed Zoning Bylaw Amendments
Public Hearing

- Public Hearing Notice
- Proposed Article – Zoning District Names
- Proposed Article – Modify definition of “Services” and adjust the Use Table
- Proposed Article – Modify zoning district boundaries plus 3 maps
- Proposed Article – Replacement of Wireless Communication Facilities (Section 8.7)



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

Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew J. Hayes, P.E.
Richard Di Iulio

September 27, 2017

NOTICE OF PUBLIC HEARING
Proposed Amendments to Medway Zoning Bylaw & Map

Pursuant to the Medway Zoning Bylaw and M.G.L. ch. 40A, §5, ***the Medway Planning and Economic Development Board will conduct a public hearing on Tuesday, October 17, 2017 at 7:00 p.m.*** to receive comments on proposed amendments to the *Medway Zoning Bylaw and Map*, last update published July 10, 2017. The hearing will take place in Sanford Hall at Medway Town Hall, 155 Village Street, Medway, MA.

The articles have been prepared for inclusion on the warrant for consideration at the November 13, 2017 Town Meeting. The subject matter of the proposed amendments is indicated below. The identification of the articles A - D will be revised as the Board of Selectmen finalizes the warrant.

ARTICLE A – To amend Section 4.1 Districts to change the names of various zoning districts and to delete references to the Commercial V, Industrial I, Industrial II, and Industrial III zoning districts throughout the Bylaw and insert the replacement zoning district names in their places.

ARTICLE B – To amend SECTION 2 DEFINITIONS, by revising the definition for *Services* and by amending TABLE 1: SCHEDULE OF USES by eliminating the descriptive text for *Consumer services* listed under D. BUSINESS USES and replacing it with the term *Service establishment*.

ARTICLE C – To amend Section 8.7. Wireless Communication Facilities by replacing the language in its entirety.

ARTICLE D - To rezone all or portions of twenty-one properties on Holliston Street, Coffee Street, Memory Lane, Lovering Street, Howe Street, Woodland Road and Ohlson Circle to adjust the boundary lines between Agricultural Residential Districts I and II in this area so that all of the specified properties are completely located in the Agricultural I zoning district and to amend the Zoning Map accordingly;

And to rezone seven properties on Coffee Street, Winthrop Street and Lovering Street from Agricultural Residential I zoning to Agricultural Residential II zoning and to amend the Zoning Map accordingly;

And to rezone all or portions of fifty-two properties on Coffee Street, Holliston Street, Gorwin Drive, Memory Lane, Ohlson Circle, Lovering Street, Hemlock Drive, Clover Lane and Winthrop Street to adjust the boundary lines between Agricultural Residential Districts I and II in this area so that all of the specified properties are completely located in the Agricultural II zoning district and to amend the Zoning Map accordingly.

The complete text of the proposed amendments to the *Medway Zoning Bylaw* and the *Medway Zoning Map* are on file with the Town Clerk and the Planning offices at Medway Town Hall, 155 Village Street, Medway, MA and may be reviewed during regular business hours. The proposed amendments are posted online at the Town's web site as follows:

<https://www.townofmedway.org/planning-economic-development-board/pages/annual-town-meeting-november-13-2017-proposed-amendments>. For further information or questions, please contact the Medway Planning office at 508-533-3291.

Interested persons or parties are invited to review the proposed amendments, attend the public hearing, and express their views at the designated time and place. Written comments are encouraged and may be sent to the Medway Planning and Economic Development Board, 155 Village Street, Medway, MA 02053 or emailed to: planningboard@townofmedway.org. All written comments will be entered into the record during the hearing.

Andy Rodenhiser

Planning & Economic Development Board Chairman

To be published in the *Milford Daily News*:

Monday, October 2, 2017

Tuesday, October 10, 2017

Zoning District Names and Descriptions

REVISED DRAFT – September 18, 2017

ARTICLE : (Amend Zoning Bylaw – Zoning District Names)

To see if the Town will vote to amend the Medway Zoning Bylaw, Section 4.1 Districts, to change the names of various zoning districts as follows: (Deleted text is shown with a strikethrough and replacement text is shown **bolded/highlighted**.)

4.1 DISTRICTS

B. Nonresidential Districts

1. Central Business (CB)
2. Village Commercial (VC)
3. ~~Commercial V (C-V)~~ **Neighborhood Commercial (NC)**
4. Business/Industrial (BI)
5. ~~Industrial I (I-I)~~ **East Industrial (EI)**
6. ~~Industrial II (I-II)~~ **Energy Resource (ER)**
7. ~~Industrial III (I-III)~~ **West Industrial (WI)**

And to delete references to Commercial V, Industrial I, Industrial II, and Industrial III throughout the Bylaw and insert the above indicated corresponding replacement names in their places.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Services – Definition and Use Table

REVISED DRAFT – September 18, 2017

ARTICLE : (Amend Zoning Bylaw – Definitions and Use Table)

To see if the Town will vote to amend the Zoning Bylaw, SECTION 2 DEFINITIONS, by revising the definition for Services as follows: (Deleted text is shown as a ~~striketrough~~ and new or replacement text is shown as **bold/highlighted**.)

~~Services~~ **Service Establishment** – Establishment engaged primarily in providing assistance, as opposed to products, to individuals or businesses and other enterprises, including but not limited to **such** business, social, personal and educational services **as a fitness facility, optician, dry cleaner, laundromat, shoe repair, printing/copying, tailor, music lessons, travel agency, and other similar businesses and services.**

And by amending TABLE 1: SCHEDULE OF USES by eliminating the following text under D. BUSINESS USES – ~~Consumer services such as but not limited to fitness facility, optician, dry cleaner, laundromat, shoe repair, photocopying/printing, tailor, and other similar businesses and services~~ and replacing it with the term **Service establishment**

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

ZONING MAP DISTRICT BOUNDARY CHANGES

Corrected – October 11, 2017

ARTICLE: (Amend Zoning Map)

To see if the Town of Medway will vote to rezone the following parcels as shown on the following maps on file with the Town Clerk:

- “Proposed Changes to AR-I & AR-II Zoning Districts, October 5, 2017, MAP A”
- “Proposed Changes to AR-I & AR-II Zoning Districts, October 5, 2017, MAP B”
- “Proposed Changes to AR-I & AR-II Zoning Districts, October 5, 2017, MAP C”

and to amend the Zoning Map accordingly, such that:

The following split zoned parcels shall be rezoned so that the portion which is presently zoned Agricultural Residential II district shall be rezoned to Agricultural Residential I district, so that the entire parcel is zoned Agricultural Residential I:

Address	Medway Assessor's Parcel ID #	Parcel Size	Current Owner
MAP A			
104 Holliston Street	31-070	1.149	Susan Dunham
10 Coffee Street	32-144	1.6	Matthew & Stacy Fasolino
12 Coffee Street	32-145	1.13	Matthew & Stacy Fasolino
14 Coffee Street	32-146	1.311	Attubato Family Trust, Albert Attubato Trust
16 Coffee Street	32-147	1.011	Jeffrey & Cassandra Grenon
18 Coffee Street	32-148	1.012	Norman & Miriam Chesmore
18A Coffee Street	32-149	1.013	Patricia McKay
MAP B			
0 Memory Lane	30-031	.162	Carl Rice
1 Memory Lane	30-067	1.01	Paul Melia
2 Memory Lane	30-066	1.01	Tina Wright
3 Memory Lane	30-065	1.013	David & Marie Marchetti
4 Memory Lane	31-033	1.739	Carl Rice
68 Lovering Street	30-064	3.88	Robert Symonds
70 Lovering Street	21-094	2.77	Medway Housing Authority
82 Lovering Street	21-093	20.3	Paul Wilson
6 Howe Street	21-088	1.048	Michael & Kara Gulla
3 Howe Street	21-084	1.702	Alan & Joann Osborne
5 Howe Street	14-010	1.710	Kenneth & Kelly Yuen
7 Howe Street	14-009	1.842	Richard & Megan Grady
0R Woodland Road	14-005	115.100	Henry Wickett & Henry Wickett Jr.
MAP C			
12 Ohlson Circle	14-059	1.02	Gary & Mary Whitaker
15 Ohlson Circle	14-019	1.145	Peter Schubert

The following parcels shall be rezoned from the present Agricultural Residential I district zoning to Agricultural II district, so that the entire parcel is changed to Agricultural II:

Address	Medway Assessor's Parcel ID #	Parcel Size	Current Owner
MAP A			
22 Coffee Street	32-151	.30	Chris & Nadia Sullivan
MAP C			
86 Winthrop Street	14-054	.25	Matthew Maccarrick Trust & Family Nominee Maccarrick Trust
88 Winthrop Street	14-055	.25	Kathleen & Julie Ann Fallon
90 Winthrop Street	14-056	.25	Alexander & Allison Stroshane
92 Winthrop Street	14-043	.25	Sandra St. John Life Estate, Stacy Murphy, Christine Tiemann, & David St. John
112 Lovering Street	14-053	.25	Michael & Sonya Murphy
68 Winthrop Street	21-008	.25	Alan Weiner & Pamela Tatelman-Weiner

The following split zoned parcels shall be rezoned so that the portion which is presently zoned Agricultural Residential I district shall be rezoned to Agricultural Residential II district, so that the entire parcel is zoned Agricultural Residential II:

Address	Medway Assessor's Parcel ID #	Parcel Size	Current Owner
MAP A			
20 Coffee Street	32-150	.541	Richard & Frances Scannell
24 Coffee Street	32-152	.49	Susan & Sergio Gomez
102 Holliston Street	31-069	.29	William & Francis Obrien Trustee
1 Gorwin Drive	31-068	.22	John Fasolino & Meghann Mckenney
3 Gorwin Drive	31-067	.27	John Wooster & Patricia Mathaisel
5 Gorwin Drive	31-066	.379	David Jones
7 Gorwin Drive	31-065	.32	George & Eileen Kornmuller
9 Gorwin Drive	31-064	.263	Daniel Williams
11 Gorwin Drive	32-170	.27	Max, Constance, & Robert Greenberg
13 Gorwin Drive	32-169	.26	Chester Mosher & Lorraine Gorwin Life Estate
15 Gorwin Drive	32-168	.25	Patricia Treanor
17 Gorwin Drive	32-167	.24	Joel & Judith Goldstein
19 Gorwin Drive	32-166	.24	Lawrence & Ellen Johnson
21 Gorwin Drive	32-165	.23	Charles & Barbara Hutt
23 Gorwin Drive	32-164	.23	Tina Sheppard
25 Gorwin Drive	32-163	.23	Denise Bartone & Kenneth Gormley
27 Gorwin Drive	32-162	.23	Michael & Teresa O'Rourke
29 Gorwin Drive	32-161	.23	Walter & Judit Baer
31 Gorwin Drive	32-160	.23	Roy Young
33 Gorwin Drive	32-159	.23	Edward Companik & Susan Rreilly

Address	Medway Assessor's Parcel ID #	Parcel Size	Current Owner
MAP A			
35 Gorwin Drive	32-158	.30	John & Jennifer Dougherty
37 Gorwin Drive	32-157	.30	John & Ethel Maguire
39 Gorwin Drive	32-156	.30	Jeffrey & Cheryl Foss
MAP C			
22 Ohlson Circle	14-060	.602	William & Susan Callahan
24 Ohlson Circle	14-061	.565	Michelle Diebler
28 Ohlson Circle	14-062	.565	Michael & Karen Tudino
30 Ohlson Circle	14-063	.565	Joseph Lavigne
32 Ohlson Circle	14-064	.621	Charles & Kathleen Dwyer
31 Ohlson Circle	14-046	.788	Robert & Patricia Comtois
33 Ohlson Circle	14-045	.679	Andrew & Kathleen Anderson
35 Ohlson Circle	14-044	.517	Derek & Jessica Baldassarre
108 Lovering Street	14-051	.77	Thomas & Nancy Kierce
110 Lovering Street	14-052	.25	Kenneth Lawrence
107 Lovering Street	14-030	.25	Jennifer Lindsey
70 Winthrop Street	21-007	.5	Sean Barry
72 Winthrop Street	21-006	.5	Meeri Lewandowski & Edward Lewandowski Trust
74 Winthrop Street	21-005	.5	Frank Glass & Anne Buddenhagen
76 Winthrop Street	21-004	.62	Marshall & Elizabeth Gustin
78 Winthrop Street	21-003	.853	Joseph & Mary Vadakekalam
78A Winthrop Street	21-002	.902	Anthony & Lynda Bertone
80 Winthrop Street	21-001	.722	Craig & Janice Dresser
82 Winthrop Street	14-029	1.0	Jeffrey Devine
84 Winthrop Street	14-028	.5	Romas & Niucole Banaitis
6 Hemlock Drive	21-019	.5	William & Mildred Beachman
12 Hemlock Drive	21-015	.5	Brianna & Matthew Boyce
14 Hemlock Drive	21-016	.5	William Oldmixon & Takeda Karou
16 Hemlock Drive	21-014	.5	Charlotte Porreca
18 Hemlock Drive	21-013	.5	Martin Concannon Trustee & Dawn Rose Trustee
20 Hemlock Drive	21-014	.5	Alan & Myrtle Miller
3 Clover Lane	21-009	.25	Joanne Davenport
5 Clover Lane	21-010	.25	William & Roberta Scherer

And

to act in any manner relating thereto.







PLANNING AND ECONOMIC DEVELOPMENT BOARD

Proposed Changes to AR-I Zoning District

Proposal - October 5, 2017

MAP A

Data from MassGIS and the Town of Medway

- | | |
|--|--|
|  Existing AR-I Zoning District |  Proposed Inclusions of AR-I Zoning District |
|  Existing AR-II Zoning District |  Proposed Inclusions of AR-II Zoning District |
|  Existing Boundary Line |  Proposed New Boundary Line |



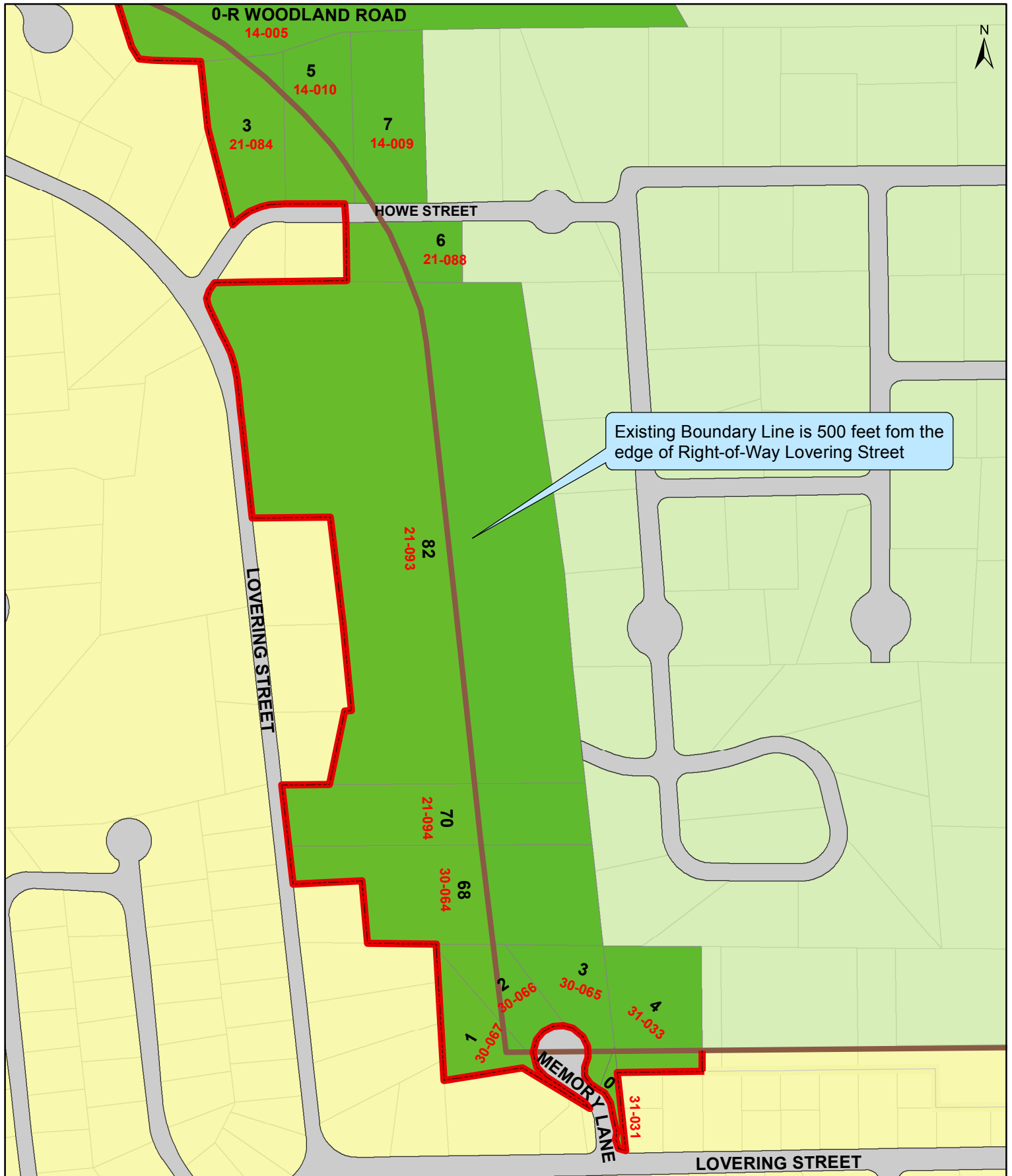
Proposed Changes to AR-I & AR-II Zoning District

Proposal - October 5, 2017

MAP B

Data from MassGIS and the Town of Medway

- Existing AR-I Zoning District
- Proposed Inclusions of AR-I Zoning District
- Existing AR-II Zoning District
- Proposed New Boundary Line
- Existing Boundary Line








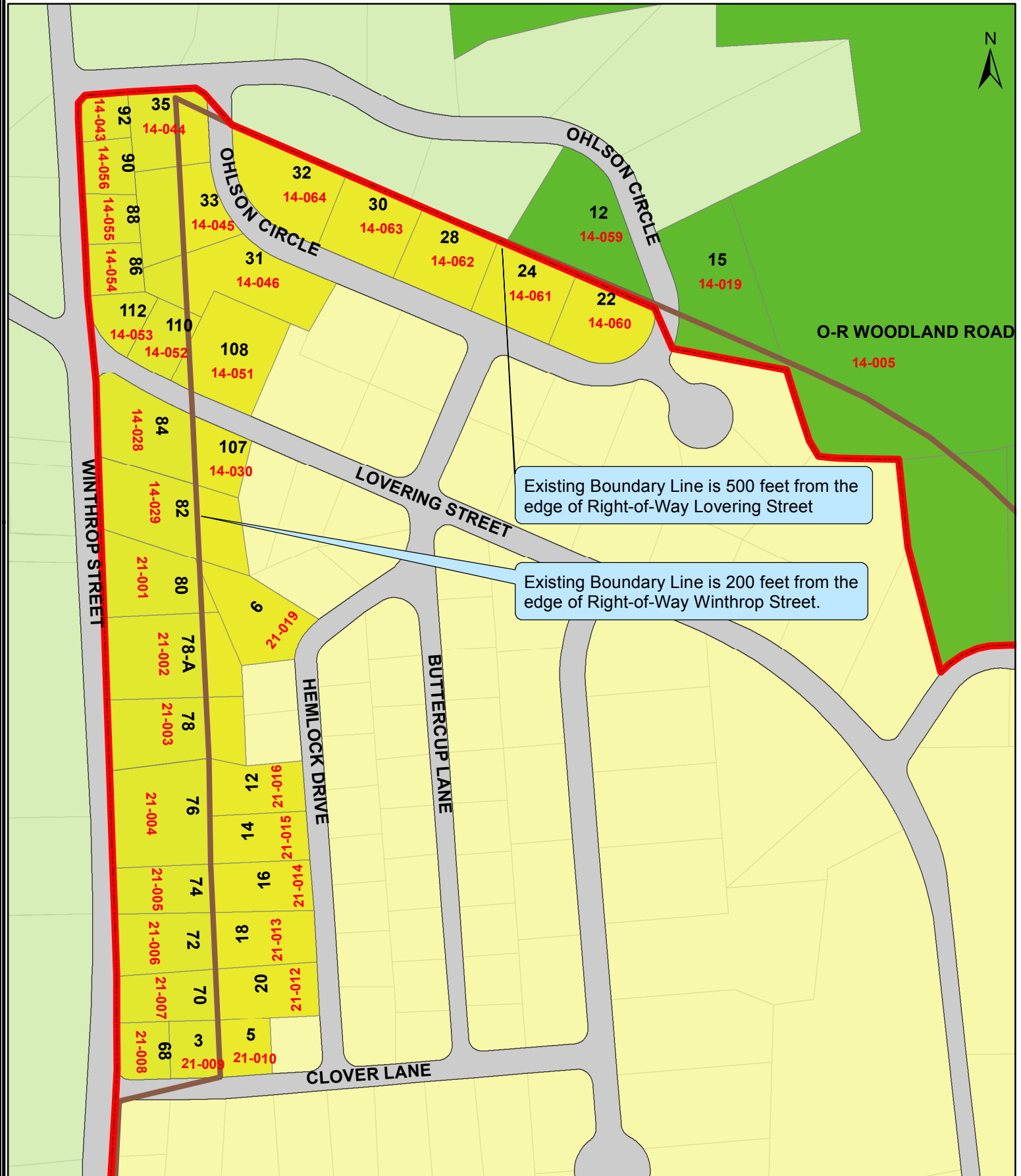
Proposed Changes to AR-I & AR-II Zoning District

Proposal - October 5, 2017

MAP C

Data from MassGIS and the Town of Medway

- | | |
|--|---|
|  Existing AR-I Zoning District |  Proposed Inclusions of AR-I Zoning District |
|  Existing AR-II Zoning District |  Proposed Inclusions of AR-II Zoning District |
|  Existing Boundary Line | |



REVISED – October 12, 2017

(based on ZBA review 10-11-17)

ARTICLE __: To see if the Town will vote to amend the Medway Zoning Bylaw, Section 8.7., by replacing the language in its entirety with the following:

8.7. WIRELESS COMMUNICATIONS FACILITIES

A. Purpose. The purpose of this Section is to minimize adverse impacts of wireless communication facilities on adjacent properties and residential neighborhoods (including but not limited to aesthetic, public safety, and property value impacts), to limit the number and height of these facilities to only what is essential, to promote shared use of existing facilities, to reduce the need for new facilities, and to protect the interest of the general public. This Section is promulgated under the authority of G.L. c. 40A, the Home Rule Amendment of the Massachusetts Constitution and the 1996 Telecommunications Act, 47 U.S.C. Section 332(c)(7)(A).

No Wireless Communications Facility (“WCF”) shall be constructed except in compliance with the provisions of this Section. Unless exempted in accordance with subsection 8.7.H, any WCF shall require a special permit from the Zoning Board of Appeals. An Eligible Facilities Request shall follow the procedures set forth in subsection 8.7.I.

B. Definitions. The definitions herein, especially that of a “device” and “WCF,” are intended to encompass such devices as they may evolve through technological advances.

1. **Tower:** Any structure to which a device may be attached for the purpose of transmitting or receiving wireless communications, including but not limited to water towers, steeples, flag poles, or parking lights (typical), but not including any residential, commercial or industrial building, accessory building, and/or rooftop.
 - a. **Self-Supporting Tower:** Any lattice or monopole tower to which a device may be attached for the purpose of transmitting or receiving wireless communications. Self-Supporting Towers are ground-mounted, but may include an above-grade base made of concrete or other similar material.
2. **Height:** A distance measured from the mean finished grade of the land surrounding the device to its highest point, surface or projection, in the case of free standing devices, or a distance measured from the average finished grade of the land surrounding the exterior walls to the highest point, surface or projection, in the case of devices mounted on existing buildings or structures.
3. **Device:** Any antenna, or other apparatus that performs the function of antennas, together with any telecommunications satellite dishes and other necessary equipment.
 - a. **Mounted Device:** Any device which is affixed to a Tower.
 - b. **Building Mounted Device:** Any device which is affixed to a residential, commercial, or industrial building, accessory building, and/or rooftop.
 - c. **Free Standing Device:** Any device which is affixed to a Self-Supporting Tower.

4. **Wireless Communications Facility (WCF):** Any buildings, structures, towers, and appurtenant equipment and storage that are used for the express purpose of conducting wireless telecommunication services regulated by the Federal Communications Commission (FCC) and defined as “personal wireless services” in Section 704, or other sections of the Federal Telecommunications Act of 1996 as amended. By way of example, but not limitation, “WCF” includes cellular telephone services, personal communication services, paging services, specialized mobile radio, including wireless intended for the transmission of data or internet, and also including antennas, towers, satellite dishes, or other devices or equipment for transferring wireless transmissions with or without a building to house and/or maintain such equipment.
5. **Collocation:** The mounting or installation of transmission equipment on an Eligible Facility for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
6. **Eligible Facility:** Any existing tower or base station as defined in the Spectrum Act, provided it is in existence at the time an Eligible Facilities Request is filed with the Town in accordance with the provisions of this Bylaw.
7. **Eligible Facilities Request:** Any request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.
8. **Spectrum Act:** The “Middle Class Tax Relief and Job Creation Act of 2012” (Public Law 112-96; codified at 47 U.S.C. §1455(a)).

C. By Right Provisions. The following devices may be constructed, erected, installed, placed and/or used within the Town subject to the issuance of a building permit by the Building Department in those instances when a building permit is required:

1. A device for customary private household use, including but not limited to, a conventional chimney-mount television antenna or home satellite dish not to exceed 3 feet in width;
2. A device (or combination of devices) installed on an existing building or other existing structure within any commercial or industrial district provided that such device or combination thereof, including its supports, is:
 - a. Finished in a manner designed to be aesthetically consistent with the exterior finish of such building or structure and otherwise in accordance with the Design Standards set forth in subsection 8.7.F; and
 - b. Mounted in such a manner that it does not:
 - i. Extend above the highest point of a building or structure by more than 10 feet;
 - ii. Obscure any window or other exterior architectural feature;
 - iii. Extend beyond the face of any wall or exterior surface by more than 18 inches;
 - iv. Extend below the top of the roof line of any single-story building or structure; or

- v. Extend more than more than 8 feet below the roof line of any multi-story building or structure.
- c. Not comprised of any device or devices which have a visible surface area facing surrounding streets and/or residential districts that exceeds 50 square feet in area.
- 3. A devices owned by and located on the property of an amateur radio operator licensed by the FCC, which device shall be installed at the minimum height necessary for the proper functioning of amateur radio communications in accordance with the licensing requirements for that location; and
- 4. A device installed wholly within and not protruding from the interior space of an existing building or structure (including interior space behind existing roofs or within existing mechanical penthouse space) or behind existing rooftop mechanical screens in such a manner that the device would not be visible from surrounding streets and/or residential districts only for so long as such device remains wholly within such space or behind such roofs or screens.

D. Special Permit General Requirements.

- 1. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are prohibited.
- 2. To the greatest extent feasible, all service providers shall co-locate at existing facilities. Wireless communication facilities shall be designed to accommodate the maximum number of users as technically practical.
- 3. When co-location on an existing WCF is not feasible, the applicant must demonstrate that another site is required to address a substantial gap in coverage. A new WCF shall be located at one of the sites described in Section E.2 below; only if there is no feasible alternative location set forth in Section E.2 below that would address the gap in coverage may other locations be considered.
- 4. The height of a WCF shall be constructed at the minimum height necessary to accommodate the anticipated and future use of the facility. A WCF shall not exceed 120 feet under any circumstances.
- 5. A WCF shall meet all setback requirements as provided for in Section 6, Dimensional Regulations, of the Medway Zoning Bylaw.
- 6. Where the applicant seeks approval for a device owned or controlled by the applicant, approval of equipment shall be contingent upon the agreement of the applicant to reasonably cooperate with other wireless communications service providers in permitting the co-location of antennas on such structures, on commercially reasonable terms, unless:
 - a. There are structural or other limitations which would make it unfeasible to accommodate the proposed WCF; or
 - b. The proposed facility would interfere with the wireless communications of one or more existing occupants at the site, including the applicant.

E. Location of Wireless Communication Facilities.

1. All applications for a new WCF must demonstrate inability to co-locate at an existing WCF, and that there is a gap in coverage that the new WCF will address in whole or in part, before consideration will be given to another site.
2. Should the applicant demonstrate the requirements that there is a technical inability to co-locate and that there is a gap in coverage that the new WCF will address in whole or in part, the following locations may be allowed by special permit and should be considered by the Applicant to the extent that any of these locations serve as a feasible location for a proposed WCF:
 - a. Any land located within an electrical transmission easement; or
 - b. Any land owned by the Town of Medway on which a water tower, water tank/well, emergency service building (i.e. police or fire station), or other buildings/structures, not including schools, are located.
3. Should the applicant demonstrate that there is a need for a WCF due to a substantial gap in coverage in a location not otherwise provided for in subsections 8.7.E.1 and 2, consideration may be given for a WCF as provided for in subsection 8.7.H. Applications under subsection 8.7.H must comply with all general, design, and procedural requirements of this Section 8.7, as well as all other applicable sections of the Medway Zoning Bylaw.
4. No WCF with a Mounted or Building Mounted Device shall be located, erected, or modified nearer to any residential dwelling than a distance equal to one and a half times the vertical height of the facility (inclusive of any appurtenant buildings/structures).
5. No WCF with a Free Standing Device shall be located, erected, or modified nearer to any building or structure than two times the vertical height of the facility (inclusive of any appurtenant buildings/structures).
6. No WCF shall be located on land under jurisdiction of the Conservation Commission under G.L. c. 131, Section 40, land with a Conservation Restriction, or land within a FEMA Flood Zone, except a WCF in Zone X (500-year storm) may be allowed.
7. No WCF shall be located on land under status of G.L. c. 61A or c. 61B, as may be on record with the Assessor's Office.
8. No WCF shall be located within a National or Local Historic District unless the Zoning Board of Appeals finds that the facility is properly concealed, meets the Design Standards set forth in subsection 8.7.F, and does not alter the character of that district, property, building, or structure where it is located. All such applications shall be referred to the Historical Commission for review within five business days of receipt, and the Historical Commission shall provide its recommendations, if any, within 45 days after said referral.

F. Design Standards.

1. Wireless facilities shall be suitably screened from abutters and residential neighborhoods. Painting, landscaping, fencing, buffering and screening, when deemed necessary by the Zoning Board of Appeals, will be required at the expense of the owner.

2. Devices shall be camouflaged by location and/or design to disguise them from the public view, whether by designing the device so as to disguise it as an existing or new building or structure appropriate in type and scale to its location (e.g. a parking light adjacent to a recreational area, a flagpole in a park, a silo in a field, an artificial tree monopole in a wooded area) where the WCF are hidden within or mounted on a structure to make them essentially invisible, or whether located in a place and manner that renders the device essentially invisible (e.g. siting the device within existing trees, providing effective screening by the use of landscaped buffers which camouflage the device at the time of planting and are effective year-round).
3. Existing on-site vegetation shall be preserved. The Board may require additional buffering and screening if it finds that the existing vegetation is insufficient.
4. A different color scheme shall be used to blend the structure with the landscape below and above the tree or building line, as deemed necessary by the Board.
5. Fencing shall be provided to control access to the WCF and shall be compatible with the rural and scenic character of the area and of the Town. Fencing shall not be constructed of razor wire (or similar materials) or chain link.
6. There shall be no signs or advertisement signs permitted on or in the vicinity of a WCF, except for announcement signs, no trespassing signs, and a required sign, not to exceed four square feet in area for each device installation, which shall display a phone number where the person responsible for the maintenance of the WCF may be reached on a twenty-four hour basis. All other signage shall be consistent with Section 7.2, Signs, of the Zoning Bylaw.
7. Night lighting of any WCF shall be prohibited, except as required by the FCC, Federal Aviation Administration (FAA), or that needed for emergency service, security, and safety requirements. All lighting shall be consistent with Section, 7.1.2, Outdoor Lighting, of the Zoning Bylaw.
8. There shall be a minimum of one parking space for each facility, large enough for an electric utility vehicle, to be used only in connection with the maintenance of the site and not for the permanent storage of vehicles or other equipment.
9. To the extent feasible, the equipment to relay the wireless transmissions shall be located inside an existing building/structure. Otherwise, such equipment shall be located in a new, enclosed structure in a location where the visual impact to the surrounding properties and streets will be minimized. The Board may impose conditions on the siting and screening of such structure.

G. Procedures for Special Permit.

1. All applications for modification of existing or construction of new wireless communications facilities shall be submitted in accordance with the rules and regulations of the Zoning Board of Appeals, except that applications constituting Eligible Facilities Requests shall follow the procedures set forth in subsections 8.7.I and 8.7.J below.

2. Documentation must be provided for the rights to the property and/or use of buildings/structures (i.e. ownership), a portion of land and/or use of buildings/structures (i.e. a lease or rent), or other means of legal access. Applicants proposing to erect a WCF on municipally-owned land, buildings, or structures shall provide evidence of a contractual authorization by the Town to conduct wireless communication services on such properties.
3. A field inspection/site visit shall be conducted on all applications for a WCF prior to the hearing for the special permit. The results of the inspection shall become a permanent part of the applicant's file and shall bear the date of inspection and comments by the inspecting town agents. A site visit shall include, but not be limited to, the following agents as determined necessary: Building Commissioner/Zoning Enforcement Officer, Conservation Agent, Department of Public Services Staff, and Zoning Board of Appeals Staff.
4. The following information must be provided, prepared by a professional engineer, licensed in the state of Massachusetts:
 - a. A plan shall be provided showing the exact location of existing and proposed buildings, structures and Towers, as well as:
 - i. Landscaping and lighting features;
 - ii. Buffering and screening;
 - iii. Fencing and controlled entry;
 - iv. Abutting streets, residential dwellings and all buildings/structures within 300 feet of the tower base and the distance at grade from the proposed WCF to each building on the plan;
 - v. Grading and utilities at two-foot contours; and
 - vi. Zoning requirements, as well as building and structural setbacks.
 - b. Elevation plans and/or colored rendition showing details of the tower(s) and devices, as well as any buildings/structures associated with the WCF. Plans should also provide details of buffering and screening, landscaping (including species, height, and breadth of trees and shrubbery), lighting, fencing, and colors and materials for the entire project site.
 - c. Description of facility, as well as all technical, economic, and other reasons for the proposed location, height and design;
 - d. Confirmation that the facility complies with all applicable Federal and State standards;
 - e. Description of facility capacity including number of type of devices that can be accommodated and basis for calculations. For existing towers, confirmation that the WCF has the structural and technical capacity for an additional device;
 - f. Specifications for construction, lighting, and wiring in accordance with State and National building codes;
 - g. Environmental Assessment, as may be required by the FCC;

- h. Confirmation that proposed facility complies with FAA and FCC guidelines;
- i. Written statement demonstrating that there are no adverse impacts to residents and the general public—visual, safety, or otherwise; and
- j. A plan showing the existing WCF locations and service provider coverage in and surrounding the Town of Medway, as well as the proposed WCF location and service coverage of that facility. This plan should be provided by a certified radio frequency engineer(s) or other certified telecommunications specialist.

H. Special Provisions for Review of Application to Construct New WCF pursuant to 1996 Telecommunications Act.

1. The Board shall issue a special permit for a WCF, in accordance with the provisions of this Section, in areas where a WCF would otherwise be prohibited, if and only if the following terms and conditions are met entirely:
 - a. The Board, after public hearing and presentation of substantial evidence by the applicant, determines that a significant gap in wireless coverage exists in a portion of the town; and
 - b. There is no feasible alternative location for the proposed location of the WCF which would adequately address the gap in coverage; and
 - c. An application for a significant gap in wireless coverage determination must provide information such as mapping of existing areas of coverage, maps depicting location of wireless coverage gaps, reports, affidavits, and other supplemental narrative information, from a suitably qualified radio frequency engineer(s) or other telecommunications specialist, to clearly demonstrate that a gap in coverage exists and there are no feasible alternative locations for the proposed WCF that would address the gap in coverage.
 - d. An application for a special permit relying upon a significant gap in wireless coverage determination shall comply with all general, design, and procedural requirements of this Section 8.7, as well as all other applicable sections of the Medway Zoning Bylaw.

I. Request for Modification of Eligible Facilities.

1. Submission Requirements – Applications for an Eligible Facilities Request shall be filed with the Building Department. The Building Commissioner shall conduct an initial review of the application within 30 days of receipt to determine whether the application is complete. The Building Commissioner shall notify the applicant within thirty days of receipt of the application if the application is deemed incomplete. Such notice shall delineate all missing documents or information.
2. Review of Application – The Building Commissioner shall conduct a limited-scope review of an Eligible Facilities Request to determine if the proposed Eligible Facilities Modification will result in a substantial change to the physical dimensions of an Eligible Facility. An Eligible Facilities Request “substantially changes” the physical dimensions of an Eligible Facility if it meets any of the criteria established in the FCC Eligible Facilities Request Rules.

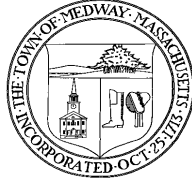
3. Approval – Within sixty days of the filing of a complete Eligible Facilities Request, less any time period that may be excluded pursuant to a tolling agreement between the applicant and the Building Commissioner, the Building Commissioner shall complete his or her limited-scope site plan review and approve the application unless the Building Commissioner determines that the application does not meet the definition of an existing Eligible Facility subject to the Spectrum Act, or the proposed Eligible Facility Request proposes modifications that will substantially change the physical dimension of an Eligible Facility.

J. Construction, Maintenance, & Cessation of Use.

1. Upon receipt of a special permit from the Board, the applicant shall apply to the Building Department for a permit to construct a WCF and shall provide written evidence that all preconstruction conditions, as may be part of the special permit decision have been satisfied.
2. The owner of the facility and/or devices shall be responsible for ongoing proper maintenance of the WCF or device as allowed by Special Permit. Verification of maintenance and structural integrity by a certified structural engineer shall be required at the request of the Building Commissioner/Zoning Enforcement officer on a biennial basis.
3. If applicable, annual certification demonstrating continuing compliance with the standards of the FCC, FAA, and the American National Standards Instituted and required maintenance shall be filed with the Building Commissioner/Zoning Enforcement Officer by the special permit holder.
4. WCF devices and/or structures shall be removed within one year of cessation of use.
5. Should the owner and/or operator, or the owner of the land or structure on which the device is located, fail to remove a device within one year of cessation of use, the Town may remove the same. A performance guarantee may be required as a condition of any special permit granted under this Section, in an amount deemed sufficient to cover the Town's cost of the demolition and removal of the device in the event of cessation of use.

Or act in any manner relating thereto.

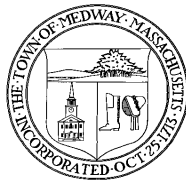
ZONING BOARD OF APPEALS



October 17, 2017
Medway Planning & Economic Development Board
Meeting

Village Estates Modification

- Public Review Continuation Notice
- Draft decision dated 10-13-17



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

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

MEMORANDUM

October 11, 2017

TO: Maryjane White, Town Clerk
Town of Medway Departments, Boards and Committees

FROM: Susy Affleck-Childs, Planning & Economic Development Coordinator

RE: **Project:** ***Village Estates Definitive Subdivision Plan - Modification***
Continuation Date: ***Tuesday, October 17, 2017 at 8:00 p.m.***
Location: ***Medway Town Hall – Sanford Hall, 155 Village Street***

At its meeting on October 10, 2017, the Planning and Economic Development Board voted to continue its review of the application of Russell and Dorothy Santoro of Medway, MA for approval of a modification to the Village Estates definitive subdivision plan (272 Village Street and Bedalia Lane) to Tuesday, October 17, 2017 at 8:00 p.m. in Sanford Hall at Medway Town Hall, 155 Village Street.

In 2011, the Board approved the Village Estates subdivision, a 2-lot, private way residential subdivision on a 2.026 acre parcel located at 272 Village Street (*Medway Assessors Map 1C /Parcel 114*) in the Agricultural Residential II zoning district. The land was divided into two residential lots – Lot 1 containing an existing dwelling at 272 Village Street and Lot 2 for new residential construction, subsequently approved by the Zoning Board of Appeal for a two-family building. The development was approved to include the construction of an approximately 219 foot long, 18' wide permanent private roadway (Bedalia Lane), a stormwater drainage system, and the installation of municipal water and sewer services. Most of the site work has been completed.

The proposed plan revision pertains to changing the location of the sewer line to be installed connecting Lot 2 to the Town's sewer line in Village Street. As originally approved, the sewer line was to run westerly along Village Street and then northerly up through Bedalia Lane to Lot 2. The applicant's proposed alternative routing is to extend the current sewer line servicing 272 Village Street (Lot 1) which presently runs northerly from Village Street for approximately 47' along the eastern side of the existing house. The existing 6" sewer line is followed by approximately 50' of 4" sewer line which would be replaced with a new 6" line. This would then be followed by the installation of a new 6" sewer line extending approximately 160' northerly and northwesterly from the northeast corner of the existing house to the new dwelling on Lot 2.

During the October 10th meeting, the Board reviewed a revised plan showing an alternative routing for the sewer extension to run within the zoning setbacks of the southern and western boundary lines of 272 Village Street (Lot 1). The Board will vote its decision at the October 17th meeting.

The application and proposed modified subdivision plan are on file with the Medway Town Clerk and at the office of the Planning and Economic Development Board and may be reviewed during regular business hours. The application and plan are also posted at the Planning and Economic Development Board's web page at: <https://www.townofmedway.org/planning-economic-development-board/pages/village-estates-subdivision-modification>. The drawing of the further revised sewer line routing will also be posted upon receipt.

The Board welcomes your review and comments of this proposed modification. Please contact me if you have any questions. Thanks.



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

*Andy Rodenhiser, Chairman
Robert K. Tucker, Vice-Chairman
Thomas A. Gay, Clerk
Matthew J. Hayes, P.E.
Richard Di Iulio*

DRAFT – October 13, 2017

CERTIFICATE OF APPROVAL
Modification to the Village Estates Definitive Subdivision Plan

After public reviews held on September 12 and October 10, 2017, the Medway Planning and Economic Development Board, at a duly posted and convened meeting held on October 17, 2017, acted upon the application of Russell Santoro of Medway, MA for a minor modification to the previously approved Village Estates Definitive Subdivision Plan. The public notice was posted with the Town Clerk on August 29, 2017 and abutters were notified by first class mail on August 30, 2017.

The subject property is the land shown on the previously approved Village Estates Definitive Subdivision Plan for property at 272 Village Street in the ARII zoning district, Medway Parcels 59-056 and 59-056-0001. That plan showed 2 house lots and a permanent private roadway (Bedelia Lane). It was endorsed by the Board on June 23, 2015 and recorded at the Norfolk County Registry of Deeds on July 10, 2015 in Book 620, Page 6. The associated Subdivision Certificate of Action was recorded on the same date in Book 33297, Page 11.

The Board voted, on a motion by _____, seconded by _____, to approve a modification to the Village Estates subdivision plan to reroute the location of the sewer line to provide sewer service to Lot 2. Instead of the sewer line running from Village Street through Bedelia Lane to Lot 2, the sewer line will run within the front zoning setback area of the lot at 272 Village Street along its Village Street and Bedelia Lane frontage, all as shown on the modified Village Estates Definitive Subdivision Plan with a revised date of September 25, 2017, prepared by Colonial Engineering of Medway, MA and Merrikin Engineering of Millis, MA. No changes were made to the size or configuration of either house lot or to the existing roadway layout. The modification does not add any house lots.

Conditions

1. The applicant shall prepare a sewer easement on 272 Village Street for the sewer line to Lot 1, to be recorded at the Norfolk County Registry of Deeds, and submit it to the Board prior to _____.
2. The footprint of the building to be constructed on Lot 2 at 1 Bedelia Lane shall not exceed 3,200 sq. ft.
3. This modification decision/certificate of action and the modified plan endorsed by the Board shall be recorded with the Norfolk County Registry of Deeds prior to _____.

Medway Planning & Economic Development Board

Copies to: Planning Boards – Bellingham, Franklin, Holliston, Milford, Millis and Norfolk
Owners of Land, Abutters and Parties of Interest within 300 feet