

**September 13, 2016  
Planning and Economic Development Board Meeting  
155 Village Street  
Medway, MA 02053**

<b>Members</b>	<b>Andy Rodenhiser</b>	<b>Bob Tucker</b>	<b>Tom Gay</b>	<b>Matt Hayes</b>	<b>Rich Di Iulio</b>
<b>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  
Stephanie Mercandetti, Director of Planning and Economic Development  
Mackenzie Leahy, Administrative Assistant  
Gino Carlucci, PGC Associates  
Amy Sutherland, Recording Secretary

Chairman Rodenhiser opened the meeting at 7:01 pm.

There were no Citizen Comments.

**Direct Tire -72 Main Street – Continued Discussion on Enclosure for Outdoor Tire Storage Container**

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

- Drawings and photos for the tire storage container and the existing adjacent dumpster fencing.

Barry Steinberg was invited to attend the meeting. He informed Susy this afternoon that he was not able to do so. The photos which were presented have no depth or measurements noted. The proposed enclosure around the outdoor tire storage container is chain link with white vinyl straps. It appears to be 10 ft. high. There is a concern that the white slats will become worn and will need replacement. The Board would like to check to see what kind of screening fence Cumberland Farms used.

The Board would like to invite the applicant to their meeting on Tuesday, September 26, 2016.

**PEDB Minutes:**

**September 6, 2016:**

The minutes from September 6, 2016 will be reviewed at the next meeting.

**Continued Discussion - Zoning Bylaw Amendments**

**Eversource Solar:**

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

- Letter from William Blanchard of Eversource dated September 12, 2016 along with maps showing the proposed area for a ground mounted solar installation and draft warrant article language for a zoning bylaw amendment.

The Board was made aware that Eversource is interested in installing a 4.9 mW ground mounted solar array under the power lines on a 30 acre parcel which it owns. The subject parcel is 0R Fisher Street and is located in the AR-I zoning district. Ground mounted solar is not an allowed use either by right or by special permit in AR-I. This use is allowed by right in the Industrial II district.

Eversource is asking the Town to amend the Zoning Bylaw at the November town meeting to allow ground mounted solar. The Board was also made aware that state Zoning Act, M.G.L. ch.40A, does provide some level of zoning protection to public utilities/public service corporations like Eversource. These entities may seek an exemption from the local zoning bylaw through a process with the Mass Department of Public Utilities.

The Board is in agreement that there is not enough time for this to be carefully considered and placed on the November Town Meeting warrant.

Staff has discussed this with Town Counsel.

### **Medway Gardens Site Plan Modification**

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

- Draft decision dated September 13, 2016.

Mr. Avellino was present and he distributed to the Board a letter from Attorney Marshall Newman of Newman & Newman, P.C. dated September 13, 2016. He asked that this letter be read into the Record. (**See Attached**)

The Chairman read the letter into the record.

Attorney Newman indicated that the Board does not have the authority to regulate Medway Gardens as it is a horticultural use and if the Board did have that authority, what was being asked is unreasonable. The letter also alleges that Chairman Rodenhiser has a conflict of interest due to his involvement with the Lions Club in its Christmas Tree Sale, which competes with Medway Gardens in selling Christmas Trees.

After reading the letter, the Chairman stated that he would resign as Chairman of the Lions Club Christmas Tree Committee effectively immediately.

Member Bob Tucker suggested that this matter be held until after legal counsel is able to advise the Board on the matter.

The applicant will be placed on the agenda for Tuesday, September 27, 2016 at 7:00 pm. There may also be addressed in executive session.



The Chairman would like an opinion from Counsel in regards to any conflict of interest on his part as well.

### **Continued Discussion - Zoning Bylaw Amendments**

#### **Zoning Bylaw DEFINITIONS:**

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

- Updated list of definitions.

The following definitions were added: *doggie day care*, *furniture repair*, and *non-profit organization*.

The Board recommended taking out the definition for *recreational camp* and *tourist home*.

For the definition for *manufacturing*, it was suggested to add language regarding packaging of products.

The term *recreational facility* will be reviewed further by member Gay and he will provide input back to Susy. The Board is OK with Susy making changes to that definition based on Tom's recommendation.

**On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to proceed with the list of definitions with revisions.**

#### **Advance Auto:**

The Board was made aware that it has been observed that there has been repair work being done in the parking on vehicles area in front of Advance Auto at 72 Main Street. Mr. Hawkins, Advance Auto Manager, was present at meeting. He indicated that windshield wiper and battery replacement services are free services offered to their customers. He asked if he could perform these services in the back where there is a concrete pad where it is not visible from the street. It was noted that there is a slope in the back and this was the spot for deliveries; it might not be a good location for performing these services. It was recommended that two parking spots in the northern part of the parking area on the west side of the building could designated for this. A letter of understanding could be drafted and signed by both parties. There was also a suggestion to post a sign to indicate that no other repair work can be performed on site.

Susy will draft a letter of understanding.

### **39 Main Street Subdivision - Informational Pre-Application Discussion:**

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

- Plan of Land dated August 29, 2016.

Dan Merrikin was present on behalf of the owner of 39 Main Street to discuss a possible subdivision. The parcel is 13.6 acres with 1/3 of the site being wet and within the flood plain. The concept plan shows a conventional design to develop the site into eight house lots. One of the house lots would include the existing residence. A drainage parcel will be on a separate lot.

This subdivision's road would be accepted by the town. With this application, the applicant is required to provide at least one affordable housing unit. The affordable lot was noted on the plan as the one having Main Street frontage. The applicant is interested in donating that parcel to the Medway Affordable Housing Trust or to another affordable housing organization. The Board is concerned about the permitting for the affordable lot since there are so many wetlands. Mr. Merrikin indicated that the applicant could get the Order of Conditions from the Conservation Commission for this lot. He also indicated that there is ample room to construct a house on the parcel outside the wetland area. The Board would like to make sure this is a buildable lot. It was suggested that this be evaluated by Tetra Tech and to also have the applicant's engineer to indicate that this is a buildable lot. This lot would not tie into the proposed stormwater drainage system for the subdivision.

Consultant Carlucci responded that the developers are really not giving up anything in the donation of the lot for an affordable dwelling since they are getting to have a bonus lot out of the configuration. The Board would like Consultant Carlucci to provide a memo with his recommendation on how to handle the affordable housing matter for this site.

Dan Merrikin responded that the requirement for an affordable dwelling unit is a financial burden to the applicant. This type of requirement could work for a ten lot subdivision, but is a burden for a six lot subdivision. The other option could be to just go with a five lot subdivision. Another option is to build a two family at the corner.

It was recommended that the comps for comparable land in the area be gathered and presented to the Board. The Board suggested that the lot for an affordable dwelling unit be located elsewhere within the subdivision instead of on the very wet parcel facing Main Street. The Affordable Trust needs to have input on this.

Dan Merrikin reported that he will be setting up an appointment with the Affordable Housing Trust to discuss a possible land donation.

The applicant will be placed on the agenda for Tuesday, October 11, 2016 for continued discussion.

## **Continued Discussion - Zoning Bylaw Amendments**

### **Zoning Bylaw Amendment USE TABLE:**

The Board is in receipt of the following:

- Revised Table 1 – Use Regulations (**See Attached**)

### **A. Agriculture, Conservation, Recreation Uses:**

The following changes were noted:

- Commercial 1 changed to Central Business District.
- Merged CIII & CIV to Village Center.
- Included in use table, Commercial Greenhouse, Nursery, Recreational Facility, Private and Recreational facility, Commercial, Recreational Camp, Ski Area, Golf Course, and Livery riding stable.



- The following was deleted: non-profit recreational use, sawmill, boathouse, and ski tow.

**B. Public Service:**

The following changes were noted:

- Public Utility in Village Residential change to special permit.
- Government Facility – change to special permit.

The Board wanted to have Counsel provide feedback if we need further language about the generation of electricity as related to public utilities.

**C. Residential Uses:**

The following proposed changes were noted:

- Include Assisted living residence facility.
- Multi-family dwellings subject to Section 5.6.2E.
- Include the term long care facility, group home, and shelter.
- Include the term family day care home and large family child care home.
- Include term boathouse and greenhouse as accessory uses

**D. Business Uses:**

The following changes were noted:

- Include addition language for Retail Sales, Retail store larger than 20,000 sq. ft., shopping center/multi-tenant development, auto parts, florist, and retail sales outdoors.
- Recommended that florist be allowed in the CB and VC district.
- Retail Store larger than 20,000 sq. ft. include special permit for CB and BI.
- Under restaurant providing live entertainment within a building include language subject to license from the Board of Selectmen.
- Include Brew Pub.
- Under Bed and Breakfast have the VC be special permit.
- Under Museum, change from special permit to no in AR-1, AR-11, VR.
- Commercial Indoor amusement change to yes in B1, I-1, I-11, and I-111.
- Delete Automated teller machine kiosks.
- Add Personal Care Service Establishments
- Consumer Services, include fitness facility, optician, dry cleaner, laundromat, shoe repair, and tailor. Also in B1 change from no to yes.
- Include Doggie Day Care.
- Include Furniture Repair
- Include Educational/instructional facility, commercial.
- Under Funeral Home, remove slashes so it reads special permit
- Include Medical Office or Clinic
- Include Child Care facility
- Include Adult day care facility, subject to Section 8.5
- Under Automotive Uses in BI, the Board recommends the special permit be changed to be from the planning board. This will need to be discussed further with the zoning board of appeals.
- Vehicle repair in the village center needs to be changed from special permit to planning board.

- Drive through facility in business I change special permit to planning board.
- Include outdoor display
- Include outdoor storage of materials

#### **E. Industrial and Related Uses:**

- Under the brewery in the CB district, change the special permit to no and in the CV district change it from yes to no.
- Gravel/loam: include language to address gravel processing. This needs to be checked if there is reference within the earth removal bylaw. The definition does not cover gravel processing. Consultant Carlucci will look at drafting language.

#### **F. Institutional Uses:**

- Under Community Center change the no to special permit.

#### **Prohibited Uses:**

The members are in receipt of the list of prohibited uses. There was a suggestion to add gravel processing. The Board would like to hold on this list until further discussion and consider for May 2017 town meeting.

#### **Zoning Amendments Dimensional Regulations:**

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

- Proposed Revised Table 2
- Compilation of dimensional regulations from other towns
- Maps showing lot frontages in Industrial I, II, and III & BI.
- List of various types accessory structures
- Current dimensional definitions

The Board was made aware that the following changes have been made to Table 2:

- Removed lot width as category
- Added maximum height limitation for ARI and ARIII.
- Added maximum lot coverage regulations for ARI and ARII.
- Reduced front setback in CI.
- Added minimum open space requirements.
- Combined CIII and CIV into Village Commercial District
- Added new Village Residential provisions.

The following changes were recommended after discussion:

- Maximum Lot Coverage: VR from 50% to 40%  
VC from 50% to 80%  
C-V from 30% to 40%  
I-1 from 40% to NA  
I-2 from 40% to NA  
I-3 from 40% to NA



- Maximum Impervious: VR from NA to 50%  
C-V from NA to 80%  
B-I from NA to 80%  
I-1 from 70% to 80%  
I-2 from 60% to 80%  
I-3 from 70% to 80%
- Minimum Open Space: AR-I from TBD to NA  
AR-II from TBD to NA  
VR from 15% to NA  
VC from 15% to eliminate  
I-1 from 25% to 20%  
I-2 from 30% to 20%  
I-3 from 25% to 20%

Member Tucker left at 9:38 p.m.

The Board was in agreement that within the VC district there should be flexibility.

For a two family house, no parking shall be permitted within 10 feet of an adjoining lot line.

The Board is also in agreement to not limit the amount of building but only the impervious coverage as long as it meets other requirements.

The revisions will be updated and provided at the next meeting.

**Future Meeting:**

- Tuesday, September 27, 2016 at 7:00 pm

**On a motion made by Matt Hayes and seconded by Rich Di Iulio, the Board voted unanimously to adjourn the meeting at 10:58 pm.**

Respectfully Submitted,



Amy Sutherland  
Recording Secretary

Reviewed and edited by,



Susan E. Affleck-Childs  
Planning and Economic Development Coordinator



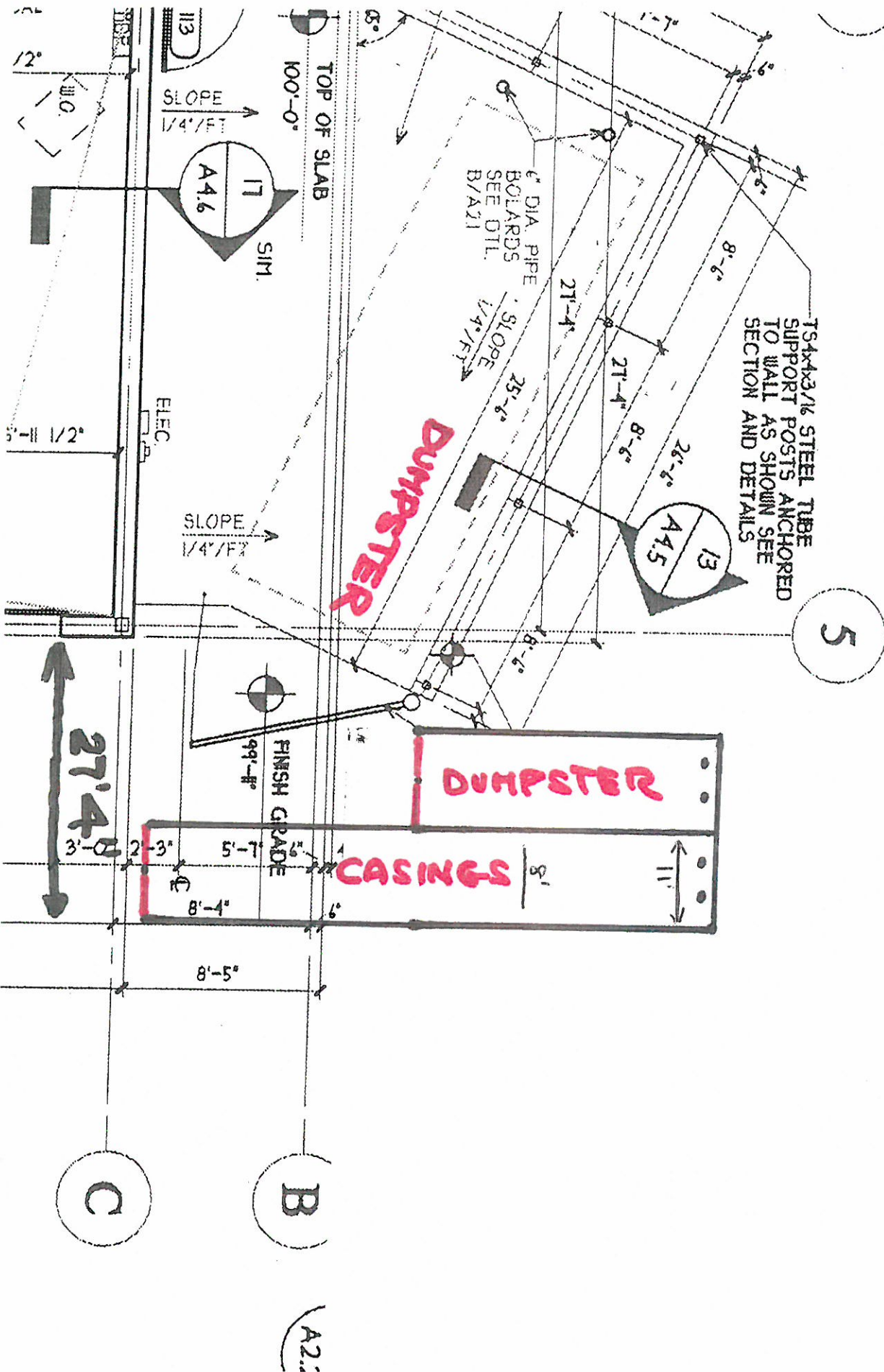
**September 13, 2016**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Direct Tire – Outdoor Tire Storage**  
**Container**

I invited Barry Steinberg to attend the meeting to update you on the status of enclosing the outdoor tire storage container behind the Direct Tire building. The tire storage container has been relocated as planned. However, Barry has found it difficult to find vinyl fencing at the taller height and with sufficient strength to fully screen the tire storage container. He is now considering other fencing alternatives including chain link fencing with vinyl straps. See attached photo examples.

Attached are the previously provided drawings from July to re-familiarize you with the location for the tire storage container and the existing adjacent dumpster fencing.













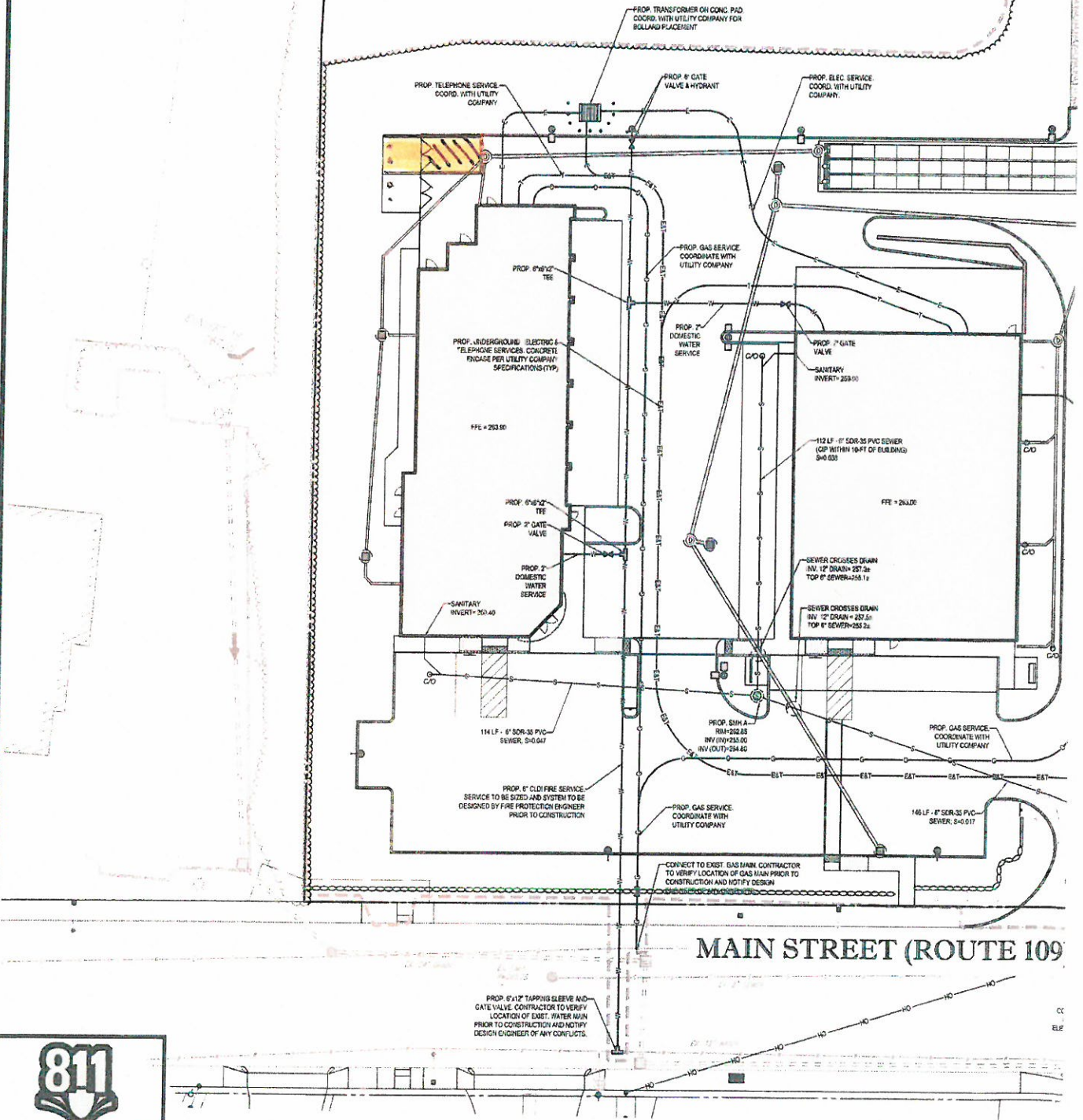








Proposed Expanded Tine  
Casings Storage Area

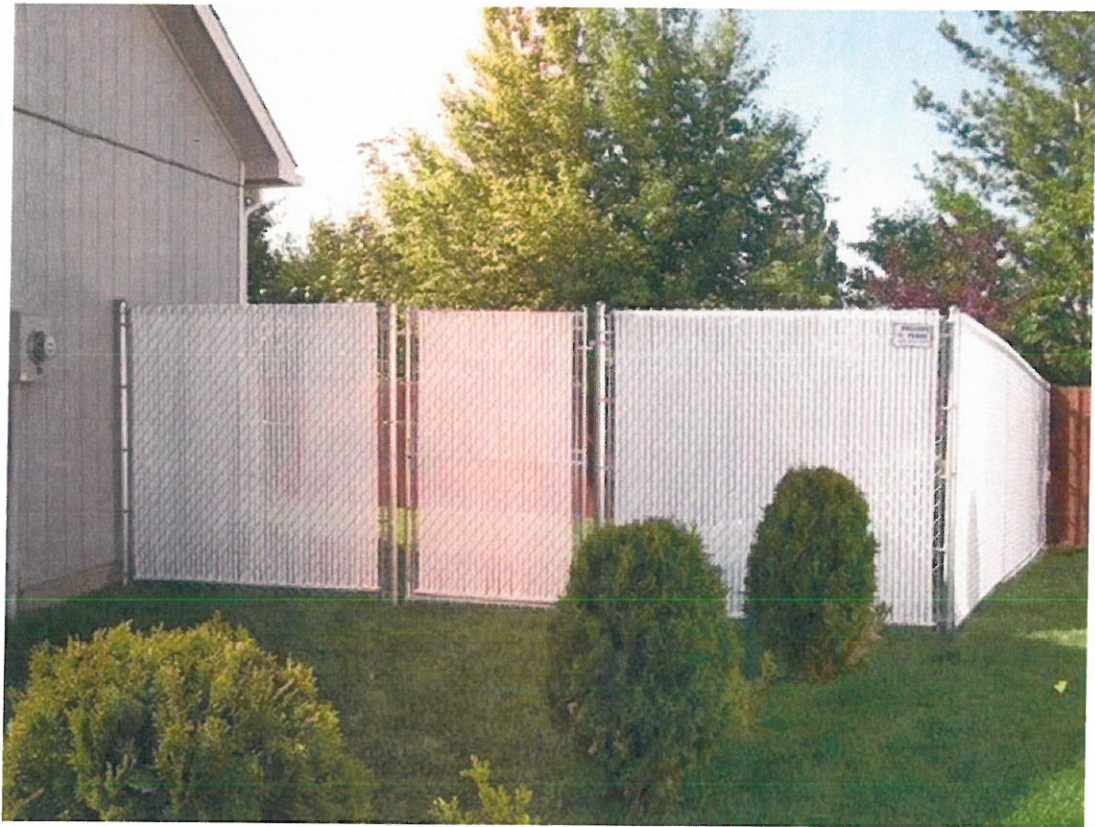
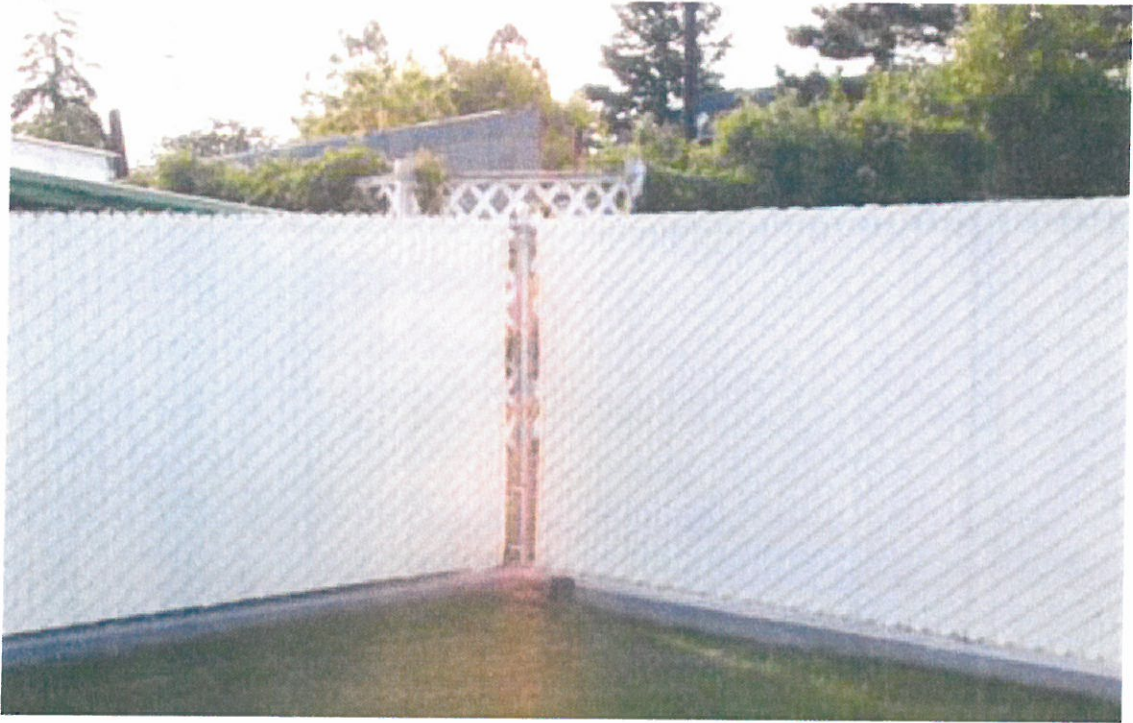


MAIN STREET (ROUTE 109)



Know what's below.  
Call before you dig.









**September 13, 2016  
Medway Planning & Economic Development Board  
Meeting**

**Zoning Bylaw Amendments –  
Eversource Solar**

Last week, Eversource informed the Town of its interest in installing a 4.9 mW ground mounted solar array under the power lines on 20 acres of a 30 acre parcel it owns in Medway. The subject property they are considering is parcel 36-021 known as 0R Fisher Street. The property is located east of Cedar Farms Road and west of Dogwood in the AR-I zoning district. It has 110 feet of frontage on Milford Street from which the site can be accessed.

Pursuant to recent legislation, Eversource must produce 70 mW of renewable energy by December 2017. To accomplish this, Eversource is evaluating the properties it owns throughout Massachusetts and has determined this parcel in Medway to be a good candidate.

Late yesterday afternoon, the Town received a formal request for consideration of this. See attached letter with maps.

HOWEVER . . . ground mounted solar is not a use allowed either by right or by special permit within the AR-I district. Ground mounted solar is specifically allowed by

right in the Industrial II district. Eversource is asking the Town to amend the zoning bylaw at the November town meeting to allow ground mounted solar in AR-I by special permit from the PEDB.

FYI, the state Zoning Act, M.G.L. ch. 40A, does provide some level of zoning protection to public utilities/public service corporations like Eversource. Such entities may seek an exemption from the local zoning bylaw by petitioning the MA Dept. of Public Utilities. *"Lands or structures used, or to be used by a public service corporation may be exempted in particular respects from the operation of a zoning ordinance or by-law if, upon petition of the corporation, the department of telecommunications and cable or the department of public utilities shall, after notice given pursuant to section eleven and public hearing in the town or city, determine the exemptions required and find that the present or proposed use of the land or structure is reasonably necessary for the convenience or welfare of the public."*

I would ask the Board to discuss this BRIEFLY at tonight's meeting to determine if you have an interest in supporting and/or sponsoring an article as requested. Opening up all of the AR-I district to ground mounted solar seems to be a HUGE step. Is there another form of article you would consider such as an overlay district where you could allow ground mounted solar only on parcels with certain characteristics? And lastly, is there time to really do this thoughtfully? We would certainly want to meet with the Energy Committee to discuss as well.



**William T. Blanchard**  
Project Manager  
[william.blanchard@eversource.com](mailto:william.blanchard@eversource.com)  
(413) 787-1029  
Fax (413) 787-1022

September 12, 2016

Mr. Michael E. Boynton, Town Administrator  
Town of Medway  
155 Village Street  
Medway, MA 02053

Re: Letter of Intent  
Proposed Solar Zoning Bylaw Amendment

Dear Mr. Boynton,

Eversource Energy<sup>1</sup> appreciates you and members of your staff taking the time to meet with the Company yesterday regarding Eversource Energy's desire to develop a large scale ground mounted solar project in Medway. As you know, Eversource Energy is committed to providing reliable, cost-effective electricity to its customers while meeting its renewable portfolio standard goals through the use of clean, renewable energy. In accordance with the Company's June 30, 2016 filing with the Department of Public Utilities, Eversource Energy is seeking to develop 62 Megawatts of solar photovoltaic throughout the Commonwealth of Massachusetts by the end of 2017. To meet this goal, the Company is actively looking to develop solar arrays on land and properties already held by Eversource Energy to help minimize development costs. As a landowner, corporate citizen and taxpayer in Medway, the Company would like to develop a solar array on a parcel of land adjacent to one of its existing transmission corridors, as generally depicted on the enclosed conceptual site plan.

Based on our discussions, the Company understands that large scale solar is allowed in Medway only within the existing solar overlay district. The parcel identified by Eversource Energy is not within this district and therefore the Company intends to seek an amendment to the existing bylaw to allow construction and operation of a large-scale ground mounted solar photovoltaic installation with a rated name plate capacity of greater than 250 kW (direct current) outside of the solar overlay district by Special Permit. Proposed language for the amendment is attached for consideration and to include on the Town Warrant to be voted on by the residents of Medway at the upcoming Special Fall Town Meeting.

If you have any questions, please contact William T. Blanchard, Project Manager, Eversource Energy Solar Program in the Company's Springfield, Massachusetts Office at 413-787-1029 or by e-mail at: [william.blanchard@eversource.com](mailto:william.blanchard@eversource.com).

Sincerely,



William T. Blanchard  
Project Manager  
Eversource Energy

<sup>1</sup> Western Massachusetts Electric Company d/b/a Eversource Energy ("Eversource Energy" or the "Company").





FIGURE 2

MEDWAY, MASSACHUSETTS  
EVERSOURCE SOLAR II

SITE 27

SEPTEMBER 2006

SCALE: NOTED

Weston & Sampson<sup>SM</sup>



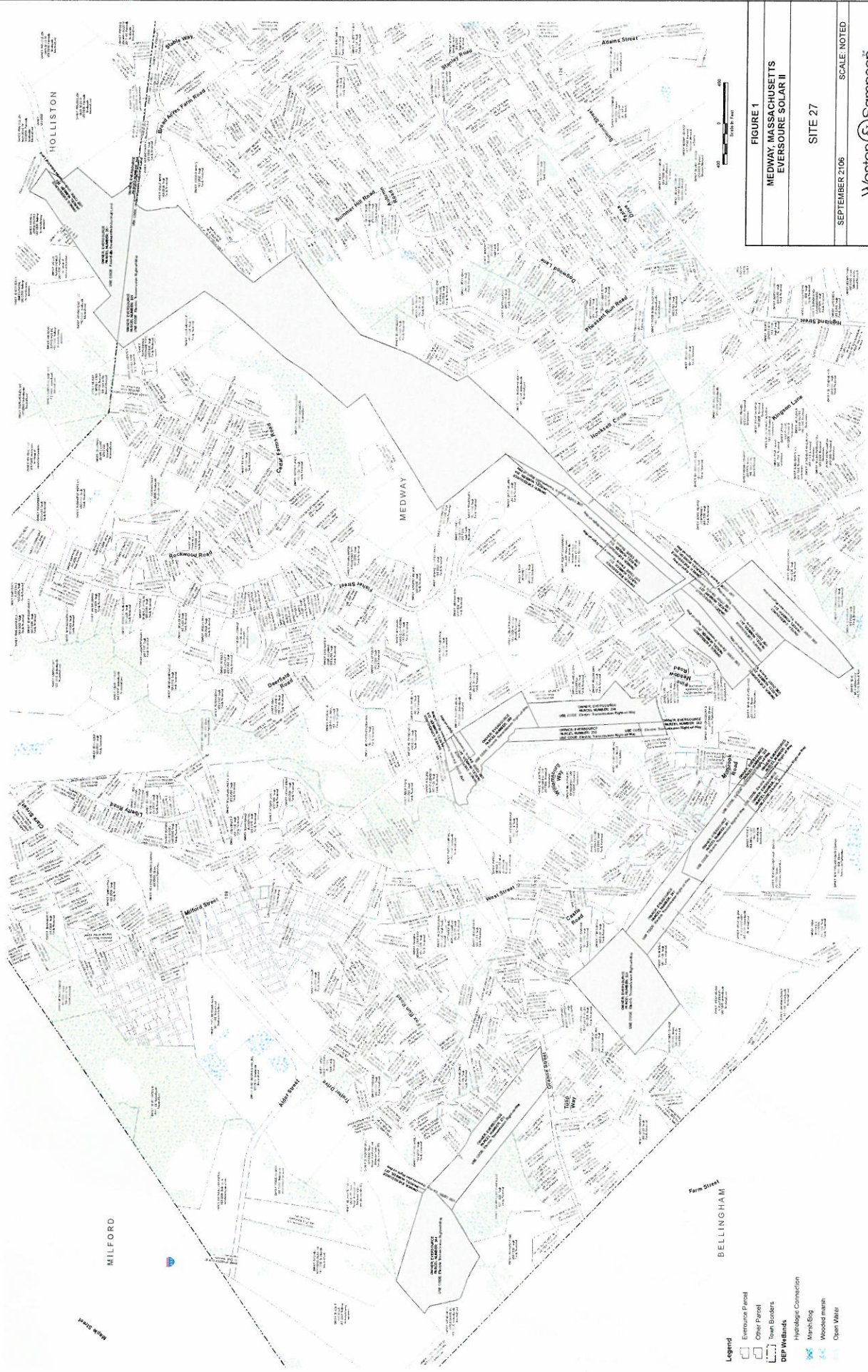


FIGURE 1

MEDWAY, MASSACHUSETTS

EVERSOUR SOLAR II

SITE 27

SEPTEMBER 21/06

SCALE NOTED

Weston & Sampson

- Legend**
- Evermore Parcel
  - Other Parcel
  - Town Borders
  - DRP Wetlands
  - Hydrologic Connection
  - Marsh/Bog
  - Wooded marsh
  - Open Water

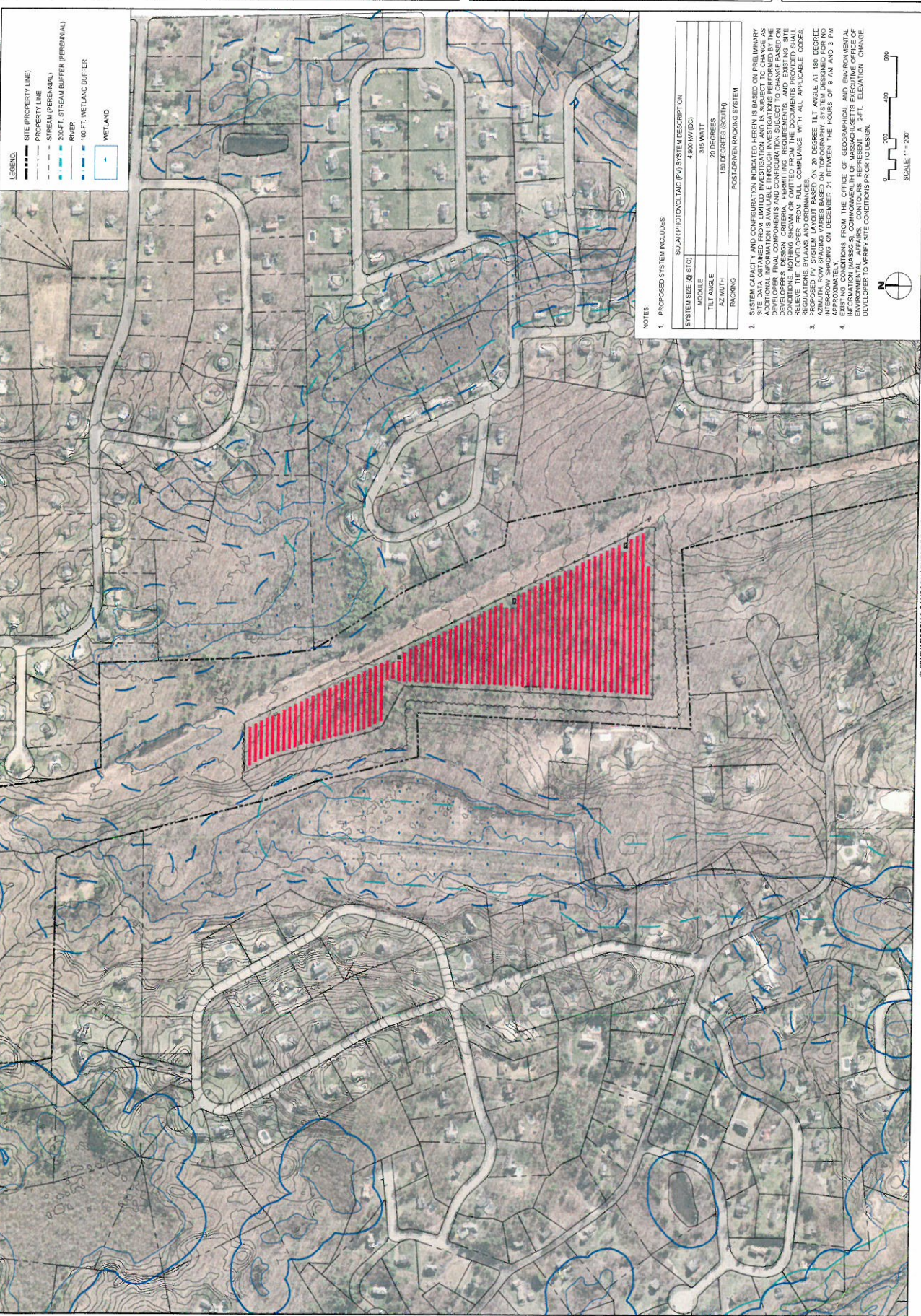


Revisions	Rev.	Date	Description

JUN 10, 2016 10:15 AM  
**PRELIMINARY DESIGN**  
**NOT FOR CONSTRUCTION**

Date	6/10/16
Scale	AS SHOWN
Designed By	RWG
Reviewed By	RWG
Checked By	SW
Approved By	

Drawing Title  
**SITE NO. 27 - MEDWAY**  
Sheet Number  
**PV-27**





**Suggested Warrant Article language – Received from Eversource on 9/12/16**

Section 5.4, Table 1 “Schedule of Uses” of the Town of Medway Zoning Bylaw shall be amended as follows:

*In Table 1, Section E, on the row labeled “Electric power generation” and under column XXX, the “N” shall be replaced with “PB”.*





**September 13, 2016**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Medway Gardens Site Plan**

I am about 75% complete on a draft decision and it is 5:30 pm on Friday afternoon. I will finish it on Monday and email it to you then. Sorry!!





**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*

DRAFT – September 13, 2016

**SITE PLAN DECISION**  
**Medway Gardens Site Plan Modification**  
**34 Summer Street**

You are hereby notified that on September 13, 2016 at a duly called and properly posted meeting, the Medway Planning and Economic Development Board, after reviewing the application and information compiled during the public review process, voted on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_ to approve with conditions as specified herein, the application of Onilleva Realty, LLC of Medway, MA to modify the previously approved site plan for Medway Gardens from August 2014.

This Decision includes the following sections:

- I. Project Location
- II. Background
- III. Project Description – Proposed Modification
- IV. Procedural Summary
- V. Index of Site Plan documents
- VI. Testimony
- VII. Special Conditions of Approval
- VIII. General Conditions of Approval

**I. PROJECT LOCATION** - Medway Gardens is located on a 2.27 acre portion of the property at 34 Summer Street (Parcel 56-039), in the Commercial V zoning district. The property is owned by Onilleva Realty, LLC of Medway, MA. The site is bounded on the west by Summer Street, on the north by Milford Street, on the east by property owned by Jesse and Teigan Bain at 37 Milford Street and by Madelyn Rivera and Pamela Bellino at 2 Knollwood Road, and on the south by property owned by Richard and Helen Barry at 32 Summer Street. The Cumberland Farms development is also located on this site.

**II. BACKGROUND** - The site plan decision for improvements at Medway Gardens was previously approved by the Medway Planning and Economic Development Board on August 12, 2014. Those improvements were shown on a plan dated August 21, 2014 which the Board endorsed on September 16, 2014. The approved scope of work included construction of a new greenhouse, a wooden pergola, and various site improvements including a reorganized and striped parking arrangement, perimeter landscaping/buffering, outside merchandise display, and improved access/egress to the site. The site plan decision specified that work was to be completed within a two year



period of plan endorsement. Based on a June 1, 2016 inspection of the site by Tetra Tech Engineering, the Board's consulting engineer, and the resultant punch list dated June 8, 2016, the Board determined that the scope of work had not been fully completed. The owner now wishes to modify/reduce the scope of site improvements.

**III. PROJECT DESCRIPTION/PROPOSED MODIFICATION** - The primary purpose of this application for site plan modification is to update the plan to depict the revised scope of improvements the applicant will implement. Pursuant to the application, the following scope of work is proposed:

Previously approved work to NOT be carried out includes paving 7 parking spaces in the parking area south of the wooden pergola. The owner wishes to be relieved of completing this particular site improvement. Gravel parking spaces will be provided instead.

The previously approved work which the applicant will install includes:

- Installation of a bituminous concrete apron and the appurtenant railroad ties at the Summer Street entrance
- Installation of 30 concrete wheel stops in the parking area to clearly designate the parking space locations
- Installation of directional and accessible parking signs
- Installation of a stockade fence and shrubs to enclose the existing dumpster
- Installation of a free-standing sign at the entrance driveway to the site from Summer Street
- Installation of landscaping along the southern and eastern perimeter of the site as a buffer to the adjacent parcels.

#### **IV. PROCEDURAL HISTORY**

- A. August 8, 2016 – Application to modify a previously approved site plan was filed with the Medway Planning & Economic Development Board.
- B. August 9, 2016 – Public briefing notice was filed with the Town Clerk, posted to the Town of Medway web site and mailed to abutters via first class mail.
- C. August 23, 2016 – Public briefing commenced. The public briefing was continued to September 13, 2016 when it was closed and the Board voted its decision.

#### **V. INDEX OF SITE PLAN DOCUMENTS**

- A. The application package to modify the previously approved Medway Gardens site plan submitted on August 8, 2016 included the following documents:
  - Application to Modify a Previously Approved Site Plan dated August 8, 2016
  - Project description dated July 12, 2016, received August 4, 2016
  - *Medway Gardens Site Plan*, dated July 22 2014, last revised July 22, 2016 prepared by Civil Design Group, LLC of North Andover, MA.
  - Certified abutters list
- B. During the course of the public briefing, the applicant provided the following additional documents:
  - A collection of site photos provided by the applicant during the August 23, 2016 to document completed work.



**VI. TESTIMONY** - In addition to the site plan application materials submitted and provided by the applicant during the course of its review, the Planning & Economic Development Board received written or verbal testimony as follows:

**Written Documents**

- Inspection report/punch list dated June 8, 2016 from Steve Bouley, Tetra Tech Engineering
- Site plan modification review letter dated August 16, 2016 from Gino Carlucci, the Town's consulting planner.
- Email communication dated August 21, 2016 from abutter Teigan Bain, 37 Milford Street including site photos.
- Email communication dated August 23, 2015 from abutter Pamela Bellino-Rivera of 2 Knollwood Drive

**Verbal Testimony**

- Joe Avellino, owner and applicant
- Gino Carlucci, consulting planner

**VII. SPECIFIC CONDITIONS OF APPROVAL** – Approval of this site plan modification is subject to the following specific conditions:

A. **Plan Revisions** - Prior to endorsement, the site plan titled *Medway Gardens Site Plan*, dated June 22, 2014, last revised July 22, 2016 prepared by Civil Design Group of North Andover, MA shall be further revised to show the following:

1. the location and description of 25' linear feet of fencing to be installed along the parcel's eastern boundary with property owned by Bellino-Rivera at 2 Knollwood Road
2. the establishment of a landscaped berm along the parcel's northern boundary (# of linear feet) with property owned by Bain at 37 Milford Street. The berm shall be \_\_\_\_ high and the landscaping shall consist of \_\_\_\_.
3. the free-standing sign to be located at the entrance driveway from Summer Street shall be noted as being a "new" sign instead of a "relocated" sign.
4. the notes regarding perimeter landscaping shall be revised to specify the height/size/type of evergreen trees to be planted every 20' and the height/size/type of native shrubs to be planted in between.
5. The landscaping along the eastern boundary line with the Bains at 37 Milford Street as shown on the endorsed Cumberland Farms site plan dated February 13, 2014, endorsed March 4, 2014, shall be added to the site plan."
6. Add a design detail for a new swing gate (Condition F).
7. Final revision date.
- 8.
- 9.



- B. The owner shall regularly water the landscape plantings to be located on the perimeter of the site as shown on the plan so that they will be maintained and thrive. To accomplish this, the owner will install soaker hoses for irrigating the plants.
- C. The owner will arrange for the regular spray painting of lines outlining the 9' x 18' parking spaces on the gravel parking areas wherever there are no wheel stops. Such striping shall be performed a minimum of \_\_\_\_ times per year.
- D. The owner shall continuously maintain the gravel access driveway to Milford Street such that weeds are regularly removed and the driveway appears neat and tidy and functions as a distinct driveway.
- E. A new free-standing, two sided Medway Garden Center sign shall be located near the entrance driveway from Summer Street. Said sign shall be in conformance with the Medway Zoning Bylaw.
- F. The owner shall replace the existing swing barrier gate at the northern edge of the internal driveway to Milford Street with a \_\_\_\_' high and \_\_\_\_' wide wood appearing swing gate to screen the back of the Medway Gardens site from the Cumberland Farms development and Route 109.
- G. The existing Conex container on the premises shall be removed
- H. A separate and distinct outside storage area shall be established and maintained to consolidate the storage of equipment, vehicles, palettes and other non-plant materials. Such area shall be screened from view with fencing and/or landscaping.
- I. The height of the dumpster enclosure shall fully screen the height of the dumpster inside. The enclosure shall screen all 4 sides of the dumpster.
- J. The landscaping along the eastern boundary line with the Bains at 37 Milford Street shall be maintained in good condition, including watering and trimming, by the owner.
- K. **Schedule for Project Completion** – The Planning and Economic Development Board's approval of this site plan modification shall lapse after ninety days of the grant thereof if substantial use has not commenced except for good cause. Construction shall be completed by the applicant or its assignees by June 30, 2017.

Upon receipt of a written request by the applicant filed at least thirty (30) days prior to the date of expiration, the Planning & Economic Development Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested. If no request for extension is filed and approved, the site plan approval shall lapse and may be reestablished only after a new filing and hearing have been held.

L.

M.

N.



## VIII. GENERAL CONDITIONS OF APPROVAL

- A. **Appeal** – Any person aggrieved by the Planning & Economic Development Board's Decision may appeal such to the court within twenty (20) days of the date the Decision is filed with the Town Clerk.
- B. **Plan Endorsement** - Within thirty (30) days after the Planning & Economic Development Board has filed its *Decision* with the Town Clerk, the Applicant shall submit a final site plan modification drawing reflecting all required revisions, if any, to the Planning and Economic Development Board to review for compliance with the Board's *Decision* before plan endorsement.
- C. **Fees/Taxes** - Prior to endorsement of the modified site plan by the Planning & Economic Development Board, the Applicant shall pay the balance of any outstanding plan review fees owed to the Town for review of the site plan by the Town's engineering and planning consultants, and any other outstanding expenses or obligations due the Town of Medway, including real estate and personal property taxes and business licenses. The Applicant's failure to pay these fees in their entirety shall be reason for the Planning & Economic Development Board to withhold plan endorsement.
- D. **Construction Standards** - All construction shall be in full compliance with all applicable local, state and federal laws, including but not limited to the Americans with Disabilities Act and the regulations of the Massachusetts Architectural Access Board for handicap accessibility.
- E. **Plan Revisions** – Any change to the approved site plan modification shall necessitate a further modification of the site plan requiring Planning & Economic Development Board approval pursuant to SECTION V. C. 8 of the Medway Zoning Bylaw. Whenever additional reviews by the Planning & Economic Development Board, its staff or consultants are necessary due to proposed site plan modifications, the Applicant shall be billed and be responsible for all supplemental costs including filing fees, plan review fees and all costs associated with another public hearing if required including legal notice and abutter notification. If the proposed revisions affect only very limited aspects of the site, the Planning & Economic Development Board may reduce the scope of the required review, public notice and waive part of the filing and review fees.
- F. **Project Completion** – At the conclusion of the installation/construction of the site plan improvements shall provide the Board with a written certification of a professional engineer registered in the Commonwealth of Massachusetts that all construction work has been completed in strict compliance with the decision and the endorsed site plan.

Approved by the Medway Planning & Economic Development Board: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Susan E. Affleck-Childs  
Planning & Economic Development Coordinator

\_\_\_\_\_  
Date

COPIES TO: Michael Boynton, Town Administrator  
Bridget Graziano, Conservation Agent  
Donna Greenwood, Assessor  
Thomas Holder, DPS Director  
Jeff Lynch, Fire Department



Jack Mee, Building Commissioner/Zoning Enforcement Officer  
Stephanie Mercandetti, Director of Community and Economic Development  
Joanne Russo, Treasurer/Collector  
Jeff Watson, Police Department  
Steve Bouley, Tetra Tech  
Gino Carlucci, PGC Associates  
Joe Avellino

DRAFT



NEWMAN & NEWMAN, P.C.

ATTORNEYS AT LAW

ONE MCKINLEY SQUARE

BOSTON, MASSACHUSETTS 02109

(617) 227-3361

FACSIMILE (617) 723-1710

WWW.NEWMANLEGAL.COM

MARSHALL F. NEWMAN  
RICHARD JOYCE  
REBECCA H. NEWMAN\*  
ANTHONY T. PANEBIANCO\*

ABRAHAM NEWMAN  
(1915 - 1995)  
SAMUEL NEWMAN  
(1912 - 2008)

September 13, 2016

\*ALSO ADMITTED IN NEW YORK

Planning Board  
Medway Town Hall  
155 Village Street  
Medway, MA 02053

RE: Onilleva Realty LLC and Medway Gardens, Inc.  
34-38 Summer Street, Medway, MA

Gentlemen:

I represent Onilleva Realty LLC and Medway Gardens, Inc. ("the Owner"), which operate a nursery at the above-referenced property. Though they were granted a permit for the construction of their greenhouse without the necessity of seeking site plan approval, they have been compelled by the Planning Board, after the issuance of the building permit and the lapsing of all appeal periods, to file for site plan approval.

You are hereby advised that my clients are using the land for horticultural purposes within the meaning of M.G.L. c. 40A, § 3 ("the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises").

Because my clients' use of their land is primarily horticultural, they are not obliged to seek site plan approval. See, e.g., Prime v. Zoning Board of Appeals of Norwell, 42 Mass. App. Ct. 796, 798-799 (1997).

Even if the Planning Board had the power to compel my clients to apply for site plan approval, the conditions ostensibly imposed by the Board "unreasonably regulate" my clients' use of the land within the meaning of M.G.L. c. 40A, § 3, and are for that additional reason invalid.

Finally, it bears noting that the chairman of your Board who is the most vociferous proponent of imposing stringent measures upon my clients, is also the chief officer of the Lion's Club, which is my clients' principal competitor in the sale of Christmas trees in the Medway area. His bias is patent, and he must recuse himself.



**NEWMAN & NEWMAN, P.C.**

Planning Board of Medway  
September 13, 2016  
Page Two

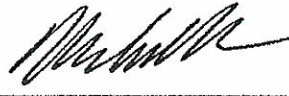
On behalf of my clients, I suggest you determine that my clients are not required to seek or obtain site plan approval.

Thank you for your attention to this matter.

Very truly yours,

NEWMAN & NEWMAN, P.C.

By:



Marshall F. Newman





**September 13, 2016**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Zoning Bylaw Amendments –**  
**DEFINITIONS**

Attached is an updated list of definitions, now fully alphabetized and not organized by type of use as the previous drafts have been. This list reflects the changes discussed at the 9/6/16 PEDB mtg and a lengthy review session held today by Stephanie, Mackenzie and me. I have also added definitions for doggie day care, furniture repair, and non-profit organization.

Tom is working on refining the definition for recreational camp and/or recreational facility.

We should spend no more than 10 minutes on this Tuesday night as you dedicated considerable time to this topic at the 9/6/16 mtg.

## **ZONING BYLAW AMENDMENTS – DEFINITIONS**

*REVISED DRAFT – September 9, 2016*

**ARTICLE** : To see if the Town of Medway will vote to amend SECTION 2 Definitions of the Medway Zoning Bylaw by inserting the following definitions in alphabetical order:

**Auto Body Shop**- An establishment in which bodies and frames for damaged vehicles, such as automobiles, trucks, or the like, are manufactured, repaired, straightened, or painted and which may include vehicle repair services as an accessory use.

**Auto Parts** – An establishment selling various components which are used to build or repair automotive vehicles and keep them performing safely and efficiently. May also include the sale of associated supplies and tools for the maintenance and upkeep of motor vehicles and various automotive accessories.

**Boat** – A vessel of any size built for navigation on a river or other body of water propelled by oars or paddles or by sail or power generated by an internal combustion engine.

**Boathouse** – An enclosed or partially enclosed building or shed for sheltering a boat or boats and associated marine equipment on or near a river, stream, pond or lake.

**Brew Pub** – Restaurant licensed under the relevant state and federal statutes to produce and sell beer and/or ale at the location for on-premises consumption. May include facilities for customers to brew on-premises for personal consumption off-site. Beverages produced on the premises may be sold to other establishments but shall not exceed 50% of the establishment's production capacity.

**Brewery, Distillery or Winery** - A business establishment located in a building that uses equipment and/or processes for the production and distribution of malt, spirituous, or vinous beverages pursuant to MGL. ch. 138, §19. Such establishment may include on-site sampling, the sale of permitted beverages produced on the premises to consumers for off-site consumption, and the sale of commercial goods branded by the establishment. A tasting room, not to exceed 25% of the building's gross square footage, that allows patrons to sample or consume beverages that are produced on premises is permitted as an accessory use. The establishment may also host marketing events, special events, and/or factory tours.

**Buffer** – Open spaces, natural wooded or open areas, landscaped areas, fences, walls, earthen berms or mounds, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances, except as may be defined by other provisions of this Bylaw.

**Building Materials** – Natural materials and man-made products which are used for construction purposes including but not limited to lumber, plumbing, heating, ventilating, air conditioning, insulation, roofing and electrical products.

**Child Care Facility** – As defined in MGL, ch. 5D, §1A.

**Commercial indoor amusement** - A business establishment engaged in providing indoor entertainment or games for a fee to the general public and including but not limited to such activities as a dance hall, bowling alley, billiard or pool establishment, skate park, rock climbing,



baseball, trampoline jumping, golf, family fun/entertainment/amusement center, playground, and other similar uses and which may include the provision of food and drink as an accessory use.

**Community Center** – A building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or non-profit group organization.

**Doggie Day Care** – A business establishment where dogs are dropped off and picked up for temporary daytime care on the premises and where they may be groomed, trained, exercised and socialized, but are not boarded overnight, bred, or sold.

**Dry Cleaner** – A business establishment where clothes, fabrics, textiles and other items are cleaned with dry-cleaning chemical solvents with little or no water.

**Educational/Instructional Facility, commercial** – Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or skill, organized on a commercial basis including but not limited to schools for vocational and technical training, art, dance, gymnastics, yoga, martial arts and other sports activities.

**Educational Facility, non-profit** – Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or skill, organized on a non-profit basis or operated on land owned or leased by the commonwealth or any of its agencies, subdivisions, or body politic, or by a religious sect or denomination, or by a nonprofit educational corporation.

**Electric Power Generation** – The process of generating electric power from other sources of primary energy such as electromechanical generators, heat engines fueled by chemical combustion, kinetic energy such as flowing water and wind, and other energy sources such as solar photovoltaic and geothermal power.

**Family Day Care Home** – As defined in MGL, ch. 28A, §9.

**Farm Equipment** – Equipment and implements that are used or intended for use in farming operations, including any tractor, combine, engine, motor or attachment including but not limited to a cultivator, tiller, harvester, reaper, hay conditioner, haymaker, or thresher.

**Financial Institution** – Establishments such as banks, savings and loans, credit unions, insurance companies, mortgage offices, and brokerage firms dealing in monetary transactions for consumers such as deposits, loans, investments and currency exchange.

**Fitness Facility** – An establishment providing exercise space, facilities and equipment or classes for the purposes of physical exercise. Commonly referred to as a fitness club, health or athletic club, fitness center, and gym. May also provide personal training, locker rooms, showers and fitness studios and other similar facilities and services.

**Florist** – An establishment which sells flowers and plants and accessory items thereto

**Funeral Home** – A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected thereto before burial or cremation and which may include areas for a chapel, sale of caskets and other funeral supplies, and a crematorium.

**Furniture Repair** - Establishment primarily engaged in repairing, reupholstering, refinishing, reconstructing or restoring furniture.

**Gallery** – An established engaged in the display, sale or loan of works of art to the general public.

**Golf Course** – A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways and hazards and that may include a clubhouse and shelter as accessory uses.

**Government Facility** – Any building, structure, facility or complex operated by any federal, state or county, or agency or instrumentality thereof such as but not limited to schools, libraries, police stations, fire stations, senior centers, offices, parks, playgrounds, fields, community centers, garages and other public works facilities, and other similar governmental uses.

**Gravel/loam/sand or stone removal, commercial** – A business establishment which removes soil including but not limited to sod, loam, sand, gravel, clay, peat, hardpan, rock, quarried stone or mineral products from land on the premises where the establishment is located.

**Greenhouse** – A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation and protection of plants.

**Greenhouse, commercial** – A greenhouse which grows plants which are sold at retail or wholesale.

**Group Home** - Small, community-based residential facility, licensed by the Commonwealth of Massachusetts pursuant to MGL ch. \_\_\_\_ designed to serve and provide on-going care, support for daily living and habilitation services for children or adults with chronic disabilities, of whom one or more are unrelated, and which operate as a single housekeeping unit. These homes usually have six or fewer occupants and are staffed 24 hours a day by trained caregivers.

**Indoor Storage** – An area within a non-residential establishment for the placement and safe keeping of materials, products or equipment

**Impervious Coverage** – That portion of a lot that is covered by buildings, including accessory buildings, and all paved and other impervious surfaces. Impervious coverage shall be determined by dividing the combined area of the footprint of all buildings and all paved and impervious surfaces on a lot by the total area of the lot

**Infill dwelling unit** – As specified in Section 8.1 of this Bylaw.

**Inn** – An establishment that provides temporary overnight lodging to the general public for compensation, not to exceed 10 guest rooms, for transient guests and where a dining room for the serving meals may be operated on the premises, and wherein the owner or operator may or may not maintain a place of principal residence.

**Large Family Child Care Home** - As defined in MGL, ch. 15D, §1A.

**Laundromat** – An establishment providing self-service washing, drying or dry-cleaning machines on the premises for rental use to the general public and which may include drop off-pick up service.



**Livery/Riding Stable** – An establishment designed and equipped for the feeding, boarding, exercising or training of horses not owned by the owner of the premises and for which the owner of the premises receives compensation and which may include instruction in riding, jumping or showing or where horses may be hired for riding.

**Lodge or Club** – A facility operated by a private, non-profit organization established around a common interest such as a fraternal, civic, alumni, social, recreational or sports club, or other similar organization, to which membership is limited or controlled. May include meeting space, dining facilities, and outdoor areas.

**Motor Vehicle** – A self-propelled device designed and used for the transportation of people or goods over land surfaces

**Municipal Use** – Any use, building, facility or area owned or leased by and operated by the Town of Medway for the general use and welfare of the Town, its inhabitants or businesses located within the Town.

**Non-profit organization** - A corporation or an association that conducts business for the benefit of the general public or is dedicated to furthering a given cause. A non-profit organization operates without a profit motive, using any surplus revenues to further achieve its purpose rather than distributing its surplus income to shareholders. Organizations recognized by the Internal Revenue Service under section 501c are exempt from federal taxes.

**Nursery** – Land used to raise plants, flowers, shrubs, bushes, or trees grown on the premises for sale or transplanting. May include greenhouses and retail sales of associated nursery goods and products.

**Open Space** – Those areas of a lot on which no building or structure is permitted except as authorized by other provisions of this Bylaw, and which shall not be used for streets, driveways, sidewalks, parking, storage or display. Open space may serve as areas for buffers, active and passive recreation, natural and scenic resource protection, land conservation, or other similar uses.

**Open Space Residential Development (OSRD)** – As specified in Section 8.4 of this Bylaw.

**Optician** – A business establishment where eyeglasses and contact lenses are made and/or supplied to correct vision.

**Outdoor Dining** – A dining area with tables and seating available for restaurant-style eating outdoors, usually located on the sidewalk or an open area adjacent to its affiliated restaurant, and usually operated on a seasonal basis.

**Outdoor Display** – The temporary display of goods and products sold by a business establishment, located on the same premises but not including such display on any parking, delivery or loading areas, fire lanes, drive aisles, or sidewalks where less than 6 feet of sidewalk width remains for pedestrian access, or other features that could cause a safety hazard, and limited to the hours the business is open.

**Outdoor Storage** – An outside area for the storage or display of materials, goods or manufactured products produced or used by the principal use of the property, for more than a twenty-four hour period.

**Personal Care Service Establishment** – A business establishment providing personal care and grooming services to individuals including but not limited to a barber shop, beauty shop, hair salon, nail salon, tanning salon, cosmetology and spa services, and other similar services.

**Photocopying/Printing** – A business establishment that offers photocopying, printing and ancillary services.

**Recreational Camp** – The use of land and/or a building operated continuously for a period of five days or more each year to provide seasonal, organized youth and/or family oriented programs and activities including indoor and/or outdoor recreational and educational activities and which may include overnight sleeping accommodations and dining services. **NOTE – Tom to review this definition.**

**Recreational Facility** – A public or private establishment designed and equipped for the conduct of sports and leisure-time activities including but not limited to fields, courts, swimming pools, rinks, tracks, golf courses, mini-golf, driving ranges, and other similar uses and which may include a clubhouse and other customary accessory uses, and which may be comprised of indoor and outdoor facilities. **NOTE – Tom to review this definition**

*Recreational Facility, Commercial* – A recreational facility operated as a business and open to the general public for a fee.

*Recreational Facility, Private* – A recreational facility open only to bona fide members and guests of such organization

**Religious Facility** – A structure, building or place used by a religious sect or denomination for worship, ceremonies, rituals, assembly, or study or education pertaining to a particular system of religious beliefs. May include a cathedral, chapel, church, convent, meeting house, monastery, mosque, sanctuary, shrine, synagogue, temple and other places of religious worship, and which may also include associated facilities whose purposes are substantially related to the religious purposes of such sect or denomination such as a rectory, parsonage, offices, meeting facilities, or outdoor recreational and open space.

**Repair Shop** - A business establishment where household machines, equipment, tools, appliances and other similar items can be taken to be repaired or serviced, but not including vehicle repair.

**Sawmill** – A place or building in which timber from off the premises is sawed, split, shaved, planed, stripped, chipped or otherwise processed by machinery into planks, boards, mulch, firewood or other wood products.

**Shelter** - An establishment giving temporary protective sanctuary to victims of crime, abuse or homelessness, by providing housing, food, counseling, support and educational services to those needing assistance, usually operated by a non-profit organization.

**Shoe repair** – A business establishment where shoes, boots and other footwear can be taken to be repaired and which may offer shoe polishing and cleaning services and may sell footwear accessories and specialty shoe products.

**Ski Area** – An area developed for skiing, boarding or tubing with trails and which may include lifts, ski rentals and sales, and instruction and eating facilities



**Studio** – A building, room or space where a craftsman, artist, sculptor, photographer, musician or other artisan, designer or craftsman works and which may include incidental accessory uses such as a gallery, retail sales of art produced on the premises, and instruction.

**Tailor** – A business establishment where clothes and garments are made, mended or altered for individual customers

**Trailer** - A non-motorized vehicle, often a long platform or box/container with two or more wheels, which is pulled behind a motorized vehicle and used to transport things.

**Veterinary Hospital** – A building where animals are given medical care, observation and treatment including surgery for their diseases and injuries and which may include the short-term boarding of animals during their convalescence.

**Warehouse/Distribution Facility** – A building or area used primarily for the storage of raw materials, manufactured goods, products, cargo or equipment before their export or distribution for sale to retailers, wholesalers, or directly to consumers.

**Wholesale** - The business of selling things in large quantities to other businesses for resale rather than to individual retail consumers.

**Wholesale Showroom** - A room or space used for displaying a company's products, goods and merchandise not for direct sale to consumers.

**And to revise the following definition by adding the language noted in bold text:**

**Manufacturing** – The transformation of raw materials or substances, components or parts into new products by the use of machines, tools, and labor through a mechanical, chemical or other process. Also includes the blending of materials and the assembly of component parts **and the packaging of products for distribution, storage and sale.**

**And to delete “Tourist Home” from the list of Definitions.**

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

## **FOR YOUR REFERENCE**

**Agriculture** – As defined in Massachusetts General Laws, Chapter 128, Section 1A.

"Farming" or "agriculture" shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

*Horticultural* - The producing, improving, marketing, and using of fruits, vegetables, flowers, and ornamental plants.

*Floricultural* - The cultivation of flowering and ornamental plants

*Aquaculture* - The breeding, rearing, and harvesting of plants and animals in all types of water environments

**Gino's Explanation of the Agricultural Exemption under M.G.L. c. 40A:** Zoning may not prohibit, require a special permit or "unreasonably regulate" agricultural uses and buildings. This applies to silviculture (forestry) and horticulture (including nurseries) as well. To qualify for the exemption, the agricultural use must meet one of the following requirements:

- A. The agricultural activities must be on a minimum of 5 acres of land and
  - a. During the months of June, July, August and September (or harvest season of the primary product) at least 25% of the products sold must be grown on the land; or
  - b. At least 25% of the products sold must be grown on the land AND 50% of the products sold must be from other agricultural facilities within Massachusetts.

OR

- B. The agricultural activities must be on a minimum of 2 acres and the products grown on the land must result in annual gross sales of at least \$1,000 per acre (so \$2,000 for 2 acres, \$3,000 for 3 acres, etc.).

NOTE - Section 3 of M.G.L. c. 40A defines "nursery" (for the purposes of the agricultural exemption) as: "Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises."]





**September 13, 2016**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Informal, Pre-Application Discussion –**  
**Paul Revere Estates, 39 Main Street**

You will meet with Dan Merrikin to discuss a possible subdivision at 39 Main Street. This is a 13.6 acre parcel on the south side of Main Street, east of Medway Commons. About 1/3 of the site is wet and in the flood plain. The property presently includes a single family residence built in 1953. The assessed value is \$270,800. The property is currently owned by Notwen Realty Trust (Paul and Margaret Newton, Trustees) of Norfolk, MA.

The concept is to develop the site into 8 house lots plus a drainage parcel off of a 600 foot roadway to be accepted by the Town. See attached concept plan dated 8-29-2016. One of the house lots would include the existing residence. Per Medway's affordable housing bylaw, the applicant is required to provide at least one affordable dwelling unit. The lot proposed for the affordable dwelling unit is shown as Affordable Lot A with Main Street frontage. The applicant is interested in donating that parcel to the Medway Affordable Housing Trust or to another affordable housing organization.

[illegible]

PLAN SCALE: 1" = 40'

ZONING DISTRICT  
AGRICULTURAL RESIDENTIAL I  
ASSESSORS PARCEL  
MAP 45, PARCEL 56  
OWNER/APPLICANT  
NOTWEN REALTY TRUST  
33 FROIT STREET  
NORWOLK, MA 02056

I CERTIFY THAT 20 DAYS HAVE ELAPSED  
SINCE THE PLANNING BOARD APPROVAL  
AND NO APPEAL HAS BEEN FILED IN THIS  
OFFICE.

TOWN CLERK

DATE

I CERTIFY THAT THIS PLAN HAS BEEN

THE  
OF THE  
REGULATIONS  
OF THE  
COMMONWEALTH OF MASSACHUSETTS.

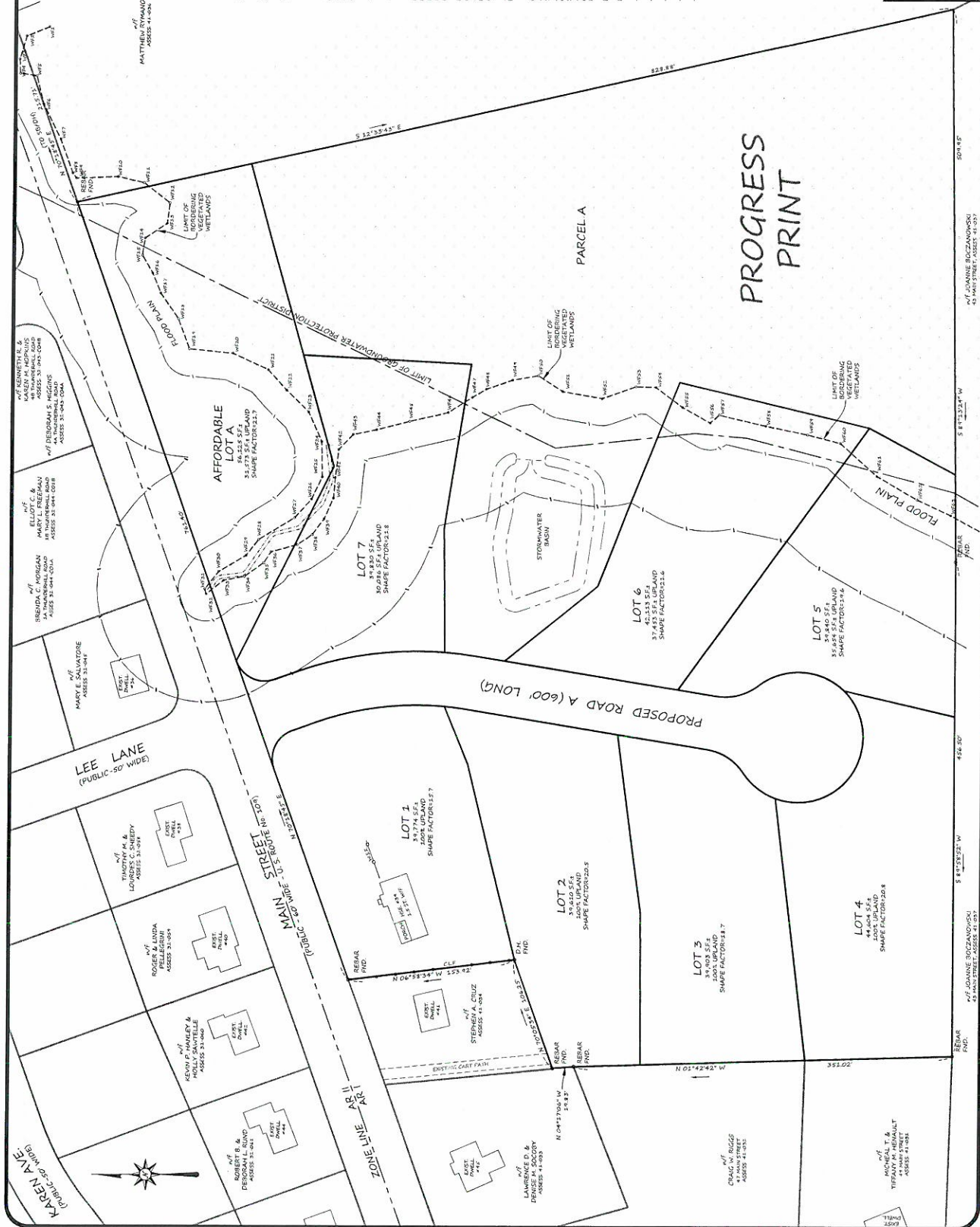
CONFORMS TO THE SURVEY AND PLAN  
PRACTICE OF LAND SURVEYING IN THE  
COMMONWEALTH OF MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR

CONDITIONALLY APPROVED IN  
ACCORDANCE WITH M.G.L. CHAPTER 41,  
SECTION 24L, AND FILED WITH THE  
CLERK OF THE SUPERIOR COURT  
FOR THE COUNTY OF \_\_\_\_\_ ON  
\_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ O'CLOCK  
AFTERNOON. CONDITIONS  
IMPOSED ON THE SURVEYOR SET FORTH IN A  
CONSENT DECREE TO BE  
RECORDED HERewith.

DATE APPROVED: \_\_\_\_\_

TOWN OF MIDWAY PLANNING BOARD







**September 13, 2016**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Zoning Bylaw Amendments –**  
**USE TABLE**

Attached is an updated USE TABLE organized as a matrix of uses by zoning district. This table reflects staff recommendations for proposed:

- Newly defined uses
- Deletions
- Previously defined uses which were not included in the Table
- Revisions to the existing terms in the Table

Let's plan to spend up to 45 minutes on this.

# DISCUSSION WORKSHEET FOR CHANGES TO ZBL

## TABLE OF USES – September 9, 2016

	AR-I	AR-II	VR	C-I CB	C-III & IV VC	C-V	BI	I-I	I-II	I-III
<b>A. AGRICULTURE, CONSERVATION, RECREATION USES</b>										
Agriculture, excluding piggeries and fur farms on less than 5 acres of land, and excluding livestock on less than 44,000 sq. ft. of land. <i>(Revised 11/16/15)</i>	Y	Y	N	N	N	N	N	N	N	N
Poultry on less than 1 acre. Minimum lot size for poultry is 5,000 sq. ft. subject to Board of Health regulations. <i>(Added 11/16/15)</i>	Y	Y	Y	N	N	N	N	N	N	N
<b>Commercial Greenhouse</b>	SP	SP	N	N	N	Y	Y	N	N	N
<b>Nursery</b>	SP	SP	N	N	N	Y	Y	N	N	N
<del>Nonprofit recreational use</del>	Y	Y		N	N	N	N	N	N	N
<b>Recreational facility, private</b>	SP	SP	N	N	N	N	Y	Y	N	N
<b>Recreational facility, commercial</b>	SP	SP	N	N	N	N	Y	Y	N	N
<del>Sawmill</del>	SP	N		N	N	N	N	N	N	N
<b>Recreational camp</b>	SP	SP	N	N	N	N	N	N	N	N
<del>Beachhouse, ski tow, golf course</del>	SP	SP		N	N	N	N	N	N	N
<b>Ski Area</b>	SP	SP	N	N	N	N	N	N	N	N
<b>Golf course</b>	SP	SP	N	N	N	N	N	N	N	N
<b>Livery riding stable</b>	Y	Y	N	N	N	N	N	N	N	N
Gravel, loam, sand, or stone removal, except that in the AR-I and AR-II districts, no special permit shall be required when removal of such materials is incidental to the construction or alteration of buildings for which a permit has been issued by the Board of Selectmen. <b>NOTE – This use is being moved to the INDUSTRIAL USES section of the Use Table</b>	SP	SP		N	N	N	N	N	N	N

Terms already included in Use Table but not yet defined in ZBL – See attached definitions

Terms to be added to Use Table that are already defined in the ZBL

New terms to be added to the Use Table that are not yet defined in the ZBL – See attached definitions

~~Words recommended to be deleted from Use Table~~

Words recommended for minor changes or additions to Use Table



# DISCUSSION WORKSHEET FOR CHANGES TO ZBL

## TABLE OF USES – September 9, 2016

	AR-I	AR-II	VR	C-I CB	C-III & IV VC	C-V	BI	I-I	I-II	I-III
<b>B. PUBLIC SERVICE</b>										
Municipal use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public utility	SP	SP	N	SP N	Y N	Y N	Y	Y	Y	Y
<b>Governmental facility</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

	AR-I	AR-II	VR	C-I	C-III & IV VC	C-V	BI	I-I	I-II	I-III
<b>C. RESIDENTIAL AND INSTITUTIONAL USES</b>										
Detached single-family dwelling	Y	Y	Y	N	Y	N	N	N	N	N
Two-family dwelling, provided that the exterior of the dwelling has the appearance of a single-family dwelling.	N	SP	Y	N	N	N	N	N	N	N
Infill dwelling unit, subject to Section 8.1.	N	SP	SP	N	N	N	N	N	N	N
Open space residential development, subject to Section 8.4	PB	PB	N	N	N	N	N	N	N	N
Assisted living residence <b>facility</b>	N PB	N PB	N	PB N	N	N	N	N	N	N
Adult retirement community planned unit development, subject to Section 8.5	PB	PB	N	N	N	N	N	N	N	N
Multifamily dwellings and multifamily developments subject to <b>Section 5.6.2 E</b> and Section 5.6.4 (Added 11/16/15)	N PB	PB	PB	N	PB	N	N	N	N	N
Multifamily units in combination with a commercial use that is permitted or allowed by special permit, subject to Section 5.4.1.	N	N	N	PB	N	N	N	N	N	N
<b>Long-term care facility</b>	SP	SP	N	N	N	N	N	N	N	N
<b>Group home</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>Shelter</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

**Terms already included in Use Table but not yet defined in ZBL – See attached definitions**

**Terms to be added to Use Table that are already defined in the ZBL**

**New terms to be added to the Use Table that are not yet defined in the ZBL – See attached definitions**

**Words recommended to be deleted from Use Table**

**Words recommended for minor changes or additions to Use Table**

# DISCUSSION WORKSHEET FOR CHANGES TO ZBL

## TABLE OF USES – September 9, 2016

	AR-I	AR-II	VR	C-I CB	C-III & IV VC	C-V	BI	I-I	I-II	I-III
<b>Accessory Uses:</b>										
Accessory family dwelling unit, subject to Section 8.2	SP	SP	SP	N	SP	N	N	N	N	N
Home-based business, subject to Section 8.3	Y	Y	Y	N	Y	N	N	N	N	N
Family day care home and large family child care home	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Boathouse	Y	Y	N	N	N	N	N	N	N	N
Greenhouse	Y	Y	Y	N	N	N	N	N	N	N
	AR-I	AR-II	VR	C-I	C-III & IV VC	C-V	BI	I-I	I-II	I-III
<b>D. BUSINESS USES</b>										
<b>Retail Trade</b>										
Retail bakery (Added 11/16/15)	N	N	N	Y	Y	Y	Y	N	N	N
Retail store sales	N	N	N	Y	Y	Y	Y	N	N	N
Retail store larger than 20,000 sq. ft.	N	N	N	SP	N	N	SP	N	N	N
Shopping center/multi-tenant development	N	N	N	SP	N	SP	SP	N	N	N
Auto parts	N	N	N	N	N	N	Y	N	N	N
Nursery and Florist	N	N	N	N	N	Y	Y	N	N	N
Indoor sales of motor vehicles, trailers, boats, farm equipment, with accessory repair services and storage, but excluding auto body, welding, or soldering shop	N	N	N	Y	N	N	N	N	N	N
Sale and storage of building materials to be sold on the premises NOTE – This has been moved to the Industrial Uses section	N	N		N	N	N	Y	Y	N	N
Outdoor retail sales Retail sales, outdoors	N	N	N	N	N	N	Y	N	N	N

Terms already included in Use Table but not yet defined in ZBL – See attached definitions

Terms to be added to Use Table that are already defined in the ZBL

New terms to be added to the Use Table that are not yet defined in the ZBL – See attached definitions

Words recommended to be deleted from Use Table

Words recommended for minor changes or additions to Use Table



# DISCUSSION WORKSHEET FOR CHANGES TO ZBL

## TABLE OF USES – September 9, 2016

	AR-I	AR-II	VR	C-I CB	C-III & IV VC	C-V	BI	I-I	I-II	I-III
<b>Hospitality and Food Services</b>										
Restaurant providing food within a building, which may include outdoor seating on an adjoining patio	N	N	N	Y	Y	Y	Y	N	N	N
Restaurant providing live entertainment within a building, <b>subject to license from the Board of Selectmen</b>	N	N	N	SP Y	N SP	N SP	N	N	N	N
<b>Brew pub</b>	N	N	N	Y	Y	Y	Y	N	N	N
Motel or hotel	N	N	N	SP	N	N	N	N	N	N Y
<b>Bed and breakfast</b>	SP	SP	SP	N	N	N	N	N	N	N
<b>Inn</b>	SP	SP	SP	SP	SP	N	N	N	N	N
<b>Cultural and Entertainment Uses</b>										
<del>Studio for artists, photographers, interior decorators, other design-related uses</del>	N	N	SP	N Y	N Y	Y	N	N	N	N
<b>Museum</b>	SP	SP	SP	Y	SP	SP	N	N	N	N
<b>Movie theatre/cinema</b>	N	N	N	SP	N	N	N	N	N	N
<b>Theatre</b>	SP	SP	N	Y	SP	SP	N	N	N	N
<b>Gallery</b>	N	N	N	Y	Y	Y	N	N	N	N
<b>Commercial indoor amusement</b>	N	N	N	SP	N	N	N	N	N	N
NOTE – This use was moved here from Business Uses - Services										
<b>Professional Uses and Financial Services</b>										
<del>Bank or other</del> <b>Financial institution</b>	N	N	N	Y	Y	Y	Y	N	N	N
Professional or business office	N	N	N	Y	Y	Y	Y	Y	Y	Y
<b>Automated teller machine kiosk</b>	N	N	N	SP	N	SP	SP	N	N	N
<b>Services</b>										
<del>Barber shop, beauty shop, nail salon, and similar</del> <b>Personal care service establishments</b>	N	N	N	Y	N Y	Y	Y	N	N	N
Consumer services such as but not limited to <del>health care, fitness facility, optician, dry cleaner, laundry, laundromat, florist, shoe repair, photocopy/printing, bakery, photography studio, tailor, and other similar businesses and services</del>	N	N	N	Y	N Y	N Y	N	N	N	N
<b>Doggie Day Care</b>	N	N	N	N	N	N	SP	N	N	N
<del>Repair shop for small equipment, bicycles, appliances, tools</del>	N	N	N	Y N	N Y	N Y	N Y	N SP	N	N

Terms already included in Use Table but not yet defined in ZBL – See attached definitions

Terms to be added to Use Table that are already defined in the ZBL

New terms to be added to the Use Table that are not yet defined in the ZBL – See attached definitions

~~Words recommended to be deleted from Use Table~~

Words recommended for minor changes or additions to Use Table



# DISCUSSION WORKSHEET FOR CHANGES TO ZBL

## TABLE OF USES – September 9, 2016

	AR-I	AR-II	VR	C-I CB	C-III & IV VC	C-V	BI	I-I	I-II	I-III
<b>Furniture Repair</b>	N	N	N	N	Y	Y	Y	SP	N	N
<b>Educational/instructional facility, commercial</b>	N	N	N	Y	Y	Y	Y	Y	N	N
<del>Commercial indoor amusement or recreation, or similar place of assembly</del> NOTE – This was moved to Business Uses – Cultural and Entertainment	N	N		SP	N	N	N	N	N	N
<b>Funeral home</b> <del>undertaker</del>	N SP	N SP	N	Y SP	Y	Y	Y	N	N	N
<b>Veterinary hospital</b>	SP	SP	N	N	N	N Y	N Y	N	N	N
Kennel	SP	SP	SP	SP N	SP	SP N	SP	SP	SP N	SP N
<b>Medical office or clinic</b>	N	N	N	Y	Y	Y	Y	N	N	N
<b>Child care facility</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>Adult day care facility, subject to Section 8.5</b>	PB	PB	N	N	N	N	N	N	N	N
<b>Automotive Uses</b>										
<b>Vehicle fuel station with repair services</b>	N	N	N	N	N	N	SP	N	N	N
Vehicle fuel station, <b>with</b> car wash	N	N	N	SP N	N	N	N SP	N	N	N
Car wash	N	N	N	SP N	N	N	SP	N	N	N
Vehicle fuel station with convenience store	N	N	N	PB N	N	PB N	N PB	N	N	N
Vehicle repair	N	N	N	SP N	N SP	N	SP	Y	N	N
<b>Auto body shop</b>	N	N	N	N	N	N	SP	Y	N	N
<b>Other Business Uses; Unclassified</b>										
Adult uses	N	N	N	N	N	N	N	Y	N	N
<b>Accessory Uses</b>										
Drive-through <b>facility</b>	N	N	N	SP N	N	PB	SP	N	N	N
<del>Outdoor dining accessory to a restaurant may be permitted by the Building Inspector</del>	N	N		Y	N	N	N	N	N	N
<b>Outdoor display</b>	N	N	N	SP	SP	SP	SP	N	N	N
<b>Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises</b>	N	N	N	N	N	N	Y	Y	N	N

Terms already included in Use Table but not yet defined in ZBL – See attached definitions

Terms to be added to Use Table that are already defined in the ZBL

New terms to be added to the Use Table that are not yet defined in the ZBL – See attached definitions

Words recommended to be deleted from Use Table

Words recommended for minor changes or additions to Use Table



# DISCUSSION WORKSHEET FOR CHANGES TO ZBL

## TABLE OF USES – September 9, 2016

	AR-I	AR-II	VR	G-I CB	G-III & IV VC	C-V	BI	I-I	I-II	I-III
<b>E. INDUSTRIAL AND RELATED USES</b>										
Warehouse/ <del>and</del> -distribution facility	N	N	N	N	N	<del>N</del> N	N	<del>N</del> Y	<del>N</del> Y	<del>N</del> Y
Wholesale bakery <i>(Added 11/16/15)</i>	N	N	N	N	N	N	N	Y	Y	Y
Wholesale showroom or office, including warehouse	N	N	N	N	N	N	Y	Y	Y	Y
Manufacturing, processing, fabrication, packaging and assembly, and storage of goods manufactured on the premises	N	N	N	N	N	N	Y	Y	Y	Y
Contractor's yard	N	N	N	N	N	N	Y	Y	N	N
Research and development	N	N	N	N	N	N	Y	Y	Y	<del>N</del> Y
<b>Brewery</b>	N	N	N	SP	N	Y	Y	Y	Y	Y
Research and development and/or manufacturing of renewable or alternative energy products	N	N	N	N	N	N	Y	Y	Y	Y
<b>Electric power generation</b> including but not limited to renewable or alternative energy generating facilities such as the construction and operation of large-scale ground-mounted solar photovoltaic installations with a rated name plate capacity of 250 kW (DC) or more	N	N	N	N	N	N	N	N	Y	N
<b>Gravel, loam, sand, or stone removal</b> , except that in the AR-I and AR-II districts, no special permit shall be required when removal of such materials is incidental to the construction or alteration of buildings for which a permit has been issued by the Board of Selectmen. <b>NOTE – This was use moved here from the Agricultural/Conservation/ Recreation Uses section of the Use Table</b>	SP	SP	N	N	N	N	N	N	N	N

Terms already included in Use Table but not yet defined in ZBL – See attached definitions

Terms to be added to Use Table that are already defined in the ZBL

New terms to be added to the Use Table that are not yet defined in the ZBL – See attached definitions

Words recommended to be deleted from Use Table

Words recommended for minor changes or additions to Use Table

# DISCUSSION WORKSHEET FOR CHANGES TO ZBL

## TABLE OF USES – September 9, 2016

	AR-I	AR-II	VR	C-I CB	C-III & IV VC	C-V	BI	I-I	I-II	I-III
<b>Accessory Uses</b>										
Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises	N	N	N	N	N	N	Y	Y	Y	Y
	AR-I	AR-II	VR	C-I CB	C-III & IV VC	C-V	BI	I-I	I-II	I-III
<b>F. INSTITUTIONAL USES</b>										
Religious facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Community center	SP	SP	N	SP	SP	SP	SP	N	N	N
Educational facility, non-profit	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Lodge or club	SP	SP	SP	N	N	N	N	N	N	N

**Are there any other uses you may want to add to the list of specifically prohibited uses in Section 5.2? See list below for possibilities.**

- Storage or reprocessing of waste products and salvage materials such as non-operable vehicles or appliances
- Paper or pulp mill
- Commercial or private sludge or disposal facility
- Salvage yard and all open air storage of salvage materials and debris
- Commercial or private dump, landfill, refuse incinerator, or other commercial or private solid waste disposal or processing facility
- Aviation field
- Sawmill

**NOTE** - The text of the article for changes to the Use Table should also amend:

- Section 4.1 to add Village Residential to the list of Residential Districts, to remove Commercial III and Commercial IV and from the list of Nonresidential Districts and add Village Commercial to the list, and to change the name of Commercial I to Central Business.
- Section 5.6.4 Multifamily Housing to indicate that the PEDB may grant a Multifamily Housing special permit for properties on a tract of land within the Village Residential zone that are within the Multifamily Overlay District
- Section 8.1 Infill Housing to indicate that the PEDB may grant a special permit to construct an infill dwelling unit on a lot within the Village Residential District.

**Terms already included in Use Table but not yet defined in ZBL – See attached definitions**

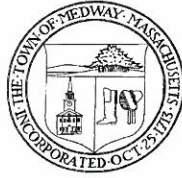
**Terms to be added to Use Table that are already defined in the ZBL**

**New terms to be added to the Use Table that are not yet defined in the ZBL – See attached definitions**

**Words recommended to be deleted from Use Table**

**Words recommended for minor changes or additions to Use Table**





**September 13, 2016**  
**Medway Planning & Economic Development Board**  
**Meeting**

**Zoning Amendments – Dimensional**  
**Regulations**

Attached is the same collection of documents provided to you for the 9/6/16 meeting.

- PROPOSED REVISED Table 2
- Compilation of dimensional regulations from other towns
- Maps showing lot frontages in Ind I & BI, Ind II, and Ind III.
- List of various types accessory structures to discuss whether or not to allow within setback areas. **NOTE** – This is a fairly major discussion and perhaps this should wait until the May 2017 town meeting.
- Current dimensional definitions (for your reference), revised definition for Impervious Coverage, and proposed new language re: front setbacks for corner lots

Per the Board's discussion at the 8/23/16 meeting, the following changes have been made to Table 2:

- Removed lot width as a category
- Added maximum lot coverage regulations for ARI and ARII
- Added maximum height limitation for ARI and ARII
- Reduced front setback in Commercial I. Adjusted other front, rear and side setbacks throughout the table
- Added maximum impervious coverage regulations
- Added minimum open space requirements
- Combined CIII and CIV into Village Commercial District
- Added new Village Residential provisions

TABLE 2. DIMENSIONAL AND DENSITY REGULATIONS

Requirement	AR-I	AR-II	VR	G-1 CB	VC	G-III	G-IV	C-V <sup>a</sup>	B-I	I-1	I-2	I-3
Minimum Lot Area (Sq. Ft.)	44,000	22,500 <sup>b</sup> 30,000 <sup>a</sup>	10,000 15,000 <sup>b</sup>	20,000 10,000	10,000	20,000	20,000	20,000	20,000	20,000	20,000	40,000
Minimum Lot Frontage (Ft.)	180'	150'	75'	NA	NA	NA	NA	NA	100' 75'	NA 100'	NA 150'	NA 100'
Minimum Lot Width (Ft.)	NA	NA	NA	100'	NA	100'	100'	100'	NA	100'	100'	100'
Minimum Setbacks (Ft.) <sup>c</sup>												
Front <sup>e, d</sup>	35'	35'	20' <sup>d</sup>	50'-10'	20' <sup>d</sup>	35'	35'	50' 35'	35' 25'	30'	30'	30'
Side <sup>e</sup>	15'	15'	10' <sup>d</sup>	10' <sup>e</sup>	10' <sup>d</sup>	15'	15'	15'	15'	20'	20'	20'
Rear	15'	15'	10' <sup>d</sup>	25'	10' <sup>d</sup>	15'	15'	15'	15'	30'	30'	30'
Maximum Building Height (Ft.)	NA 35'	NA 35'	35'	40'	40'	40'	40'	40'	40'	40'	40'	60'
Maximum Lot Coverage (Pct. of lot) (Primary and accessory buildings)	NA 25%	NA 30%	50%	30% 80%	50%	30%	30%	30% 40%	30% 40%	40%	40%	40%
Maximum Impervious Coverage (Pct. of lot)	35%	40%	NA	NA	NA	NA	NA	NA	NA	70%	60%	70%
Minimum Open Space (Pct. of lot)	TBD	TBD	15%	15%	15%	NA	NA	20%	20%	25%	30%	25%

Yellow highlighted text is either completely new language or revised language



## NEW Notes to Table 2

NA means not applicable

- a) For a two family house. No parking shall be permitted within 10 feet of an adjoining lot line.
- b) For a newly constructed two-family house or when a single family detached house is enlarged for a 2 family house.
- c) When a nonresidential use abuts a residential use, the first 10 feet within the required side or rear setback along the lot line shall be used as a buffer.
- d) Or the average setback of the existing primary buildings within 300' of the lot on the same side of the street and within the same zoning district, whichever is less.
- e) When abutting a residential district.

## Previous Notes to Table 2

- a) In the C-V and B-I districts, when a nonresidential use abuts a residential use, the first 10 feet within the 15-ft side or rear setback along the boundary line adjoining the residential use shall be a landscaped buffer not used for parking or storing vehicles. However, when a nonresidential use in the C district abuts a residential use in a different district, the landscaped buffer shall extend at least 15 feet from the lot boundary shared with the residential use.
- b) For two-family dwelling, the minimum lot area is 30,000 sq. ft. No parking shall be permitted within 10 feet of an adjoining lot line.
- c) For a lot abutting existing dwellings in a residential district, the minimum front setback shall be the average front setback of the existing primary buildings within 300 feet on each side of the lot on the same side of the street and within the same zoning district.
- d) Within the 50-ft. front setback on lots in the C-I, C-V, and B-I districts, the first 10 feet closest to the street shall be landscaped and not used for parking. Within the C-I district, the next 20 feet shall be used for through traffic to adjoining lots unless waived by the Planning and Economic Development Board during site plan review.
- e) When a lot in any of the C or B-I districts abuts a residential use, the first 10 feet within the 15-ft side or rear setback along the boundary line adjoining the residential use shall be a landscaped buffer not used for parking or storing vehicles.

## Miscellaneous Dimensional Regulations from Other Communities

Acton	Medfield	Holliston	Hopkinton	Franklin	Millis	Milford	Walpole	Norfolk	Norwood	Foxborough
R 20,000 or similar Max Lot Cov		30 %	25 %	25 %	25 %	25 %	25 %		25 %	
R 40,000 or similar Max Lot Cov		25 %	25 %	20 %	20 %	25 %	25 %			
Village Comm or similar Max Lot Cov		50 % sp 80%	60%	30 %	50 %				80 %	
Comm/Busi Max Lot Cov		50 %	60 %	70 %	50 %		40 %		80 %	
I-I/II or similar Max Lot Cov		40 %				50 %		30 %		
I-III or similar Max Lot Cov			40 %	70 %	40 %	35 %	50 %	30 %	70 %	
R 20,000 or similar Imperv Cov	20 %			35 %			40 %	25 %		N/A
R 40,000 or similar Imperv Cov	15 %			25 %			40 %	25 %		N/A
Village Comm or similar Imperv Cov	35 % (no village comm)			35 %						85 %
Comm/Busi Imperv Cov	90%			80 %			70 %	60 %		75 %
I-I/II or similar Imperv Cov							70 %	60 %		70 %
I-III or similar Imperv Cov	90 %			70 %						70 %
Res Open Space Min	NR						50 %		25 %	
Village Comm Open Space Min	25 %, 35 %, NR						40 %		10 %	
Comm/Busi Open Space Min	35 %, 50 %, NR					20 %	N/A		10 %	
Ind Open Space Min	35 %, 50 %					20 %	N/A		10 %	
I-I/II or similar Frontage Min		100'								
I-III or similar Frontage Min	100'		200'	175' Office 100'	200'		200'	150'	50'	50'

Wrentham's Zoning Bylaw is not currently available on the website so I cannot provide any information to the table.

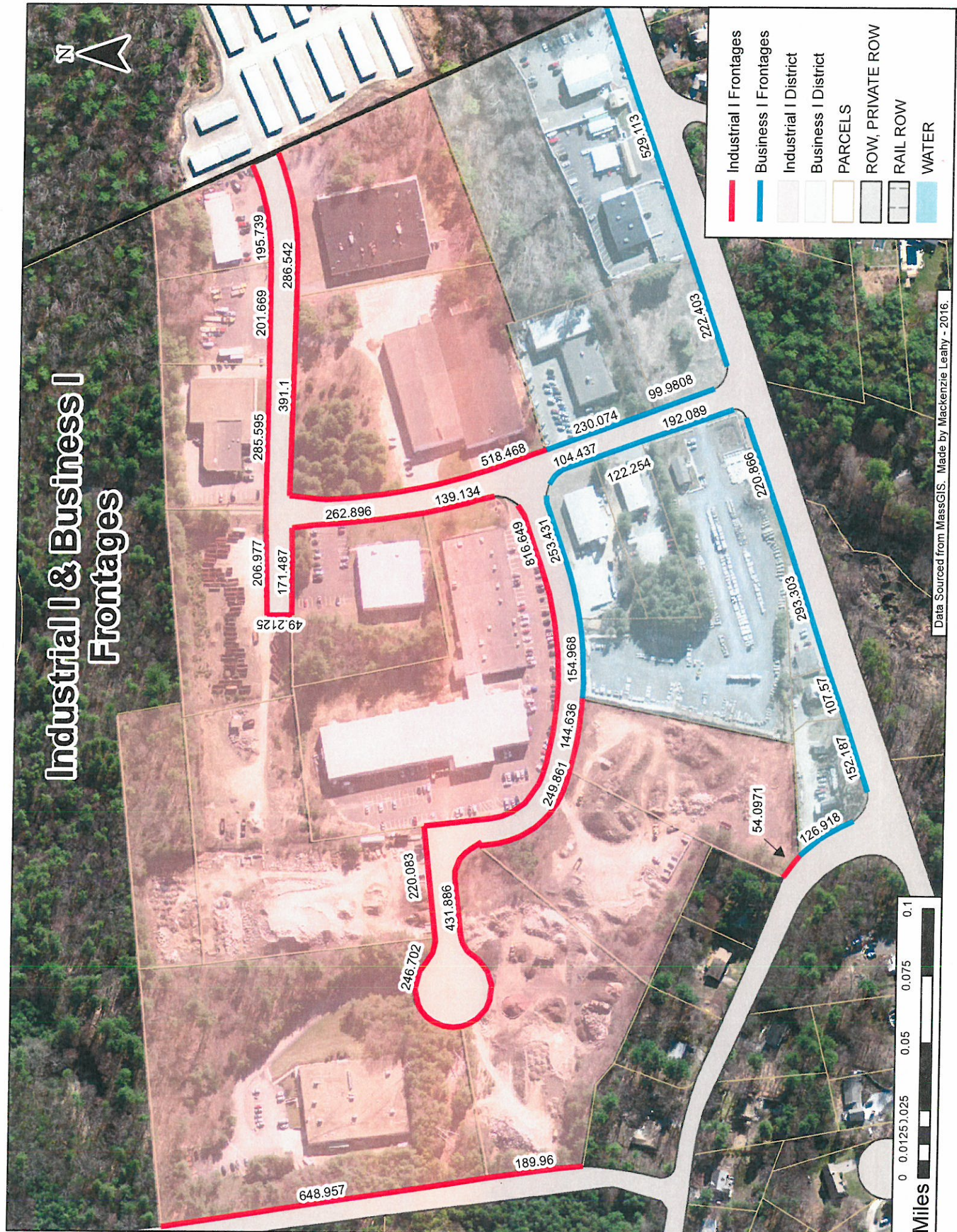
Compiled by Mackenzie Leahy, 8/31/16



# Industrial I & Business I Frontages



- Industrial I Frontages
- Business I Frontages
- Industrial I District
- Business I District
- PARCELS
- ROW, PRIVATE ROW
- RAIL ROW
- WATER

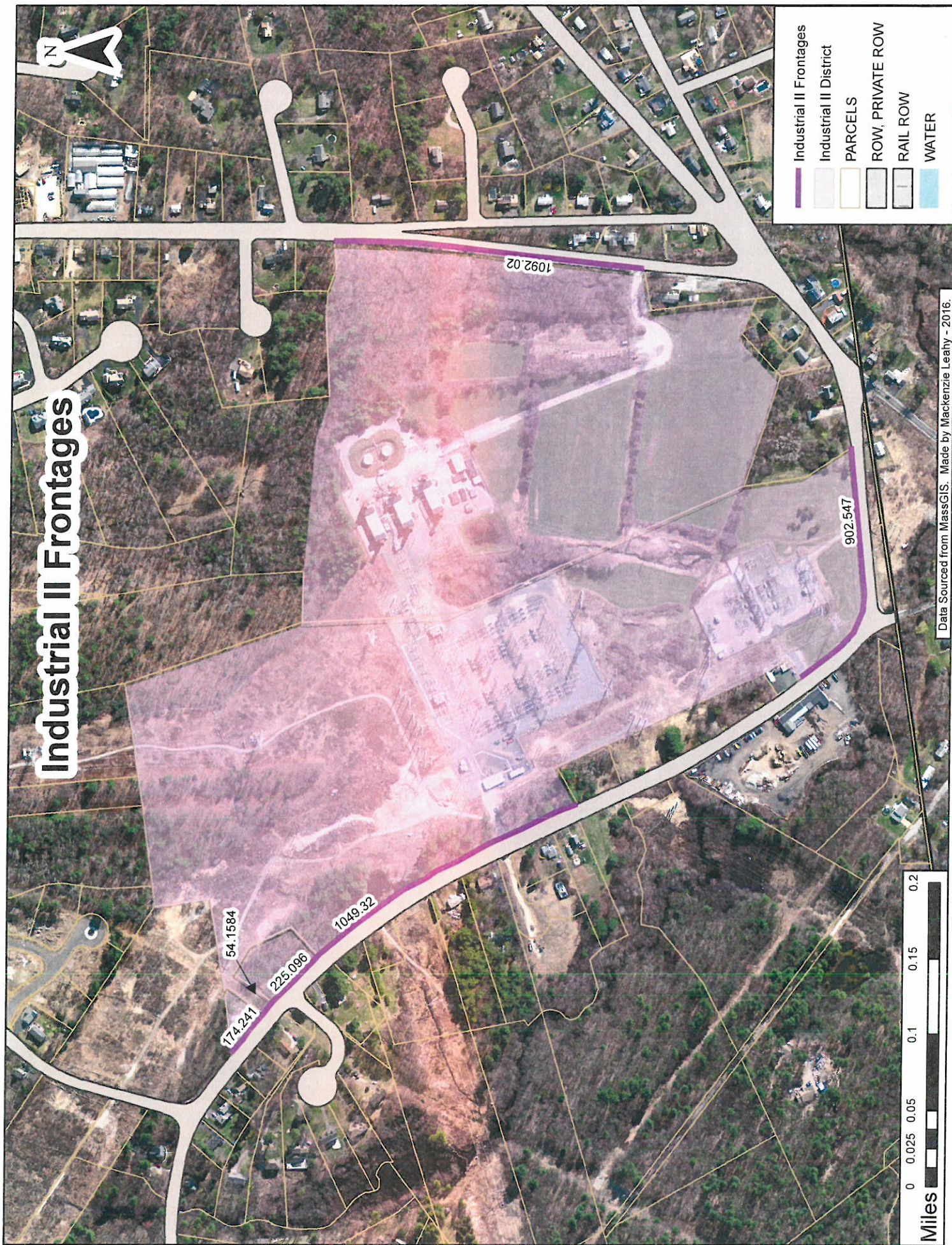


Data Sourced from MassGIS. Made by Mackenzie Leahy - 2016.

Miles 0 0.0125 0.025 0.05 0.075 0.1

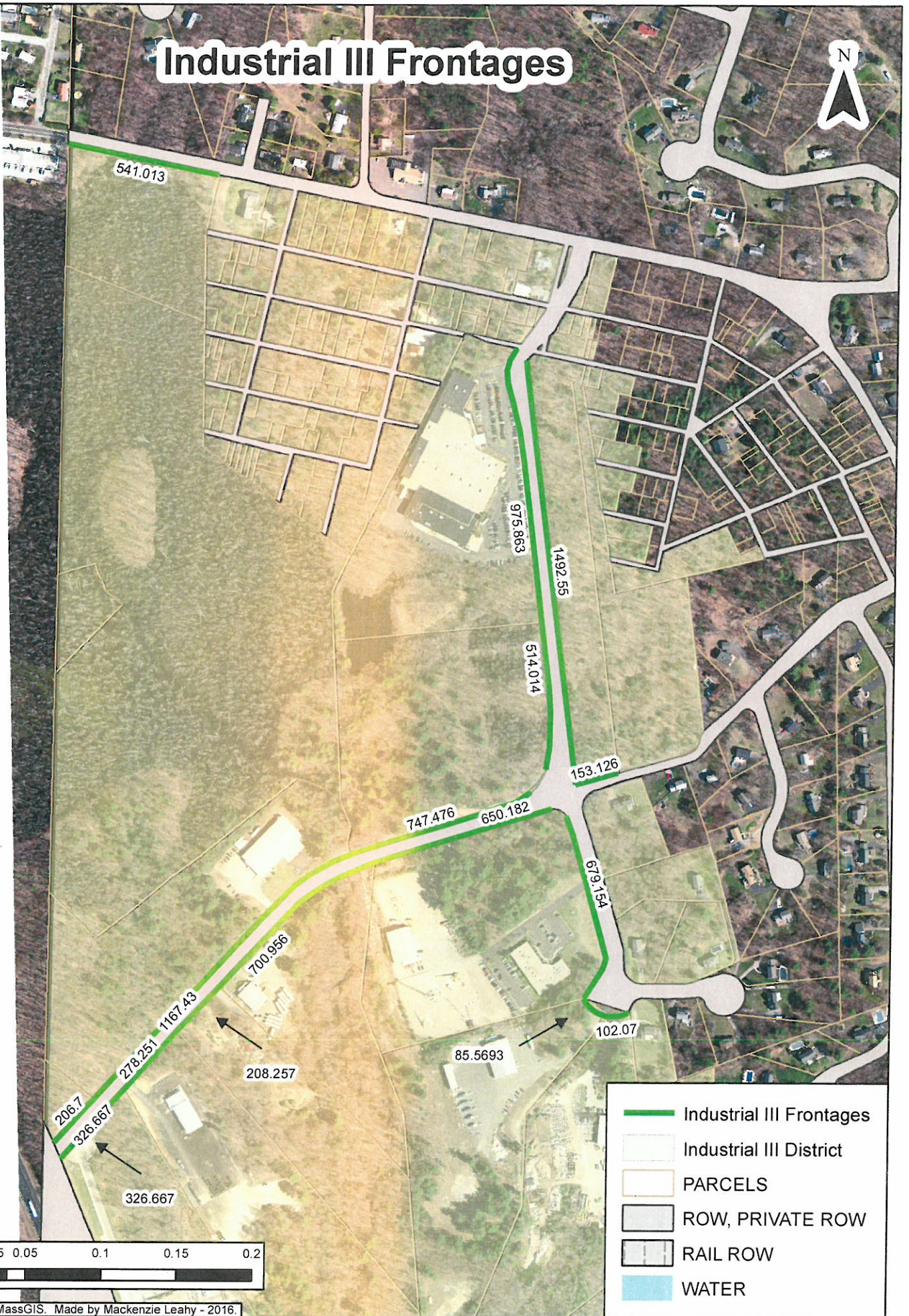


# Industrial II Frontages





# Industrial III Frontages





## Types of Accessory Uses and Buildings/Structures

Flagpole	Mailbox	Light post	Bench	Fence
Bus Shelter	Landscaping	Patio	Deck	Storage shed (size??)
Driveway	Pool	Pool house/ cabana	Sports Court	Garage (size?)
Carport	Membrane structure	Stable	Barn	Ground mounted solar panel
Outdoor Kitchen	Fireplace/fire pit	Trash enclosure/ dumpster	Playground equipment	Garden shed
Gazebo	Shade structure	Workshop	Pavilion	Boat house
Playhouse	Greenhouse	Wind generating device	Portable storage container	Permanent storage container
Dumpster	Trash container	Bike rack/shelter	Historical marker/artifact	Animal hutch/pen
Community signage	Stockpile of firewood	Radio and television receiving antenna tower and dish	Garden	Retaining wall
Ponds/water feature	Wheelchair lift and ramp	Compost pile/container	Information kiosk	Outdoor storage of goods and materials
Driveway	Loading Areas	Parking	Pocket Park	

Compiled 9-2-16

### NOTE – Current Definitions

*Accessory Building or Use* – A building or use customarily incidental to and located on the same lot with a principal building or use or on an adjoining lot under the same ownership.

*Building* – An independent structure having a roof supported by columns or walls resting on its own foundations and designed for the shelter, housing, or enclosure of persons, animals, chattels, or property of any kind.

*Structure* – Anything constructed or erected at a fixed location on the ground to give support or to provide shelter.



## **Current Dimensional Definitions for your reference**

**Building Height:** The vertical distance from grade plane to the average height of the highest roof surface.

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

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

**Lot Area:** The total area of a lot, not including the area of any street rights-of-way.

**Lot Coverage:** That portion of the lot that is covered by buildings, including accessory buildings. Lot coverage shall be determined by dividing the area of the footprint of all buildings on a lot by the total area.

**Lot Frontage:** The length of a lot line(s) measured at the street right-of-way line.

**Lot Line:** A line of record bounding a lot that divides one lot from another lot or from a way or any public space.

- **Lot Line, Front:** A lot line separating a lot from a street right-of-way.
- **Lot Line, Rear:** A line separating a lot from other lots or from land in a different ownership, being the boundary of a lot which is opposite or approximately opposite the front lot line.
- **Lot Line, Side:** Any lot line other than a front or rear lot line.

**Setback:** The distance between a structure and any lot line.

## **Possible New Dimensional Definition to Add to the DEFINITIONS section of the ZBL**

**Impervious Coverage** – That portion of a lot that is covered by buildings, including accessory buildings, and all paved and other impervious surfaces. Impervious coverage shall be determined by dividing the combined area of the footprint of all buildings and all paved and impervious surfaces on a lot by the total area of the lot.

## **OTHER**

Based on your discussion about the front setbacks on corner lots, I would recommend adding a new item 4. to Section 6.2 GENERAL PROVISIONS, E. Lot Frontage.

4. Corner Lots. The minimum front setback requirement for a corner lot shall apply to all streets on which a lot has frontage.