

TOWN OF MEDWAY
WARRANT FOR MAY 10, 2021
ANNUAL TOWN MEETING

NORFOLK ss:

To either of the Constables of the Town of Medway

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet at the **Medway High School, 88 Summer Street**, on **Monday, May 10, 2021**, at 7:30 PM, then and there to act on the following articles:

ARTICLE 1: (Debt Stabilization Fund Transfer)

To see if the Town will vote to transfer the sum of \$288,000 from the Debt Stabilization Fund to the Fiscal Year 2022 operating budget for the purpose of offsetting a portion of debt exclusion projects, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 2: (Transfer from Ambulance Receipts to General Fund)

To see if the Town will vote to transfer \$630,000 from Ambulance Receipts Reserved for Appropriation to the Fiscal Year 2022 General Fund Operating Budget, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 3: (Appropriation: FY22 Operating Budget)

To see if the Town will vote to fix the salary and compensation of all elected officers of the Town, provide for a Reserve Fund, and determine what sums of money the Town will raise and appropriate, including appropriation from available funds, to defray charges and expenses of the Town including debt and interest, for the Fiscal Year ending June 30, 2022, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 4: (Appropriation: FY22 Water Enterprise Fund)
To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$4,084,312 for the maintenance of the Water Department Enterprise Fund as follows, or act in any manner relating thereto.

Direct Costs

	Amount
Salaries	\$ 820,408
Expenses	700,700
Debt	2,157,954
Direct Costs Total	\$ 3,679,062

Indirect Costs

Indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$405,250
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Total	\$4,084,312
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And further that the above listed appropriations be funded as follows:

Fees for Service [User Fees]	\$4,084,312
Total	\$4,084,312

SELECT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 5: (Appropriation: FY22 Sewer Enterprise Fund)
To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,818,876 for the maintenance of the Sewer Department Enterprise Fund as follows, or act in any manner relating thereto.

Direct Costs

	Amount
Salaries	\$ 303,687
Expenses	1,035,750

Debt	302,094
Direct Costs Total	\$1,641,531

Indirect Costs

Indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$177,345
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Total	\$1,818,876
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And further that the above listed appropriations be funded as follows:

Fees for Service [User Fees]	\$1,801,319
Sewer Betterment Stabilization	17,557
Total	\$1,818,876

SELECT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 6: (Appropriation: FY22 Solid Waste Enterprise Fund)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,652,336 to operate the Solid Waste/Recycling Department Enterprise Fund as follows, or act in any manner relating thereto.

Direct Costs

	Amount
Salaries	\$ 188,406
Expenses	1,306,300
Debt Service	53,281
Direct Costs Total	\$1,547,987

Indirect Costs

Indirect costs consisting of health insurance, workers' compensation, Medicare, liability insurance, administrative and operational services.

Indirect Costs Total	\$104,349
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Total	\$1,652,336
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And further that the above listed appropriations be funded as follows:

Trash Recycling Fees/Bag Revenues	\$1,520,000
Retained Earnings	132,336
Total	\$1,652,336

PUBLIC SERVICES DEPT.

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 7: (Free Cash Appropriation: Capital and Other Items)

To see if the Town will vote to appropriate the sum of \$2,020,421 from Certified Free Cash for the purpose of funding the following capital and other items, including associated engineering, personnel, maintenance and legal service costs, and for the payment of all other costs incidental or related thereto:

Project	Department	Cost
Roads & Sidewalks	DPW	\$750,000
Replace Front End Loader (232 2001 John Deere)	DPW	186,000
Replace Wing Mower	DPW	75,000
Replace 2012 F250 (201)	DPW	53,000
Replace Traffic Signal Sensors, Main St at Walgreens	DPW	28,000
Baseline Doc for Conservation Land & Restrictions	Comm & Econ Dev	12,000
Council on Aging Van	Council on Aging	84,355
Air Conditioning Unit – Upkeep	Council on Aging	39,000
Replace Turnout Gear	Fire	105,090
Replace 20 Portable Radios	Fire	40,000
Technology Equipment	IT	75,000
Infrastructure Equipment	IT	40,000
Security Systems	IT	25,000
Projection Equipment	IT	65,000
Replace Countertops	Library	25,000
Dehumidifier/Temp. Control – Cole Room	Library	25,000
Lighting Fixtures	Library	5,000
Bridge Signs for Trail Identification	Cultural Council	13,500
Summer Camp Tent and Supplies	Parks	10,000
Cruiser Radios	Police	13,476
Replace Memorial Exhaust Fans	School	16,000
All Schools Install Door Access Hardware	School	60,000
Burke/Memorial HVAC Automation Upgrade	School	90,000
McGovern Cafeteria/Auditorium AC Installation	School	60,000
High School Replace Exterior Doors	School	20,000
Burke Replace HVAC Pumps	School	20,000
Memorial Replace Cafeteria AC Unit	School	85,000

Free Cash Total

\$2,020,421

Or act in any manner relating thereto.

**CAPITAL IMPROVEMENT
PLANNING COMMITTEE**

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 8: (Free Cash Transfer to Street Acceptance Account)
To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$30,000 to the street acceptance account, or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 9: (Fund Parks Projects, Incl. Possible CPA Funds)
To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, the sum of \$1,100,000 for the purpose of designing, engineering, constructing and installing the following projects, and for the payment of all other incidental and related costs, or act in any manner relating thereto.

Project	Cost
Cassidy Field Parking Lot	\$300,000
Pickleball Courts	100,000
New Softball Field at Middle School	200,000
Center Street Field Drainage Repair	100,000
High School Tennis Courts	400,000
Total	\$1,100,000

SELECT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 10: (Raise & Appropriate: Roads & Sidewalks)
To see if the Town will vote to raise and appropriate the sum of \$800,000 for the purposes of making repairs to various roads, sidewalks, bridges and related appurtenances, and to fund, as needed, design, engineering, and construction management services, and for the payment of all other costs incidental and related thereto, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 11: (Free Cash Transfer: Town and School Building Repair and Maintenance)
To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$393,256 for the purpose of funding the following Town and School building repair and maintenance projects:

Project	Location	Cost
Mitigate Water Infiltration	Town Hall	\$8,000
Refurbish Windows	Town Hall	\$19,000
Clean Roof – Mitigate Bird Perching	Town Hall	\$14,000
Replace Roof Flashing at EPDM and Asphalt Transition	Town Hall	\$10,000
Upgrade HVAC Controls	Police Station	\$60,000
Replace Sprinkler System	Library	\$55,000
Signage and One-Way Traffic Flow	Library	\$2,000
Entry Door Sensors	Senior Center	\$2,000
Replace Roof	Fire Station #2	\$32,000
Structural Analysis	VFW	\$8,000
Main Entry Accessibility Upgrades	VFW	\$10,000
Replace Trophy Room Egress Door	VFW	\$6,000
Water Infiltration Study, Gym West Wall	High School	\$10,000
Seal Air Infiltration Roof/Wall Intersection	High School	\$144,706
Replace Federal Pacific Panels	Burke/Memorial School	\$12,550
	Total	\$393,256

Or to act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 12: (Borrowing: Urban Renewal Plan Implementation)
To see if the Town will vote to appropriate \$1,100,000 to be expended by the Medway Redevelopment Authority for the purpose of implementation of the Town’s Urban Renewal Plan; said appropriation to be expended by the Medway Redevelopment Authority pursuant to an agreement the terms of which shall be determined by the Select Board to be in the best interest of the Town; and that to meet this appropriation, the Treasurer with the approval of Select Board is authorized to borrow such sum under Massachusetts General Laws Chapter 44, Section 7, 8, or 20, and/or General Laws Chapter 121B, Section 20, or any other enabling authority, and issue bonds and notes of the Town therefor; and further that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and to authorize the Select Board to enter into any

agreements and execute any documents necessary to effectuate the purpose of this article; or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 13: (Water Retained Earnings Transfer: Purchase Vehicle and Provide Grant Funds)

To see if the Town will vote to transfer the sum of \$70,000 from Water Enterprise Fund retained earnings, \$45,000 for the purpose of funding the purchase and equipping of a Water Division vehicle, and \$25,000 to provide matching funds for a \$125,000 reimbursable asset management grant from the Massachusetts Department of Environmental Protection and to authorize acceptance of the full amount, or act in any manner relating thereto.

PUBLIC WORKS DEPT.

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 14: (Appropriation: General Stabilization)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$100,000 to be allocated to the General Stabilization Fund, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 15: (Appropriation: OPEB Trust)

To see if the Town will vote to raise and appropriate the sum of \$300,000 to the Town of Medway Other Post-Employment Benefits (OPEB) Trust account, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 16: (Appropriation: Medway Day)

To see if the Town will vote to raise and appropriate the sum of \$15,000 for Medway Day, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 17: (Appropriation: Community Preservation Committee)
 To see if the Town will vote to act on the report of the Community Preservation Committee for the Fiscal Year 2022 Community Preservation budget and to appropriate, or reserve for later appropriations, monies from the Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the Fiscal Year 2022, as follows:

CPA Administration:	
CPC Expenses	\$15,000
CPC Salaries	5,000
CPC Debt Expense	427,675
Community Housing:	
Housing Production Plan	18,000
Transfer to Affordable Housing Trust: Affordable Housing Trust Coordinator	10,000
Historic Resources:	
Cemetery Flagpoles	3,500
Garnsey	5,000
Open Space:	
Trail Upgrades	5,000
Total Direct Costs	\$489,175

Reserves:	10% of Estimated Fund Revenues
Open Space	\$124,599
Community Housing	\$101,599
Historical Preservation	\$121,099

or act in any manner relating thereto.

COMMUNITY PRESERVATION COMMITTEE

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 18: (Revolving Funds –Authorize FY22 Spending Limits)
 To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 44, Section 53E1/2, to set Fiscal Year 2022 spending limits for revolving funds as follows:

Program or Purpose	FY2022 Spending Limit
Self-supporting parks and recreation services, including salaries and benefits	\$450,000
Dial-a-ride van service for seniors and disabled; shuttle service to Norfolk commuter rail station, and other necessary transportation services	\$130,000
Library printer, copier and fax expenses	\$3,000
Library meeting room	\$1,000
Thayer Homestead partial self-support of property, including salaries and benefits	\$80,000
Tobacco license compliance inspections	\$2,500
Self-supporting food services, including salaries and benefits	\$12,000

or act in any manner relating thereto.

**SELECT BOARD
 (For the Various Departments Indicated)**

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 19: (Amend General Bylaws – Stormwater)
 To see if the Town will vote to amend the Medway General By-Laws, ARTICLE XXVI. Stormwater Management and Land Disturbance, by inserting the following new subsection in Section 26.5 Land Disturbance and Construction Activity:

26.5.2.3 Rules and Regulations.
 The Conservation Commission and the Planning and Economic Development Board shall promulgate Land Disturbance Permit Rules and Regulations to implement the Land Disturbance Permit process provided herein. The Rules and Regulations shall include but are not limited to application requirements, procedures for submission and review of applications, filing and review fees, performance standards, waivers, decision criteria, construction monitoring, reporting and enforcement.

Or to act in any manner relating thereto.

PUBLIC WORKS DEPT.

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 20: (Amend Zoning Bylaws: Central Business District)
To see if the Town will vote to amend the Zoning Bylaws, by deleting Section 5.4.1 in its entirety and adding a new Section 10, CENTRAL BUSINESS DISTRICT DEVELOPMENT STANDARDS; and by amending Section 5.4, Table 1, Schedule of Uses, and amending Section 6.1 Schedule of Dimensional and Density Regulations and Table 2; all as follows:

Add the following new Section 10:

SECTION 10: CENTRAL BUSINESS DISTRICT DEVELOPMENT STANDARDS

10.1. PURPOSES

- A. To further the goals of the Medway Master Plan.
- B. To encourage mixed-use development in the Central Business District with a balanced and vibrant mix of compatible business uses and multi-family residential development.
- C. To encourage revitalization and economic investment in the Central Business District in a manner which represents the qualities of a traditional New England town center.
- D. To encourage greater variety of housing to meet the needs of a diverse population with respect to income, ability, household types, and stage of life.
- E. To improve walkability within the district and provide better access between housing, shops, services, and employment.

10.2. GENERAL SITE DEVELOPMENT STANDARDS

Uses which are allowed in the Central Business District by right or by special permit shall be required to meet the following performance standards.

A. Vehicle Fuel Station With Convenience Store.

New vehicle fuel stations are prohibited in the Central Business District. A special permit from the Planning and Economic Development Board is required for substantial redevelopment or renovation of an existing Vehicle Fuel Station with Repair Service or Vehicle Fuel Station with Convenience Store in the Central Business District as a Gas Station and Convenience Store under the development standards on Table 9.4.C.1.B.

B. Main Street Pedestrian Frontage Zone.

- 1. The Main Street Pedestrian Frontage Zone includes all properties with frontage on Route 109 (Main Street). These frontages are prioritized for pedestrian-oriented ground floor uses. Buildings fronting on the designated Pedestrian Frontage Zone shall be subject to the following requirements:
 - a. Ground floor uses shall be reserved for retail, restaurant, and other non-residential uses open to the public on an appointment or walk-in basis, including but not limited to personal service, office, repair, and municipal uses (“Publicly Oriented Uses”).
 - b. Residential uses and non-residential uses that are not Publicly Oriented Uses shall be allowed to have access through the front of a building in the Pedestrian Frontage Zone

by an entrance that leads to the upper floors of the building, or by an entrance to the rear of the building.

- c. Residential uses and non-residential uses that are not Publicly Oriented Uses shall be allowed on ground floors only where:
 - 1) The use is within a building with frontage on the street and the use is set back a minimum of sixty feet from the street right-of-way line; or
 - 2) The PEDB has waived this requirement after determining that street-front residential and/or other non-Publicly Oriented Uses on the ground floor will not have an adverse impact on the continuity and vitality of the Pedestrian Frontage Zone.

C. Building Placement and Orientation.

1. Building Lot and Type. The minimum lot size in the Central Business District is identified on Table 2 - Dimensional and Density Regulations in Section 6.1 of the Zoning Bylaws. For specific building types, there are alternative dimensional standards for building lot and for building design that apply under Section 10.4 below.
2. Number of Buildings. There is no limit on the number of principal buildings allowed on a building lot except as limited by dimensional requirements and other site development standards in this section.
3. Building Step-back. Buildings in the Central Business District shall be setback or stepped back from the street right-of-way line in accordance with Table 9.3.B.6 for the Village Center Street Type. Therefore, a building may have to be set back or stepped back further from the street right-of-way line in order to achieve the maximum height allowed. The purpose of this requirement is to enhance the pedestrian environment and prevent excessive enclosure and shadowing on Main Street. The space created by building setbacks is referred to as the Building Frontage Zone. The Building Frontage Zone is regulated under Sections 10.2.E.2 and 10.5.B below.
4. Façade Orientation. Buildings located within sixty feet of a street right-of-way line must be built parallel to the street, with the front façade and entrance of the building oriented to the public sidewalk.

D. Parking Requirements.

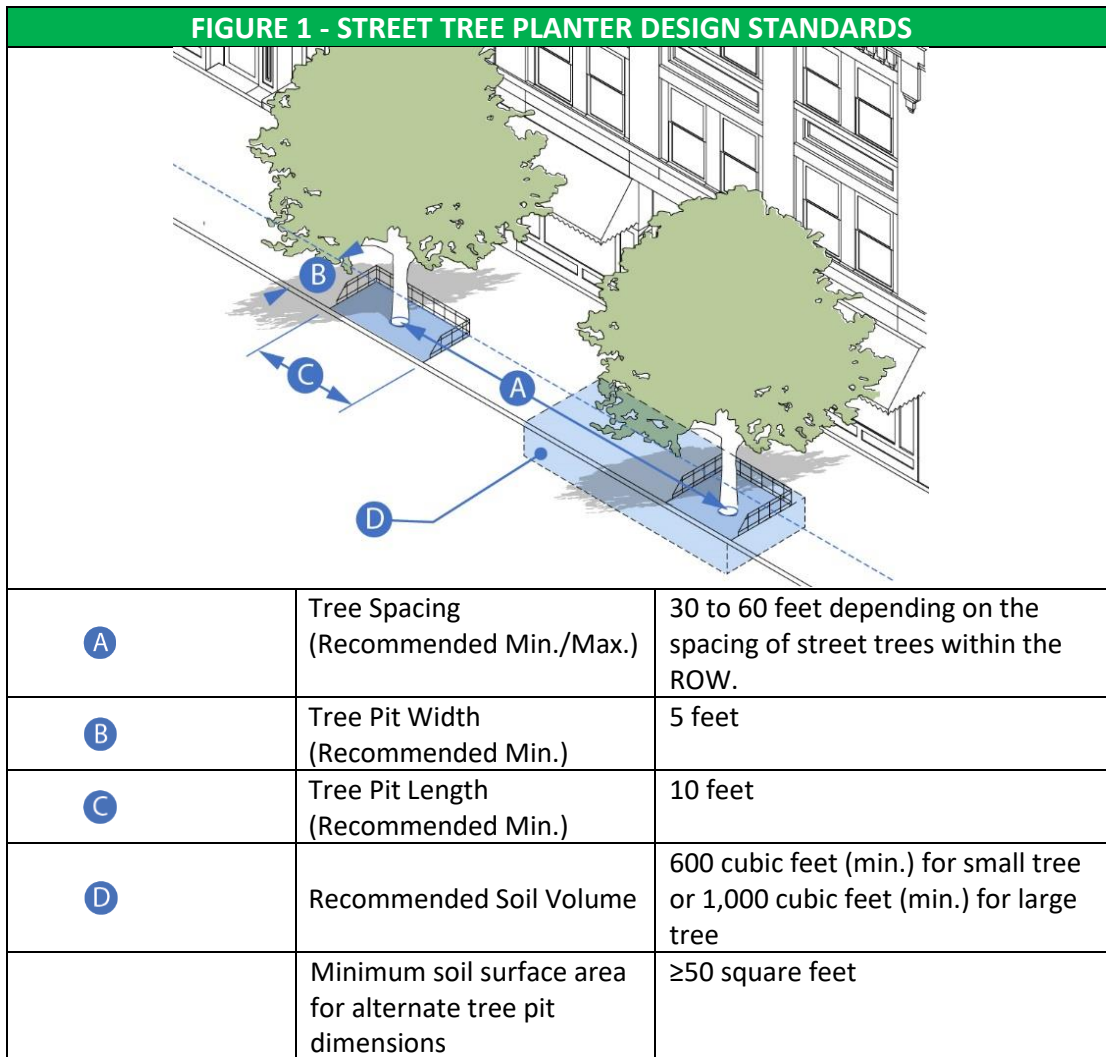
1. Purpose and Intent. The purpose and intent in applying parking standards in the Central Business District are as follows:
 - a. To improve walkability by minimizing sidewalk interruptions and conflict points between pedestrians, cyclist, and vehicles on Main Street and on site.
 - b. To ensure adequate parking for existing and new development while minimizing excessive and inefficient off-street parking areas
 - c. that result in lost opportunities to develop new buildings that expand business and the tax base.
 - d. To encourage the use of public transportation, bicycling, and walking as an alternative to motor vehicle use when a choice of travel mode exists.
2. Applicability. The parking requirements in Section 7.1.1 shall apply to the Central Business District with the following adjustments:

- a. Off-Street Parking Requirements. In the Central Business District (CB) the minimum number of off-street parking spaces required by use on Table 3 in Section 7.1.1.D. shall be interpreted to be both the minimum and the maximum amount of parking spaces required. A reduction of parking may be allowed by special permit under Section 7.1.1.J. Additional off-street parking spaces shall require a waiver from the PEDB and the applicant shall demonstrate sufficiently that additional parking is necessary.
- b. Parking Area Design. In addition to the standards provided in Section 7.1.1.F., the following standards shall be required in the Central Business District:
 - 1) Parking Area Plantings. In parking areas containing thirty or more spaces, a minimum of one deciduous tree and two shrubs exclusive of any required perimeter plantings must be planted for every three-thousand square feet of parking areas. When planted, deciduous trees must be a minimum height of ten feet and/or two and one half inches in caliper. Planting areas must each contain not less than fifty square feet of unpaved soil area. Trees and soil plots shall be so located as to provide visual relief and wind interruption within the parking area, and to assure safe patterns of internal circulation.
 - 2) Internal Pedestrian Access. In parking areas with more than seventy-five spaces, the expanse of pavement shall be interrupted by separating rows of parking spaces from each other with a combined planting strip and sidewalk at least eight feet in width. Design of these planting strips/sidewalks shall take into account the need to store snow, locate light poles, install deciduous trees, and allow safe pedestrian movement. In addition, if an existing parking area is expanded to over seventy-five spaces, the combined planting strip and sidewalk requirement shall apply to the entire parking area. All proposals to construct or modify parking areas with more than seventy-five spaces are subject to site plan review.
- c. Parking Placement. As an exception to Section 7.1.1.G., all off-street parking shall be located behind or beside buildings located in the Pedestrian Frontage Zone and within sixty feet of the Main Street right-of-way line. Vehicular parking between the front building line and the street right-of-way line is permitted only if the Planning and Economic Development Board grants a special permit and the applicant can demonstrate that no other reasonable alternative exists.
- d. Temporary Use of Off-Street Parking. In addition to provisions for reduced parking in Section 7.1.1.J., excess parking spaces may be reprogrammed and utilized for temporary commercial uses such as for seasonal retail sales, food trucks, farmers' markets, craft shows, live entertainment, auxiliary space for one or more restaurants, and similar commercial uses. Such temporary use of excess parking spaces requires a special permit from the PEDB, and the applicant shall demonstrate that the excess parking spaces are not necessary to support existing businesses on site, and that the temporary commercial use provides a sufficient level of safety for users.

E. Streetscaping, Landscaping and Screening.

- 1. General Standards. Landscaping shall comply with the Planning and Economic Development Board Rules and Regulations, Chapter 200 - Site Plans – Rules & Regulations for Submission and Review of Site Plans, Section 205-9. In the event of any conflict between the provisions of this bylaw and the provisions of said Regulations, the provisions of this bylaw shall apply.

2. **Streetscape Treatments.** In the Building Frontage Zone between the Main Street right-of-way line and the front facade of the building, streetscape treatments should be coordinated and complimentary to the public sidewalk and streetscape treatments within right-of way.
 - a. **Sidewalk Expansion.** A concrete walkway or terrace may be installed adjacent to the public sidewalk within the Building Frontage Zone where no landscaping has been installed on the outer edge of the right-of-way, in effect, expanding the public sidewalk. This expansion is required along the entire length of the frontage, connecting to existing or future sidewalk extensions on adjacent lots.
 - b. **Street Trees.** Deciduous street trees may be installed in the Building Frontage Zone that compliment street trees within the street right-of-way. Trees shall be a minimum of three and one-half inch caliper at least four feet above grade and of native species common to the area. They should be planted in accordance with the recommended standards set forth below in Figure 1. The trees should be drought and salt tolerant. They should be regularly trimmed to provide clear visibility into the site from the street and provide shade over the walkway.



- c. **Ground Cover.** Low lying and low maintenance grasses, shrubs, bushes, flowers, and

similar vegetative ground cover may be planted adjacent to the street right-of-way line. All ground cover must be maintained at a height of no more than thirty inches to avoid blocking visibility for drivers entering or exiting the site.

- d. Other Enhancements in the Building Frontage Zone. Additional treatments and design standards are identified in Section 10.5.B.
3. Transitional Buffer Requirements. Transitional buffers are required between properties in the Central Business District and abutting properties in residential districts to create a compatible transition with the surrounding neighborhoods. Transitional buffers may include any combination of natural or landscaped screening and fencing that provides an opaque visual barrier to a minimum height of eight feet above the ground installed along the property boundary line. Where transitional buffers are required, all buildings, accessory structures, and loading areas shall be set back a minimum of seventy-five feet, and parking shall be set back a minimum of fifty feet, from the property line where the transitional buffer is to be installed.
4. Public Utilities. All new public utilities (except structures and other facilities that require above-grade access) shall be installed underground.
5. Trash and Service Areas.
 - a. All service, loading, trash, and recycling storage areas viewable from a public right of way or from an adjacent residential district shall be screened by one or a combination of masonry, a wood screen, or evergreen plantings to reduce their visual impact.
 - b. Loading and service areas shall not be visible from any public street or any property in a residential district unless no other location is feasible. Sufficient landscaping and screening of loading and service areas shall be required.
 - c. Garage doors and loading spaces are prohibited on the street facing façade of any commercial, mixed-use, or multi-family building unless no other location is feasible.
6. Sustainable Site Design Standards. Sustainable Design and Low Impact Development (LID) techniques shall be used in the Central Business District to reduce stormwater runoff, improve water quality, maintain canopy tree cover, protect natural landscapes, install appropriate planting materials, and encourage the production of local food. In achieving the requirements of this section, applicants shall comply with sustainable and low impact development techniques provided in the Planning & Economic Development Board Rules and Regulations, Chapter 200 - Site Plans – Rules & Regulations for Submission and Review of Site Plans, Section 205-4; Massachusetts Stormwater Management Standards; and Town of Medway General Bylaws Article XXVI, Stormwater Management and Land Disturbance.

F. Outdoor Amenity Space

1. General Standard. The amount of outdoor amenity space provided within a site development shall be at least fifteen percent of the lot or development site. Up to fifty percent of the required minimum amount of open space required in Section 6, Table 2 – Dimensional and Density Regulations may be used for Outdoor Amenity Spaces. Outdoor amenity space shall not include transitional buffer areas, landscaping within parking areas, or general landscaping alongside yard setbacks.
2. Permitted Outdoor Amenity Spaces. The outdoor amenity spaces and associated design standards identified in Table 9.6.B.1. and permitted in the Central Business District are

listed below. The total amount of required outdoor amenity space may include any combination of the following:

- a. Dooryard (Residential Buildings Only)
 - b. Forecourt
 - c. Community Garden (Residential Buildings Only)
 - d. Courtyard
 - e. Plaza or Square
 - f. Pocket Park or Playground (Residential Buildings Only)
 - g. Outdoor Dining Terrace
 - h. Rooftop Terrace
3. Building Outdoor Amenity Spaces. Outdoor amenity spaces for individual buildings include rooftop gardens and terraces, decks, porches, stoops, balconies, pedestrian passages, and similar accessory spaces where outdoor seating can be provided.
 4. Other Outdoor Amenity Space Types. Permitted by special permit by the PEDB.
- G. Signs.** The sign regulations in Section 7.2 shall apply to the Central Business District except for the variations under Public Realm Interface in Section 10.5.B below.

10.3. MIXED-USE DEVELOPMENT STANDARDS

A. Applicability

1. The PEDB may grant a special permit for a Mixed-Use Development or a Mixed-Use Building in the Central Business District to include any combination of uses allowed by right and uses allowed by special permit as specified in Table 1 – Schedule of Uses.
2. The provisions of this Section are available by special permit from the Planning and Economic Development Board for uses permitted by right in order to achieve a flexible site design.

B. Definitions: See definitions of Mixed-Use Development, Mixed-Use Building, and Multi-Family Building in SECTION 2 DEFINITIONS.

C. Dimensional Requirements.

1. Mixed-Use and Residential Development. The dimensional requirements for the Central Business District are provided in Section 6.1. Schedule of Dimensional and Density Regulations. For residential and mixed-use development, however, the following standards apply.
 - a. Front-yard Setback Encroachments. Principal buildings shall be set back a minimum of 10 feet from the front lot line. Architectural features such as bay windows, porches, balconies, porticos, canopies, etc. shall not be subject to the ten-foot minimum setback.
 - b. Side-Yard and Rear-Yard Setbacks. Notwithstanding the provisions of Section 10.2.E.3, there shall be a minimum setback of 25 feet from all side and rear lot lines

abutting a residential zoning district, of which the first ten feet nearest each lot line shall not be used for the parking or storage of vehicles and shall be suitably landscaped. There is no side-yard or rear-yard setback for properties abutting other properties within the Central Business district.

- c. Maximum Building Height: Residential and mixed-use buildings shall not exceed sixty feet in height, and are subject to the building height step back requirements in Section 10.2.C.3.

D. Residential Uses in a Mixed-Use Development.

1. Combination of Uses in a Mixed-Use Building. A mixed-use building shall include multi-family residential units and one or more retail, municipal, service, office, commercial or other business uses allowed in the zoning district (hereinafter referred to as “business uses”) in at least the minimum percentages as set forth in Subsection D.2 below.
2. Percentage and Location of Uses in a Mixed-Use Building. Except as provided in Section D.4 below, in a two-story building at least fifty percent of the gross floor area shall be comprised of business uses, and no more than fifty percent of the gross floor area shall be comprised of multi-family dwelling units and any common areas and support facilities associated with those multi-family dwelling units. In a three-story building, at least thirty-three percent of the gross floor area shall be comprised of business uses, and no more than sixty-seven percent of the gross floor area shall be comprised of multi-family dwelling units and any common areas and support facilities associated with those multi-family units. In a building of four stories or more, at least twenty-five percent of the gross floor area shall be comprised of business uses, and no more than seventy-five percent of the gross floor area shall be comprised of multi-family dwelling units and any common areas and support facilities associated with those multi-family units. The gross floor area comprised of business uses may include hallways, lobbies, maintenance areas, security areas, closets, and other areas which serve exclusively the business uses in that building.
3. Residential Use On Ground Floor Exception. Multi-family dwelling units may not be located on the ground floor of a mixed-use building or development unless:
 - a. The building with the multi-family dwelling units is set behind another building which has business uses on the ground floor and a front façade that faces a public way or primary access drive; or
 - b. The residential portion of the ground floor is located behind the business uses within the same building which has a front façade that faces a public way or primary access drive.
4. Residential Buildings in Mixed-Use Development. A mixed-use development may include a stand-alone building comprised of only multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units provided that the multi-family building shall meet the requirements of Section 10.3.D.5 below and shall be set back at least two hundred feet from the Main Street right-of-way line on the north side and one hundred feet from the Main Street right-of-way line on the south side.
5. Ratio of Residential to Business GFA in a Mixed-Use Development. A stand-alone building comprised of only multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units shall be permitted in a Mixed-

Use Development only as part of a Mixed-Use Development that complies with the business use potential. The business use potential of a Mixed-Use Development shall be the total percentage of gross floor area of all existing and/or proposed buildings in the Development that is required to be comprised of business uses pursuant to Section D.2 above.

6. Affordability Requirements. The provisions of Section 8.6. Affordable Housing shall apply to Mixed-Use Developments.

E. Special Permit Review Criteria.

1. Special permits granted under this Section 10.3 are not subject to the special permit criteria under Section 3.4.
2. Before granting a special permit for a mixed-use development or flexible site design of a permitted use in the Central Business district, the PEDB shall find that all of the following criteria are met:
 - a. The proposed uses and site design represent the qualities of a traditional New England town center;
 - b. The proposed site design is environmentally sound and is readily accessible to and useable by pedestrians;
 - c. The proposed site design reflects and advances the goals and objectives of the Medway Master Plan as updated;
 - d. Adequate pedestrian and (where applicable) vehicular linkages within the site and connecting to abutting properties are provided;
 - e. Streets, driveways, sidewalks, landscaped areas and public services are laid out in a safe manner;
 - f. Any detrimental impacts of the use on abutting properties and/or residential neighborhoods have been adequately mitigated; and
 - g. The site design incorporates the site's existing topography and protects natural features to the maximum extent feasible.

10.4. BUILDING TYPES AND DESIGN STANDARDS

A. Building Façade Composition and Architectural Features.

1. Building Transparency. Street facing façades shall have windows and doors with highly transparent, low reflectivity glass measured on the ground floor between two feet and twelve feet. Upper floor transparency may vary with use.
2. Building Articulation and Modulation. Street-facing building façades should be vertically articulated with architectural bays to create an equal, central, or end articulated façade composition. Street-facing building façades should be horizontally articulated with a clearly defined base, middle, and top. See Diagram 9.3.C.2.
3. Surface Relief with Architectural Features. Street-facing building façades should provide surface relief through the use of bay windows, cladding, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, sign bands, windows, and other architectural features that either recess or project from the average plane of the façade by at least four inches. See Diagram 9.3.C.3.

B. Exterior Treatments.

Unless otherwise required by the State Building Code, Fire Code, or other regulation, traditional construction materials such as brick, stone, clapboard, and shingle are suggested construction materials. Other contemporary construction materials such as glass, metal, block, and other siding materials may be appropriate in certain instances when compatible with more traditional materials. The main elements of the architectural treatment of the building's street-facing façade, including the materials used, should be continued around all sides of the building that are visible from existing streets or Outdoor Amenity Spaces.

C. Commercial, Residential and Mixed-Use Building Types.

1. Building Design Standards. The building types and associated design standards permitted in the Central Business District are identified below:
 - a. Rowhouse (RH) on Separate Lot as set forth in TABLE 9.4.C.1.A.
 - b. Rowhouse (RH) on Common Lot as set forth in TABLE 9.4.C.1.A.
 - c. Multi-Family Building as set forth in TABLE 9.4.C.1.A.
 - d. Mixed-Use Building as set forth in TABLE 9.4.C.1.B.
 - e. General Commercial Building as set forth in TABLE 9.4.C.1.B.
 - f. Hotel as set forth in TABLE 9.4.C.1.B.
 - g. Gas Station and Convenience Store as set forth in TABLE 9.4.C.1.B, applicable only to substantial redevelopment or renovation of existing vehicle fuel stations with repair or vehicle fuel stations with convenience store pursuant to Section 10.2.A.
 - h. Civic or Community Building as set forth in TABLE 9.4.C.1.C.
2. Alternative Building Types. If the Building Commissioner cannot classify a proposed new building as one of the building types specifically allowed by this section, the building type is subject to issuance of a special permit by the PEDB.

10.5. PUBLIC REALM STANDARDS

A. Access Street Design Standards.

Access streets provide internal site access from existing public streets in the Central Business District. Access streets shall be engineered and constructed in accordance with the design standards in Section 7 of the Medway PEDB Land Subdivision Rules and Regulations. In the event of any conflict between the provisions of this bylaw and the provisions of said Regulations, the provisions of this Bylaw shall apply. Access streets must have a minimum cross section of twenty-four feet with two travel lanes and at least one sidewalk connecting the public sidewalk with the front entrance of a primary building on site. Access streets may also include sidewalks on both sides, on-street parking, street trees, curb extensions, and crosswalks under the design standards in Section 9.7.B and as illustrated in DIAGRAM 9.7.B.5.

B. Public Realm Interface.

1. Building Frontage Zones. A Building Frontage Zone is the setback space between the street facing façades of the building and the street right-of-way line (See DIAGRAM 9.7.C.1.). Utilization of the Building Frontage Zone should provide a compatible transition and interface between the private realm (on site buildings and uses) and the public realm

(sidewalks, streets, and civic spaces). The Building Frontage Zone must be improved with Outdoor Amenity Spaces, streetscape treatments, and/or Building Interfaces. Outdoor Amenity Spaces are strongly encouraged and may be required in the Building Frontage Zone, and building interfaces are also encouraged within the Central Business District.

2. Building Interface with Main Street ROW Line. Selected building interfaces and related interactive components on TABLE 9.7.C.2. may be permitted with a special permit from the PEDB in the Building Frontage Zone (BFZ) when they contribute to vibrant spaces for the enjoyment of the public and do not interfere with the public sidewalk. Standards for permissible building interfaces are set forth in TABLE 9.7.C.2. and allowed in the Central Business District as follows:
 - a. Sidewalk Dining (BFZ only)
 - b. Storefront Display (BFZ only)
 - c. Sidewalk Sign (BFZ only)
 - d. Projecting Sign (BFZ and over the public sidewalk)
 - e. Awning (BFZ only)
 - f. Balcony (BFZ only)
 - g. Bay Window (BFZ only)
 - h. Gallery (BFZ only)

And to amend the Section 5.4 Schedule of Uses and Table 1 as follows: (deleted language shown in ~~strike through~~, added language shown in **bold**)

TABLE 1: SCHEDULE OF USES														
	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts			
											OGVC	OGBP	OGN	
A. Agriculture, Conservation, Recreation Uses														
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.	Y	Y	N	N	N	N	N	N	N	N	N	N	N	Y
Poultry on less than 1 acre. Minimum lot size for poultry is 5,000 sq. ft. subject to Board of Health regulations.	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	Y
Commercial Greenhouse	SP	SP	N	N	N	Y	Y	N	N	N	N	PB	N	
Nursery	SP	SP	N	N	N	Y	Y	N	N	N	N	N	N	
Recreational facility	SP	SP	N	N	N	N	Y	Y	N	N	Y	Y	PB	
Ski Area	SP	SP	N	N	N	N	N	N	N	N	N	N	N	
Golf course	SP	SP	N	N	N	N	N	N	N	N	N	N	N	
Livery riding stable	Y	Y	N	N	N	N	N	N	N	N	N	PB	PB	
B. PUBLIC SERVICE														

Municipal use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Public utility	SP	SP	SP	SP	Y	Y	Y	Y	Y	Y	N	N	N
C. RESIDENTIAL USES													
Detached single-family house (Amended 5-7-17)	Y	Y	Y	N	Y	N	N	N	N	N	N	N	Y ¹
Two-family house/duplex, provided that the exterior of the dwelling has the appearance of a single-family dwelling. (Amended 5-7-17)	N	SP	SP	N	N	N	N	N	N	N	N	N	N
Infill dwelling unit, subject to Section 8.1.	N	PB	PB	N	N	N	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	N	N	N
Assisted living residence facility	PB	PB	N	N	N	N	N	N	N	N	PB	N	N
Adult retirement community planned unit development, subject to Section 8.5	PB	PB	N	N	N	N	N	N	N	N	N	N	N
Rowhouse subject to Section 10.0	N	N	N	PB	N	N	N	N	N	N	Y²	N	Y
Multi-Family Building, Apartment Building, and Multi-Family Development (Amended 11-18-19)	Allowed by special permit from the Planning and Economic Development Board in the Multi-Family Overlay District (See Section 5.6.4) and the Medway Mill Conversion Subdistrict (See Section 5.6.2 E).										Y ²	N	Y
Mixed-Use Development and Mixed-Use Building subject to Section 10.0 5.4.1 (Amended 11-16-20)	N	N	N	PB	N	N	N	N	N	N	Y	Y	N
Long-term care facility	SP	SP	N	N	N	N	N	N	N	N	PB	N	PB
Accessory Uses													
Accessory family dwelling unit, subject to Section 8.2	SP	SP	SP	N	SP	N	N	N	N	N	N	N	N
Home-based business, subject to Section 8.3	Y	Y	Y	N Y	Y	N	N	N	N	N	Y	N	Y
Boathouse	Y	Y	N	N	N	N	N	N	N	N	N	N	N
Greenhouse	Y	Y	Y	N	N	N	N	N	N	N	Y	N	Y
D. BUSINESS USES													
Retail Trade													
Retail bakery (Added 11-16-15)	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Retail sales	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Retail store larger than 20,000 sq. ft.	N	N	N	SP PB	N	N	SP	N	N	N	PB	PB	N
Retail sales, outdoors	N	N	N	N	N	N	Y	N	N	N	N	PB	N
Shopping center/multi-tenant development	N	N	N	SP PB	N	SP	SP	N	N	N	PB	PB	N

Auto parts	N	N	N	N	N	N	Y	N	N	N	N	N	N
Florist	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Indoor sales of motor vehicles, trailers, boats, farm equipment, with accessory repair services and storage, but excluding auto body, welding, or soldering shop (Amended 11-16-20)	N	N	N	N	N	N	N	N	N	N	N	PB	N
Hospitality and Food Services													
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	Y	Y	N
Restaurant providing live entertainment within a building, subject to license from the Board of Selectmen	N	N	N	Y	SP	SP	N	N	N	N	Y	Y	N
Brew pub	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Motel (Amended 11-16-20)	N	N	N	SP PB	N	N	N	N	N	Y	PB	PB	N
Hotel (Amended 11-16-20)	N	N	N	SP PB	N	N	N	N	N	Y	Y	Y	N
Bed and breakfast	SP	N	N	N	N	N	N	N	N	N	Y	N	PB
Inn	SP	SP	SP	SP	SP	N	N	N	N	N	Y	N	N
Cultural and Entertainment Uses													
Studio	N	N	SP	Y	Y	Y	N	N	N	N	Y	Y	N
Museum	N	N	N	Y	SP	SP	N	N	N	N	Y	PB	N
Movie theatre/cinema	N	N	N	SP	N	N	N	N	N	N	Y	PB	N
Gallery	N	N	N	Y	Y	Y	N	N	N	N	Y	PB	N
Commercial indoor amusement	N	N	N	SP	N	N	Y	Y	Y	Y	Y	Y	N
Professional Uses and Financial Services													
Financial institution	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Professional or business office	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Services													
Personal care service establishments	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Service establishment (Amended 11-13-17)	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Doggie day care	N	N	N	N	N	N	SP	N	N	N	N	Y	N
Repair shop	N	N	N	N Y	Y	Y	Y	SP	N	N	Y	Y	N

Furniture Repair	N	N	N	N Y	Y	Y	Y	SP	N	N	N	Y	N
Educational/instructional facility, commercial	N	N	N	Y	Y	Y	Y	Y	N	N	Y	PB	N
Funeral home	SP	SP	N	SP	Y	Y	Y	N	N	N	N	N	N
Veterinary hospital	SP	SP	N	N PB	N	Y	Y	N	N	N	N	PB	N
Kennel	SP	SP	SP	N	SP	N	SP	SP	N	N	N	PB	N
Medical office or clinic	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
Adult day care facility, subject to Section 8.5	PB	PB	N	N PB	N	N	N	N	N	N	N	N	N
Automotive Uses													
Vehicle fuel station with repair services⁴	N	N	N	N PB	N	N	PB	N	N	N	N	N	N
Vehicle fuel station with car wash	N	N	N	N	N	N	PB	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	PB	N	N	N	N	PB	N
Vehicle fuel station with convenience store⁴	N	N	N	N PB	N	N	PB	N	N	N	PB	N	N
Vehicle repair	N	N	N	N	PB	N	PB	Y	N	N	N	Y	N
Auto body shop	N	N	N	N	N	N	PB	Y	N	N	N	Y	N
Parking Lot <i>(Added 11-16-20)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N
Other Business Uses: Unclassified													
Adult uses	N	N	N	N	N	N	N	Y	N	N	N	N	N
Mixed-Use Development and Mixed-Use Building subject to Section 10.0 5.4.1 <i>-(Added 11-16-20)</i>	N	N	N	PB	N	N	N	N	N	N	Y	Y	N
Accessory Uses													
Drive-through facility <i>(Amended 11-16-20)</i>	N	N	N	N PB	N	PB	PB	N	N	N	PB	PB	N
Outdoor display	N	N	N	SP	SP	SP	SP	N	N	N	Y	Y	N
Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises, subject to Section 7.1.3 of the Zoning Bylaw. <i>(Amended 11-18-19)</i>	N	N	N	N	N	N	Y	Y	N	Y	N	PB	N

E. INDUSTRIAL AND RELATED USES

Warehouse/distribution facility	N	N	N	N	N	Y	N	Y	Y	Y	N	PB	N
Wholesale bakery <i>(Added 11-16-15)</i>	N	N	N	N	N	N	N	Y	Y	Y	N	Y	N
Wholesale showroom or office, including warehouse	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N

Manufacturing <i>(Amended 5-8-17)</i>	N	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N
Light Manufacturing <i>(Added 5-8-17)</i>	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	Y	N
Contractor's yard	N	N	N	N	N	N	N	Y	Y	N	N	N	PB	N
Research and development	N	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N
Brewery	N	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N
Research and development and/or manufacturing of renewable energy products <i>(Amended 11-16-20)</i>	N	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N
Bulk Storage <i>(Added 11-18-19)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Electric power generation which includes large- scale ground-mounted solar photovoltaic installations with a rated name plate capacity of 250 kW (DC) or more and other Renewable Energy sources. <i>(Amended 11-16-20)</i>	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
Gravel/loam/sand or stone removal, commercial	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Accessory Uses														
Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises, subject to Section 7.1.3 of the Zoning Bylaw <i>(Amended 11-18-19)</i>	N	N	N	N	N	N	N	Y	Y	Y	Y	N	PB	N
F. INSTITUTIONAL USES														
Community center	SP	SP	SP	SP	SP	SP	SP	SP	N	N	N	Y	PB	PB
Lodge or club	SP	SP	SP	N PB	N	N	N	N	N	N	N	Y	Y	N
G. MARIJUANA RELATED USES														
Recreational Marijuana Establishment <i>(Added 3-19- 18 and amended 5-21-18)</i>	N	N	N	N	N	N	N	N	PB	N	PB	N	N	N

Recreational Marijuana Retailer <i>(Added 3-19-18 and amended 5-21-19)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Recreational Marijuana Social Consumption Establishment <i>(Added 5-21-18)</i>	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Registered Medical Marijuana Facility (Retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	PB	N	N	N	N	N	N	N
Registered Medical Marijuana Facility (Non-retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	N	PB	N	PB	N	N	N	N

Footnotes:

1. In the OGN District, detached single family homes are permitted if they meet the designs standards for cottages under Section 9.4
2. In the OGVC District **and CB District**, multi-family dwellings and developments include rowhouses (attached single family units) which are subject to the design standards under Section 9.4
3. **Allowed by special permit from the Planning and Economic Development Board in the Multi-Family Overlay District (See Section 5.6.4) and the Medway Mill Conversion Subdistrict (See Section 5.6.2 E).**
4. **Vehicle fuel station with convenience store in the Central Business District (CB) is only allowed on the site of an existing vehicle fuel station with convenience store or an existing vehicle fuel station with repair services. Any substantial improvement to the existing building(s) or fueling station(s) shall require the site to comply with the design standards of Gas Station and Convenience Store in Section 9, Table 9.4.C.1.B**

And to amend Section 6.1 Schedule of Dimensional and Density Regulations & Table 2 as follows: (deleted language shown in ~~strike through~~, added language shown in **bold**)

TABLE 2. DIMENSIONAL AND DENSITY REGULATIONS										
Requirement	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI
Minimum Lot Area (Sq. Ft.)	44,000	22,500	22,500	10,000	10,000	20,000	20,000	20,000	20,000	40,000
		30,000 ^{a, b}	30,000 ^{a, b}							
Minimum Lot Frontage (Ft.)	180'	150'	150'	50' NA ^f	50'	50'	75'	100'	150'	100'
Minimum Setbacks (Ft) ^c										
Front	35'	35'	20' ^d	10'	20' ^d	35'	25'	30'	30'	30'
Side	15'	15'	10' ^d	10'	10' ^d	15'	15'	20'	20'	20'
				25' ^e						
Rear	15'	15'	10' ^d	25'	10' ^d	15'	15'	30'	30'	30'
Maximum Building Height (Ft.)	35'	35'	35'	40'	40'	40'	40'	60'	40'	60'

Maximum Lot Coverage (Pct. of lot) (Primary and accessory buildings and structures) – <i>Amended 5-8-17</i>	25%	30%	30%	80%	80%	40%	40%	NA	NA	NA
Maximum Impervious Coverage (Pct. of lot)	35%	40%	40%	NA	NA	80%	80%	80%	80%	80%
Minimum Open Space (Pct. of lot)	NA	NA	NA	15%	NA	20%	20%	20%	20%	20%

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 2 family house.
- c. When a nonresidential use abuts a residential use, the first 10 feet within the required side or rear setback of the nonresidential use 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.
- f. **Properties in the Central Business District that do not have frontage on a public street shall be required to have an easement of a least 30 feet in width providing access to a public street.**

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 21: (Amend Zoning Bylaws: Site Plan Review)

To see if the Town will vote to amend the Zoning Bylaw, Site Plan Review, Section 3.5 by amending Sections 3.5.3.A.1 through 3.5.3.A.4.a as follows, all other sections of Section 3.5.3 to remain as currently (deleted language shown in ~~strike through~~, added language shown in **bold**):

3.5.3. Applicability

A. Site plan review shall apply to the following:

1. Major Site Plan Review.

- a. New construction or any alteration, reconstruction, renovation, and/or change in use of any multi-family, commercial, industrial, institutional, or municipal building or use

which involves one or more of the following:

- i. the addition of 2,500 square feet or more of gross floor area; or
- ii. the addition of twenty or more new parking spaces
- b. The redesign, alteration, expansion or modification of an existing parking area involving the addition of twenty or more new parking spaces.
- c. The redesign of the layout/ **or** configuration of an existing parking area of forty or more parking spaces
- d. Construction of ground mounted solar photovoltaic installations of any size in any zoning district including solar canopy type systems in parking areas
- e. Removal, disturbance, and/or alteration of 20,000 square feet or more of existing impervious surface.

2. **Minor Site Plan Review.**

- a. New construction or any alteration, reconstruction, renovation, and/or change in use of any multi-family, commercial, industrial, institutional, or municipal building **or** use which is not subject to Major Site Plan Review but which involves one or more of the following:
 - i. the addition of 1,000 to 2,499 square feet of gross floor area; or
 - ii. the addition of ten or more but less than twenty new parking spaces
- b. The redesign, alteration, expansion or modification of an existing parking area involving the addition of ten or more but less than twenty new parking spaces; or
- c. The redesign of the layout/ **or** configuration of an existing parking area of twenty to thirty-nine parking spaces
- d. Any use or structure or expansion thereof exempt under Massachusetts G.L. c. 40A, § 3- only to the extent allowed by law.
- e. Removal, disturbance, and/or alteration of 10,000 to 19,999 square feet of impervious surface.
- f. Installation of a wireless communication facility as defined in Section 8.7 of this Zoning Bylaw.

3. **Administrative Site Plan Review.** New construction or any alteration, reconstruction, renovation or change in use of any multi-family, commercial, industrial, institutional, or municipal building or use which is not subject to Major or Minor Site Plan Review but which involves one or more of the following:
 - a. The addition of **more than 500 but** less than 1,000 square feet of gross floor area, or
 - ~~b. Exterior alteration or renovation of an existing building or premises, visible from a public or private street or way which includes any of the following:~~

- ~~i) installation or replacement of awnings~~
- ~~ii) change in a building's exterior surface material~~
- ~~iii) rearrangement or addition of windows or doors~~
- ~~iv) façade reconstruction or replacement~~
- ~~v) roofing if the Building Commissioner determines the roof to be a distinctive architectural feature of the building~~
- eb. The redesign, alteration, expansion or modification of an existing parking area involving the addition of up to nine new parking spaces
- ec. The creation of a new parking area involving the addition of up to nine new parking spaces
- ed. The redesign of the layout/ **or** configuration of an existing parking area of ten to nineteen parking spaces
- fe. A change in curb cuts/ **or** vehicular access to a site from a public way
- gf. Installation or alteration of sidewalks and other pedestrian access improvements
- hg. Removal of trees greater than 18 inches in diameter at four feet above grade
- ih. Installation of fencing or retaining walls
- ji. Outdoor placement of cargo containers, sheds, **and/or** membrane structures; **the permanent installation of outdoor** equipment; **and/or the use of an outdoor area of 50 square feet or more for storage of** ~~and~~ materials
- kj. Removal/, disturbance, **and/or** alteration of 5,000 ~~to- 9,999~~10,000 square feet of impervious surface
- ~~l. The conversion of a residential use to a permitted non-residential or mixed use~~
- mk. Reduction in the number of parking spaces
- nl. Installation of donation box

4. Façade Improvement Review.

- a. **Applicability. This section shall apply to exterior alteration, reconstruction, or renovation of any multi-family, commercial, industrial, or institutional building which is not subject to Major, Minor, or Administrative Site Plan Review, where such alteration, reconstruction or renovation will be visible from a street and will include any of the following:**
 - i) installation or replacement of awnings**
 - ii) change in a building's exterior surface material**
 - iii) rearrangement or addition of windows or doors**
 - iv) façade reconstruction or replacement**
- b. **No building permit shall be issued for any exterior building alteration that is subject to this Section 3.5.3.A.4 unless an application for façade improvement review has been prepared in accordance with the requirements herein and unless such application has been reviewed by the Medway Design Review Committee and a written recommendation is provided to the Building Commissioner or the Design Review Committee has failed to act within thirty days as provided in Section 3.5.3.A.4.d.**
- c. **Before filing for a building permit with the Building Commissioner for the activities specified in Section 3.5.3.A.4, a facade improvement review application shall first be filed with the Community and Economic Development office for review by the Medway Design Review Committee for compliance with the Medway Design Review**

Guidelines. The submittal of the application shall be in form and format as specified by the Design Review Committee.

- d. The Design Review Committee shall meet with the applicant or its representative to review the proposed façade improvements within fifteen days of receipt of a complete façade improvement application (referred to herein as the application date) by the Community and Economic Development office. No later than thirty days from the application date, the Design Review Committee shall prepare and provide its written review letter with recommendations regarding the proposed façade improvements to the Building Commissioner. Failure of the Design Review Committee to act within said thirty days shall be deemed a lack of opposition thereto. These deadlines may be extended by mutual agreement of the Design Review Committee and the applicant.**

5. Relationship to Other Permits and Approvals.

a. If an activity or use requires major or minor site plan review and one or more special permits, the Board shall serve as special permit granting authority, **except special permits under Section 5.5 Nonconforming Uses and Structures.**

Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 22: (Amend Zoning Bylaws: Solar Electric Installations)

To see if the Town will vote to amend the Zoning Bylaws Zoning Bylaw by adding a new Section 8.11, Solar Electric Installations, as follows:

SECTION 8.11 SOLAR ELECTRIC INSTALLATIONS

A. Purpose.

The purpose of this bylaw is to facilitate and appropriately regulate the creation of Ground-Mounted Solar Electric Installations: (a) by providing standards for the approval, placement, design, construction, operation, monitoring, modification and removal of such installations to protect the public health, safety and welfare, including protection and preservation of Town infrastructure (including roads); providing for public safety; and mitigating any impacts upon environmental, scenic, and historic resources; (b) by providing adequate financial assurance for the eventual decommissioning of such installations; and (c) by protecting large, contiguous blocks of forest land, based on the understanding that large, contiguous tracts provide many ecological benefits, including improved water and air quality, sequestration of carbon, reduced movement of invasive species, provision of wildlife habitat and the support for greater biodiversity; and providing many recreational opportunities for town residents.

B. Definitions.

Where the following terms appear in this section 8.11, they shall have the following meanings.

Forestland: A dense growth of trees and shrubs covering an area of one acre or more.

Ground-Mounted Solar Electric Installation: A Solar Electric System that is affixed to the ground (not roof-mounted) and all appurtenant fencing, access driveways, drainage infrastructure, electronics, and any surrounding shade management areas.

Large-Scale Ground-Mounted Solar Electric Installation: A Ground-Mounted Solar Electric Installation which occupies more than one acre of land and no greater than fifteen acres of land.

Small-Scale Ground-Mounted Solar Electric Installation: A Ground-Mounted Solar Electric Installation which occupies one acre or less of land.

Solar Electric System: A group of Solar Photovoltaic Arrays used for electrical power generation.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Parking Canopy: An elevated structure that hosts solar panels installed over parking lots or other hardscape areas.

Solar Photovoltaic Array: An active Solar Energy collection device that converts solar energy directly into electricity whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

C. Applicability.

1. Roof-mounted Solar Energy Facilities. Solar energy panels mounted on the roof of a building as an accessory portion of the structure, and related equipment which is necessary for and incidental to those solar energy panels, are allowed by right in all zoning districts, and do not need to comply with the other provisions of this Section 8.11.

2. Small-Scale Ground-Mounted Solar Electric Installations which are accessory to a residential or non-residential use, and which generate electricity principally used by such residential or non-residential use, may be allowed by special permit, do not need to comply with the other provisions of this Section 8.11, but require Site Plan Review under Section 3.5 from the Planning and Economic Development Board.

3. Solar Parking Canopies which are accessory to a residential or non-residential use may be allowed by special permit in all zones except AR-I, AR-II, and VR, and are subject to the requirements of this Section 8.11.

4. All other Small-Scale and Large-Scale Ground-Mounted Solar Electric Installations are subject to the requirements of this Section 8.11, and are allowed in zoning districts only as specified in Table 1: Schedule of Uses, under Section E Industrial and Related Uses, as “Electric power generation, which includes large-scale ground-mounted solar photovoltaic installations with a rated name plate capacity of 250 kw (DC) or more and other Renewable Energy sources.”.

5. The Planning and Economic Development Board (the Board) shall be the special permit granting authority for all special permit applications under Section 8.11.

D. General Requirements.

1. Compliance with Laws, Bylaws, and Regulations - The construction and operation of all

Ground-Mounted Solar Electric Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements, and require Site Plan Review per Section 3.5.3.A.1.d. of this Zoning By-law.

2. Mitigation for Loss of Carbon Sequestration and Forest Habitat - If land that is Forestland or has been Forestland within the past year is proposed to be converted to a Ground-Mounted Solar Electric Installation, the plans shall designate thereon an area of unprotected (meaning, not subject to G.L. c. 184, sections 31-33 at time of application) land on the same lot and of a size equal to four times the total area of such installation. Such designated land shall remain in substantially its natural condition without alteration, including prohibition of commercial forestry or tree cutting not related to the maintenance of the installation, until such time as the installation is decommissioned; except in response to a natural occurrence, invasive species or disease that impacts the trees and requires cutting to preserve the health of the forest.

3. Mitigation for Loss of Forest Habitat within the Installation - If Forestland is proposed to be converted to a Ground-Mounted Solar Electric Installation, the plans shall show mitigation measures that create a wildflower meadow habitat within and immediately around the Solar Electric System, and a successional forest habitat in the surrounding areas managed to prevent shading until such time as the installation is decommissioned. The wildflower meadow shall contain a wide variety of plants that bloom from early spring into late fall, that are planted in clumps rather than single plants to help pollinators find them, and that are native plants adapted to local climate, soil and native pollinators. At least 50% of the array footprint and perimeter shall be planned to have these flowering plants. Mowing shall be limited to no more than once annually. Plans for pollinator-friendly vegetation establishment and maintenance shall be compiled and written by a professional biologist or ecologist with relevant experience and expertise in pollinator habitat creation, grassland habitat restoration, and/or knowledge of native New England plant communities.

4. Mitigation for Disruption of Trail Networks - If existing trail networks, old roads, or woods or cart roads are disrupted by the location of the Ground-Mounted Solar Electric Installation, the plans shall show alternative trail alignments to be constructed by the applicant, although no rights of public access may be established hereunder.

5. Mitigation for Disruption of Historic Resources and Properties - Historic resources and properties, such as cellar holes, farmsteads, stone corrals, marked graves, water wells, or pre-Columbian features, including those listed on the Massachusetts Register of Historic Places or as defined by the National Historic Preservation Act, shall be excluded from the areas proposed to be developed, including clearing for shade management. A written assessment of the project's effects on each identified historic resource or property and ways to avoid, minimize or mitigate any adverse effects shall be submitted as part of the application. A suitable buffer area shall be established on all sides of each historic resource.

6. All plans and maps shall be prepared, stamped and signed by a Professional Civil Engineer licensed to practice in the Commonwealth of Massachusetts.

7. Vehicular access for the purpose of construction shall be from paved streets.

8. Lots for Ground-Mounted Solar Electric Installations shall have the required frontage on a street.

9. The special permit may be conditioned to effectuate and make enforceable these requirements.

E. Required Documents.

The project applicant shall provide the following documents.

1. Site Plan. A Site Plan additionally showing:
 - a. Locations of wetlands and Priority Habitat Areas as defined by the Natural Heritage & Endangered Species Program (NHESP).
 - b. Locations of local or National Historic Districts.
 - c. Locations of all known, mapped or suspected Native American archaeological sites or sites of Native American ceremonial activity. Identification of such sites shall be based on responses, if any, to written inquiries with a requirement to respond within 35 days, to the following parties: all federally or state recognized Tribal Historic Preservation Officers with any cultural or land affiliation to the Medway area; the Massachusetts State Historical Preservation Officer; tribes or associations of tribes not recognized by the federal or state government with any cultural or land affiliation to the Medway area; and the Medway Historical Commission. Such inquiries shall serve as a notice to the aforesaid parties and shall contain a plan of the project, specific identification of the location of the project, and a statement that permitting for the project is forthcoming. Accompanying the site plan shall be a report documenting such inquiries, the responses from the parties, a description of the location and characteristics, including photographs, of any Native American sites and the outcomes of any additional inquiries made based on information obtained from or recommendations made by the aforesaid parties. A failure of parties to respond within 35 days shall allow the applicant to submit the site plans.
 - d. The project proponent must submit a full report of all materials to be used, including but not limited to the use of cleaning products, paints or coatings, hydro-seeding, fertilizers, and soil additives. When available, Material Safety Data Sheets will be provided.
2. Blueprints. Blueprints or drawings of the installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts, showing:
 - a. The proposed layout of the system and any potential shading from nearby structures.
 - b. One- or three-line electrical diagram detailing the Ground-Mounted Solar Electric Installation, associated components, and electrical interconnection methods, with all Massachusetts and National Electrical Code compliant disconnects and overcurrent devices.
3. General Documentation. The following information shall also be provided:
 - a. A list of any listed hazardous or known carcinogenic materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate.
 - b. Name, address, and contact information for proposed system installer.
 - c. The name, contact information and signature of any agents representing the project applicant.
4. Site Control - The project applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed Ground-Mounted Solar Electric Installation.
5. Operation and Maintenance Plan - The project applicant shall submit a plan for the operation and maintenance of the Ground-Mounted Solar Electric Installation, which shall include measures for maintaining safe access to the installation, stormwater management (consistent with DEP's and, where appropriate, Medway's stormwater regulations), as well as general procedures

for operational maintenance of the installation.

6. Financial Surety - Applicants for Ground-Mounted Solar Electric Installations shall provide a form of surety, either through a deposit of money, bond, triparty agreement, or other means acceptable to the Board, to cover the cost of removal in the event the Town must remove the installation and remediate the site to its natural preexisting condition, in an amount and form determined to be reasonable by the Board, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein. The project applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

7. Utility Notification - No Ground-Mounted Solar Electric Installation shall be constructed, nor building permit issued until evidence has been provided to the Building Commissioner that the utility company that operates the electrical grid where the installation is to be located has approved the solar electric installation owner or operator's intent to install an interconnected customer-owned generator and that the utility has approved connection of the proposed generator into their power grid. Off-grid systems shall be exempt from this requirement.

8. Proof of Liability Insurance. The applicant or property owner shall provide evidence of liability insurance prior to the issuance of a building permit.

F. Dimensional Requirements.

1. Minimum setbacks for all Large-Scale Ground-Mounted Solar Electric Installations shall be:

- Front setback: 500 feet
- Side and rear setback: 100 feet

2. Minimum setbacks for all Small-Scale Ground-Mounted Solar Electric Installations shall be:

- Front setback: 100 feet
- Side and rear setback: 50 feet

3. Minimum setbacks for all Ground-Mounted Solar Electric Installations that are installed on or above existing paved parking areas (Solar Parking Canopies):

- Front setback: 50 feet
- Side and rear setback: 50 feet

4. Required setback areas shall not be counted toward a facility's total acreage.

G. Design and Performance Standards.

1. Lighting - Large- and Small-Scale Solar Electric Installations shall have no permanently-affixed exterior lighting.

2. Signage

- a. Sufficient signage shall be provided to identify the owner of the facility and provide a 24-hour emergency contact phone number.
- b. Signage at the perimeter warning pedestrians is allowable.
- c. Ground-Mounted Solar Electric Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of such installation.

3. Control of Vegetation - Herbicides or pesticides may not be used to control vegetation or animals at a Ground-Mounted Solar Electric Installation.
4. Visual Impacts
 - a. Ground-Mounted Solar Electric Installation shall be designed to minimize visual impacts including preserving natural vegetation to the maximum extent possible, blending in equipment with the surroundings, and adding vegetative buffers to provide an effective visual barrier from adjacent roads and driveways, and to screen abutting residential dwellings.
 - b. When possible, a diversity of plant species shall be used, with a preference for species native to New England.
 - c. Use of invasive or exotic plants, as identified by the most recent copy of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts Department of Agricultural Resources, is prohibited.
 - d. The Board may require vegetative screening, up to 30 feet in depth in locations it deems necessary. Such screening shall be composed of native trees, staggered for height and density, and shall be properly maintained.
 - e. The owner and operator shall not remove any naturally occurring vegetation such as trees and shrubs unless it adversely affects the performance and operation of the solar installation.
 - f. Landscaping shall be maintained and replaced as necessary by the owner and operator of the Ground-Mounted Solar Electric Installation.
5. Utility Connections - Electrical transformers, wires, or other utility interconnections shall be constructed as required by the utility provider and may be above ground if necessary; provided, however, that every reasonable effort shall be made to place all utility connections underground, depending on appropriate soil conditions and topography of the site and any requirements of the utility provider.
6. All electric power generated at a Ground-Mounted Solar Electric Installation shall be from Solar Energy.
7. Access Driveways shall be constructed to minimize finished width, grading, removal of stone walls or roadside trees, incompatible appearance from the roadway, and impacts to environmental or historic resources.

H. Safety and Environmental Standards.

1. Emergency Services
 - a. Ground-Mounted Solar Electric Installations owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief.
 - b. The owner or operator shall cooperate with local emergency services to develop a written emergency response plan that is provided to police and fire departments
 - c. All means of shutting down the solar electric installation shall be clearly marked on the equipment.
 - d. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation. Contact information shall be provided annually to the Town Manager including name, email and telephone number for the designated person and a back-up person.
2. Land Clearing, Soil Erosion and Land Impacts
 - a. The facility shall be designed to minimize impacts to open agricultural land and fields,

even if not in production. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Ground-Mounted Solar Electric Installation. Grading that substantially disturbs the existing soil profile and structure is prohibited; sites shall be selected where construction may be accomplished without such earth work.

b. Prior to any site disturbance and construction, the limits of the work shown on the approved site plan shall be surveyed and clearly marked by a Professional Land Surveyor. Upon completion of the survey, the Professional Land Surveyor shall verify to the Building Commissioner, in writing, that the limit of work, as shown on the approved site plans, has been established on site.

c. The design shall minimize the use of concrete and other impervious materials to the maximum extent possible. Ground-Mounted Solar Electric Installation shall be installed on water permeable surfaces.

d. Locating Ground-Mounted Solar Electric Installations, including access driveways and any associated drainage infrastructure on original, pre development grades in excess of 15% is prohibited.

3. Habitat Impacts - Large-Scale Ground-Mounted Solar Electric Installations shall not be located on permanently protected land subject to G.L. c. 184, sections 31-33, Priority Habitat and Bio Map 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage and Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP.

4. Wetlands

a. In order to provide an adequate intervening land area for the infiltration of stormwater runoff from a Solar Electric Installation, ground alterations, such as stump removal, excavation, filling, and grading, or the installation of drainage facilities or solar panels, are prohibited within 100 feet of any wetlands or hydrologic features subject to the jurisdiction of the Conservation Commission.

b. The Board may impose conditions to contain and control stormwater runoff that might negatively impact identified wetlands or other hydrologic features even if the proposed work area is outside the jurisdiction of the Conservation Commission.

I. Monitoring, Maintenance and Reporting.

1. Solar Electric Installation Conditions

a. The Ground-Mounted Solar Electric Installation owner or operator shall maintain the facility in good condition.

b. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.

c. Site access shall be maintained to a level acceptable to the Fire Chief.

d. The owner or operator shall be responsible for the cost of maintaining the Solar Electric Installation and any access driveways.

2. Annual Reporting

a. The owner or operator of a Ground-Mounted Solar Electric Installation shall submit an annual report demonstrating and certifying compliance with the Operation and Maintenance Plan, the requirements of this Section 8.11 and the approved special permit, including but not limited to continued management and maintenance of vegetation, compliance with the approved plans and any special permit conditions, continuation of liability insurance, and adequacy of road access.

b. The annual report shall also provide information on the maintenance completed during the

course of the year and the amount of electricity generated by the facility.
c. The report shall be submitted to the Department of Community and Economic Development and Building Commissioner, no later than 45 days after the end of the calendar year.

K. Abandonment or Decommissioning.

1. Removal Requirements
 - a. Any Ground-Mounted Solar Electric Installation which has reached the end of its useful life, has been abandoned, or taken off line shall be removed.
 - b. The owner or operator shall physically remove the installation no later than 150 days after the date of discontinued operations.
 - c. The owner or operator shall notify the Building Commissioner in writing at least sixty days in advance of the proposed date of discontinued operations and plans for removal.

2. Decommissioning shall consist of:
 - a. Physical removal of all components of the Ground-Mounted Solar Electric Installation, including but not limited to structures, foundations, equipment, security barriers, and on-site above-ground transmission lines. Associated off-site utility interconnections shall also be removed if no longer needed.
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - c. Restoration of the site, including stabilization or re-vegetation of the site as necessary to minimize erosion. The Board may allow the owner or operator to leave landscaping or designated below-grade foundations and electric lines in order to minimize erosion and disruption to vegetation.

3. Decommissioning by the Town - If the owner or operator of a Ground-Mounted Solar Electric Installation fails to remove such installation in accordance with the requirements of this Section 8.11 within 150 days of discontinued operations or abandonment, the Town may enter the property and physically remove the installation and stabilize the site, at the owner's expense, drawing upon the financial surety provided by the applicant.

or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 23: (Amend Zoning Bylaws: Flood Plain)
To see if the Town will vote to amend the Zoning Bylaws, Section 5.6.1, Flood Plain District, by deleting the language in said section in its entirety and inserting in place thereof the following language, in order to comply with recent changes in regulatory requirements.

5.6.1 Flood Plain District

- A. Purposes.** The purposes of the Flood Plain District are to ensure public safety by reducing threats to life and personal injury; eliminate new hazards to emergency response officials; prevent the occurrence of public emergencies resulting from water quality contamination and pollution due to flooding; avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding; eliminate costs associated with the response and cleanup of flooding conditions; and reduce damage to public and private property resulting from flooding waters.
- B. Overlay District.** The Flood Plain District shall be deemed to be superimposed over other districts in this Zoning Bylaw. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, by-laws or codes. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection. Property owners constructing structures and improvements in a Flood Plain District do so at their own risk. Natural changes can occur over time which may affect the flood elevations. In the event any regulations of this Flood Plain District are in conflict with the regulations of any other districts, the more restrictive regulation shall govern. The Town designates the Building Commissioner as the Town's floodplain administrator.
- C. Applicability.** The Flood Plain District includes: All special flood hazard areas within the Town of Medway designated as Zone A or AE on the Norfolk County Flood Insurance Rate Map (FIRM) dated July 16, 2015 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) with an effective date of July 16, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning and Economic Development Board, Conservation Commission, Building Department and Board of Assessors.
- D. Definitions.** As used in this Section 5.6, the following terms shall have the following meanings:
- Area of Special Flood Hazard:** The land in the floodplain that is subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.
- Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.
- Development:** Any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- District:** Floodplain district.
- Federal Emergency Management Agency (FEMA):** The agency that administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

Flood Hazard Boundary Map (FHBM): An official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

Flood Insurance Rate Map (FIRM): An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study: An examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

Floodway: The channel of a river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities

Highest Adjacent Grade: the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure

Historic Structure: any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs

Lowest Floor: The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

New Construction: For floodplain management purposes, new construction means structures for which the "start of construction" commenced on or after the effective date of the first floodplain management code, regulation, by-law, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement.

One-Hundred-Year Flood: See Base Flood.

Recreational Vehicle: A vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

Regulatory Floodway: See Floodway

Special Flood Hazard Area: The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, or AH.

Start of Construction: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building

Structure: As used in this Section and for floodplain management purposes, “structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial Damage: As defined in the Massachusetts State Building Code.

Substantial Improvement: As defined in the Massachusetts State Building Code.

Substantial Repair of a Foundation: When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

Variance: a grant of relief by a community from the terms of a flood plain management regulation.

Violation: the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Zone A: an area of special flood hazard without water surface elevations determined.

Zone A1-30 and Zone AE: an area of special flood hazard with water surface elevations determined.

Zones B, C, and X: Areas identified in the Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

E. Base Flood Elevation and Floodway Data.

1. Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.
3. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
4. AO and AH zones drainage requirements. Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
5. Base Flood Elevation Data. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.
6. If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to: FEMA Region 1 Risk Analysis Branch Chief, 99 High Street, 6th floor, Boston, MA 02110, copy to: Massachusetts NFIP State Coordinator, MA Dept. of Conservation and Recreation, 251 Causeway Street, Boston, MA 02114

F. In a riverine situation, the Conservation Agent shall notify the following of any alteration or relocation of a watercourse: adjacent communities, NFIP State Coordinator (Department of Conservation and Recreation), and NFIP Program Specialist (FEMA Region 1).

G. Use Regulations.

1. Permitted Uses. The following uses shall be permitted in the Flood Plain District provided that the Conservation Commission has acted within the scope of its jurisdiction under G.L. c. 131, § 40.
 - a. Uses permitted in the underlying zoning district are allowed provided they meet the

requirements of this Section 5.6.1 and the State Building Code dealing with construction in flood plains.

- b. Uses directly related to the conservation of water, plants and wildlife.
 - c. Outdoor recreation activities and facilities, including unpaved play areas nature study; boating; fishing and hunting where otherwise legally permitted.
 - d. Wildlife management areas, landings; foot, bicycle and/or horse paths and bridges; provided such uses do not affect the natural flow pattern of any water course.
 - e. Grazing and farming, including truck gardening and harvesting of crops.
 - f. Forestry and nurseries.
 - g. Small non-residential structures of less than 100 square feet of floor area used in connection with recreation or the growing, harvesting, storage, or sale of crops raised on the premises.
 - h. Creation of ponds with a total water surface area at normal elevation not in excess of 40,000 square feet.
 - i. Removal of salt and other accumulated debris from a water course which tends to interfere with natural flow patterns of the water course.
 - j. Access driveways to land outside the Flood Plain District not otherwise accessible.
 - k. Buildings lawfully existing prior to the adoption of these provisions.
2. All manmade changes to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, including structural and nonstructural activities, whether permitted by right or by special permit, shall comply with G.L. c. 131, § 40, and the following:
 - a. Sections of the State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
 - b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 - c. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00).
 - d. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).
 3. Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.
 4. In A1-30, AH, and AE Zones, Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
 5. Prohibited Uses. The following shall be prohibited in the Flood Plain District:

- a. New construction of a building or structure except as otherwise provided in this Section 5.6.1;
- b. Movement, alteration, or expansion of an existing building or structure so as to increase its ground coverage by more than a total of 20 percent;
- c. Dumping or filling or relocation of earth materials except as may be required for the uses permitted in Section 5.6.1 G (1) (h) (i) and (j).
- d. Storage of road salt, fertilizer, manure, or other organic or chemical leachable material.

H. Subdivisions. All subdivision proposals shall be designed to assure that:

- 1. Such proposals minimize flood damage;
- 2. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- 3. Adequate drainage is provided to reduce exposure to flood hazards.
- 4. Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

I. Lot Area Allowance. If any portion of a lot in a single-family residence district (AR-1 and AR-II) is overlaid by the Flood Plain District, said portion may be used to meet the minimum lot area regulations of the single-family district. However, no building or structure shall be erected on the portion outside the Flood Plain District unless it contains suitable space for a building or structure, for installation of adequate sewage disposal facilities in accordance with Title V of the State Environmental Code, and for meeting the setback, frontage, and other dimensional requirements of this Zoning Bylaw, but in no case less than 10,000 square feet.

J. A lot with a dwelling existing thereon at the time of the adoption of this Zoning Bylaw shall not be deemed a non-conforming lot solely because any portion of it lies within the Flood Plain District.

K. Special Permits. The Board of Appeals may grant a special permit for any of the following upon finding that the purposes of the Flood Plain District have been met.

- 1. A special permit from the Board of Appeals shall be required for construction on any lot in a commercial or industrial district when a portion of the lot is overlaid by the Flood Plain District.
- 2. Determination of Flooding and Suitability.
 - a. The Board of Appeals may grant a special permit for a use permitted in the underlying district if the Board determines that:
 - i. The proposed use of such land will not interfere with the general purposes for which the Flood Plain District has been established, and will not be detrimental to the public health, safety and/or welfare; and
 - ii. The proposed use or structure will comply with all other provisions of the underlying district within which the land is located.

- b. The Board of Appeals shall refer such special permit applications to the Planning and Economic Development Board, Conservation Commission, and Board of Health for review and comment, and shall not act until these agencies have reported their recommendations or thirty-five days have elapsed after such referral and no report has been received.
 - c. Any special permit granted hereunder shall be conditional upon receipt of all other permits or approvals required by local, state, or federal law.
3. No construction requiring a public utility, including electric, water, gas, and telephone lines or waste disposal or drainage facilities, shall be permitted unless the Board of Appeals determines that all such utilities are located, elevated, and constructed so as to minimize or eliminate flood damage and that methods of disposal of sewage, refuse, and other wastes and methods of providing drainage are adequate to reduce flood hazards.
 4. Special permit application, review, and decision procedures shall be in accordance with Section 3.4 of this Zoning Bylaw and the rules and regulations of the Board of Appeals.

L. Variances From Floodplain Bylaw. A variance from this floodplain bylaw must meet the requirements set out by State law, and in addition may only be granted if: 1) good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

M. Variance from State Building Code. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the any variance granted by that Board from the requirements for flood plain construction, and will maintain this record in the Town's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

N. The Town Medway requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties. The permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 24: (Amend Zoning Bylaws: Nonconforming Structures)
To see if the Town will vote to amend the Zoning Bylaws, Section 5.5.C and Section 5.5.H, as follows, (deleted language shown in ~~strike through~~, added language shown in **bold**):

C. Nonconforming One-Family and Two-Family Dwellings

1. No Increase in Nonconforming Nature. Lawfully existing nonconforming one-family and two-family structures may be reconstructed, extended, structurally changed or altered where the Zoning Board of Appeals finds that the reconstruction, extension, structural change or alteration does not increase the nonconforming nature of the structure. **For purposes of this subsection C, lawfully existing nonconforming one-family and two-family structures shall include lawfully existing nonconforming structures that are accessory to, and on the same lot as, a one-family or two-family structure. Such accessory structures shall be afforded the same protections under this subsection C as lawfully existing, nonconforming single-family and two-family structures.**
2. Increase in Nonconforming Nature. In the event that the Zoning Board of Appeals determines the nonconforming nature of the structure is increased, the Zoning Board of appeals may grant a special permit to allow such reconstruction, extension, alteration, or structural change upon finding that the proposed reconstruction, extension, alteration or structural change does not create a new nonconformity and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.
3. The provisions of sub-section C.1 and C.2 above shall not apply to the alteration, enlargement, structural change or reconstruction (collectively referred to herein as “alterations”) of a legally existing, nonconforming single or two family structure in the following circumstances:
 - a. The proposed alterations do not increase the maximum height of the pre-existing structure; and
 - b. The proposed alterations comply with setback requirements, or, if they do not comply, ~~the those~~ **those proposed alterations that do not comply with setback requirements** do not result in a decrease in the distance between any lot line and the nearest point of the structure.

For the purpose of this Zoning Bylaw, alterations meeting the criteria set forth in this sub-section C.3 shall not be deemed to increase the nonconforming nature of the structure, and are allowable as a matter of right. Upon determination of the Building Commissioner that this sub-section C.3 is complied with, the Building Commissioner may issue a building permit for the alterations. This provision does not preclude the Zoning Board of Appeals from determining that other alterations, extensions or reconstruction to a legally existing, nonconforming single or two family home do not increase the nonconforming nature of the structure.

H. Special Permits. Special permits ~~granted~~ **applications** under Section 5.5.C. **and Section 5.5.E** are not subject to the special permit criteria under Section 3.4.

Or act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 25: (Amend Zoning Bylaws: Electric Vehicle Charging Stations)

To see if the Town will vote to amend the Zoning Bylaws, Section 7.2 Signs, by adding the following definition in 7.2.1 C. Definitions, 2. Types of Signs.

Digital Advertising Signage: Signage that uses light emitting diodes (L.E.D.) or similar technology, controlled by electronic communication, to display static graphics, text, images, or multimedia content for informational or advertising purposes.

And to amend SECTION 5 Use Regulations, by adding a new subsection 5.4.2 as follows:

5.4.2 Special Permits for Electric Vehicle Charging Station(s) with Digital Advertising -.

The Planning and Economic Board may grant a special permit for Electric Vehicle Charging Station(s) with Digital Advertising Signage (“Charging Station”).

- A. The charging service for such Charging Stations shall be provided at no cost to users. For each Charging Station, the sign surface area shall not exceed nine square feet per side, not to exceed two sides per Charging Station. No audio or video displays shall be permitted. Level 1 Charging Stations (those having a 120-volt connection) are not permitted. The display area and no part of the Charging Station may revolve, simulate motion, flash, blink, or include animation. Internal illumination of the display area is permitted. Advertising may include commodities or services which may not be found or available on the premises hosting the Charging Station. There shall be no reduction in handicap accessible and compact car parking spaces to accommodate installation of Charging Stations. The number of Charging Station spaces shall not exceed five percent of the total number of parking spaces on the premises. The Charging Station shall be capable of charging electric vehicles produced by multiple manufacturers.

- B. In granting a special permit, the Board may impose limitations, safeguards, and conditions on but not limited to the following: quantity of Charging Stations with digital advertising signage on the premises; frequency of message changes (dwell time); Charging Station height; form of message transition; brightness of display illumination; number of charging ports per Charging Station; hours of operation for charging and digital advertising signage; visibility of display area from a public street; location and positioning of Charging Stations on the premises; other forms of signage to designate spaces for EV charging; handicap accessibility; impact or level of disruption of Charging Stations on business and tenant operations; ease and safety of accessibility to the Charging Stations; landscaping, buffering and screening; and type or charging level of the Charging Station. This may also include correlating the amount of allowed digital advertising display space to the type and charging level of the Charging Station and correlating the number of allowed Charging Station spaces on the premises to the percentage of electric vehicles in Massachusetts

(according to an appropriate state agency such as the Registry of Motor Vehicles or the Executive Office of Energy and Environmental Affairs).

And by amending Section 5.4 by inserting the following additional accessory use in Table 1: Schedule of Uses, D. BUSINESS USES to allow electric vehicle charging stations with digital advertising signage in the Central Business district by special permit from the Planning and Economic Development Board as follows: (New text in **bold.**)

TABLE 1: SCHEDULE OF USES													
	AR-I	AR-II	VR	CB	V C	NC	BI	EI	ER	WI	Form-Based Districts		
											OG VC	OG BP	OG N
D. BUSINESS USES													
Accessory Uses													
Drive-through facility <i>(Amended 11-16-20)</i>	N	N	N	N	N	PB	PB	N	N	N	PB	PB	N
Outdoor display	N	N	N	SP	SP	SP	SP	N	N	N	Y	Y	N
Outdoor storage of materials and parking of vehicles and equipment associated with a business operated in a building on the premises, subject to Section 7.1.3 of the Zoning Bylaw. <i>(Amended 11-18-19)</i>	N	N	N	N	N	N	Y	Y	N	Y	N	PB	N
Electric vehicle charging station	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Electric vehicle charging station with digital advertising signage, subject to Section 5.4.2 of the Zoning Bylaw.	N	N	N	PB	N	N	N	PB	N	PB	N	N	N

And by amending Section 3.5 Site Plan Review to add a new item g. in 3.5.3 Applicability, A. 2. Minor Site Plan Review as follows: (New text in **bold.**)

2. Minor Site Plan Review:

- a. New construction or any alteration, reconstruction, renovation, and/or change in use of any multi-family, commercial, industrial, institutional, or municipal building use which is not subject to Major Site Plan Review but which involves one or more of the following:
 - i. the addition of 1,000 to 2,499 square feet of gross floor area; or
 - ii. the addition of ten or more but less than twenty new parking spaces
- b. The redesign, alteration, expansion or modification of an existing parking area involving the addition of ten or more but less than twenty new parking spaces; or
- c. The redesign of the layout/configuration of an existing parking area of twenty to thirty-nine parking spaces
- d. Any use or structure or expansion thereof exempt under Massachusetts G.L. c. 40A, §3. only to the extent allowed by law.
- e. Removal, disturbance, and/or alteration of 10,000 to 19,999 square feet of impervious surface.

- f. Installation of a wireless communication facility as defined in Section 8.7 of this Zoning Bylaw. *(Added 11-18-19)*

g. Installation of electric vehicle charging station(s) with digital advertising signage.

And to amend Section 7.2 Signs to add a new item 4 to subsection 7.2.6 Administration, B. Special Permits, as follows:

- 4. Digital Advertising Signage for Electric Vehicle Charging Stations. See Section 5.4.2 for special permit provisions.

Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 26: (Amend Zoning Bylaws: Accessory Family Dwelling Units)
To see if the Town will vote to amend the Zoning Bylaws, Section 8.2., Accessory Family Dwelling Unit (AFDU), by adding a new subsection 8.2.C.9 as follows:

- 9. If the AFDU is located in a new, separate structure on the same premises as a detached single-family dwelling (principal dwelling unit), the following standards shall apply to the AFDU structure:
 - a. The AFDU shall be clearly accessory and incidental to the principal dwelling unit.
 - b. The AFDU shall be architecturally compatible with the principal dwelling unit.
 - c. The AFDU shall not be located closer to the front lot line than the principal dwelling unit.
 - d. In addition to the 800 square feet of gross floor area limitation set forth in subsection 8.2C.4, the gross floor area of the AFDU shall not exceed 50% of the gross floor area of the principal dwelling unit.

Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 27: (Amend Zoning Bylaws: Housekeeping)
To see if the Town will vote to amend the Zoning Bylaws as follows (deleted language shown in ~~strike through~~ , added language shown in **bold**):

- (1) Amend the following definitions in Section 2:

Accessory Family Dwelling Unit: A separate and complete housekeeping unit ~~contained~~

~~within, or being an extension of, a single family dwelling~~ to accommodate additional family members **or caregivers** of a resident of the primary dwelling **which is granted a special permit under Section 8.2.**

Dwelling: A building or portion thereof designed exclusively for residential occupancy, including single family, two family/**duplex**, and ~~multiple family~~ **multi-family** dwellings, but not including hotels, motels, boarding houses, trailers, or structures solely for transient or overnight occupancy.

(2) Add the following new definition to Section 2:

Mixed-Use Building: A building that includes residential units and one or more retail, municipal, service, office, commercial or other business uses allowed in the zoning district.

(3) Amend Section 3.4.H.1 as follows:

1. If a proposed activity or use requires major or minor site plan review pursuant to Section 3.5 Site Plan Review and one or more special permits, **except special permits under Section 5.5 Nonconforming Uses and Structures**, the Planning and Economic Development Board shall serve as the special permit granting authority. The Planning and Economic Development Board shall review and conduct the public hearing concurrently and may issue a single decision.

(4) Amend Section 6.2.F.1 as follows:

1. **Minimum setbacks.** Every lot must have at least the minimum lot setbacks as set forth in Table 2 Dimension and Density Regulations for the zoning district in which the lot is located, **unless otherwise specifically provided in this Zoning By-law.**

(5) Amend the following sections to delete the term “parking lot” and replace it with “parking area”:

Section 7.1.1.A.2: To minimize excessive and inefficient off-street parking ~~lots~~ **areas** that result in unneeded paved impervious surfaces and lost opportunities to develop new buildings that expand the tax base.

Section 7.1.1.F.7: As part of its Site Plan Rules and Regulations, the Planning and Economic Development Board may supplement the requirements herein with parking ~~lot~~ **area** design standards.

Section 7.1.1.J.2.f.: The presence of a public or private parking ~~lot~~ **area** within 400 feet of the proposed use.

Section 7.1.1.K.1.e: The valet parking ~~lot~~ **area** is not located in a residential zoning district.

Section 7.1.1.K.4: Frontage parking. By special permit, the Board may allow a limited amount of off-street surface parking to be placed between a public street and the street facing façade of a primary building. Where this is permitted by the Board, the parking area will be setback a minimum of twenty feet from the street line and streetscape treatments including street trees, landscaping, and a minimum 5-foot sidewalk will be placed adjacent to the street line. The sidewalk shall also be connected to the front door of the primary building by a dedicated pedestrian connection. The portion of the parking ~~lot~~ **area** located in front of the primary building shall be limited to one double row of vehicles and associated parking aisle.

Section 8.4.G.1.f.4: Median strips, landscaped areas within parking ~~lots~~ **areas**, or narrow,

unconnected strips of land.

Section 9.3.E.1: The main elements of the architectural treatment of the building’s street-facing façade, including the materials used, should be continued around all sides of the building that are visible from existing and planned streets, Pedestrian Passages, parking ~~lots~~ **areas**, or Outdoor Amenity Spaces.

Section 9.5.E.1.b: To ensure adequate parking for existing and new development while minimizing excessive and inefficient off-street parking ~~lots~~ **areas** that result in lost opportunities to develop new buildings that expand business and the tax base.

Or act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 28: (Accept Access Easement to Conservation Restriction Parcel – Timber Crest Estates)

To see if the Town will vote to accept:

a **perpetual easement** over that land in Medway, Norfolk County, Massachusetts shown as “Access Easement M 1,198 SQ. FT.” on a plan entitled “Timber Crest Estates & Kingsbury Village off Winthrop Street, Ohlson Circle, Holliston Street, Fairway Lane, & Fern Path” in Medway, Massachusetts, by Outback Engineering, dated November 28, 2019, recorded at the Norfolk Registry of Deeds in Book 688, Page 91-102 (the “Subdivision Plan”), for the purpose of accessing the land identified as “Conservation Restriction Parcel” on the Subdivision Plan.

And further to authorize the Select Board and town officers to take any and all related actions necessary or appropriate to carry out the purposes of this article;

Or to act in any manner relating thereto.

CONSERVATION COMMISSION

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 29: (Charter Amendment – Selectmen to Select Board)

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation amending the Medway Town Charter to rename the Board of Selectmen as the Select Board, and, for such purposes, to replace the words “Board of Selectmen” or “Selectmen” with “Select Board” and “Selectman” with “Select Board Member”, and to authorize the Town Clerk to make non-substantive ministerial revisions to ensure that gender and number issues in related text is revised to properly reflect such change in title; and, further, to authorize the Select Board to make non-substantive revisions of form as necessary to incorporate any such additional amendments, and to authorize the General Court to make clerical or editorial changes of form only to any bill so filed unless approved in advance by the Select Board, and to authorize the Select

Board to approve such revisions as fall within the public purpose of this vote; or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 30: (Acquire Real Property – Evergreen Cemetery)

To see if the Town will vote to authorize the Select Board to acquire by gift, eminent domain, and/or purchase and to accept the deed to the Town of a fee simple interest in all or a portion of land known as Evergreen Cemetery, located at 0 Cottage Street, identified as Parcel 48-068 on the Town of Medway’s Assessors’ Map and containing 9.12 acres more or less, upon such terms and conditions as the Select Board shall determine to be appropriate, said property to be under the care, custody, management and control of the Select Board and, further, to transfer from available funds or appropriate a sum of money for the acquisition of the property and up to \$25,000 for any expenses related thereto, including legal fees, and authorize the Select Board and Town officers to take all related actions necessary or appropriate to carry out this acquisition, including the submission, on behalf of the Town, of any and all applications deemed necessary for grants and/or reimbursements from any state or federal programs and to receive and accept such grants or reimbursements for this purpose, and/or any other purposes in any way connected with the scope of this Article, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 31: (Citizens’ Petition: Battery Storage Moratorium)

To see if the Town will amend the Zoning Bylaw to establish a moratorium on the construction and operation of lithium-ion battery electrical storage system (BESS) facilities, with the exception of site-specific systems intended to support single residents, commercial buildings, and municipal buildings, in all zoning districts within the Town of Medway for a period of one year, during which the Town of Medway Planning and Economic Development Board, in cooperation with other Town of Medway committees and personnel, shall engage the services of consultants and other experts to examine lithium-ion BESS operations, safety, and technology, with consideration being given to the development of zoning bylaw amendments appropriate to each zoning district; or act in any manner relating thereto.

CITIZENS’ PETITION

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION: **To Be Determined**

And you are hereby directed to serve this warrant by posting printed attested copies thereof at two (2) locations in each precinct at least SEVEN (7) days before the day of said meeting. Hereof fail not and make due return of this warrant with your doings thereon to the Clerk of said Town at or before the time of said meeting.

Given under our hands in Medway, this 5TH day of April 2021.

A TRUE COPY:


TOWN OF MEDWAY SELECT BOARD



Glenn Trindade, Chair



Maryjane White, Vice Chairman



Richard D'Innocenzo, Clerk



Dennis Crowley, Member



John Foresto, Member

ATTEST:



Paul Trufant, Constable