

**TOWN OF MEDWAY
WARRANT FOR 2018
FALL TOWN MEETING**

NORFOLK ss:

To either of the Constables of the Town of Medway

GREETING:

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 Auditorium, 88 Summer Street, on Monday, November 19, 2018 at 7:00 PM, then and there to act on the following articles:

ARTICLE 1: (Repurpose Funds to Middle School Paving Project)
To see if the Town will vote to appropriate the sum of \$39,432.27, to fund paving for recess area improvements at the Middle School located at 45 Holliston Street, and as funding therefor, to transfer the sum of \$17,494.07 from the amount borrowed under Article 8 of the November 15, 2010 Fall Town Meeting (Middle School repair project) and \$21,938.20 from the amount borrowed under Article 18 of the May 12, 2014 Annual Town Meeting (Middle School site improvements), where such funds are no longer needed, or to act in any manner relating thereto.

SCHOOL DEPARTMENT

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 2: (CPA Funds for Trail Infrastructure)
To see if the Town will vote to appropriate \$88,000 from Community Preservation Act funds for the purpose of designing and constructing a portion of the Medway Link Trail, including, but not limited to, a boardwalk, footbridge, observation platform, and signage, or act in any manner relating thereto.

OPEN SPACE COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 3: (Transfer CPA Funds to Trail Improvements)

To see if the Town will vote to transfer \$7,026.77 from the Community Preservation Act funds appropriated under Article 19 of the May 2017 Annual Town Meeting for information kiosks, to fund the purchase of kiosks, signage and materials as needed for trail identification and development, or act in any manner relating thereto.

OPEN SPACE COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 4: (CPA Funds for Historic Register Application)

To see if the Town will vote to appropriate from Community Preservation Fund Historical Reserves the sum of \$13,000 for the preparation of the application for the placement of the Evergreen Cemetery on the National Register of Historic Places, including all incidental and related costs, or to act in any manner relating thereto.

HISTORICAL COMMISSION

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 5: (Transfer from Debt Service to DPS Facility)

To see if the Town will vote to transfer \$733,000 from the Fiscal Year 2019 Debt Service Budget to supplement the amounts appropriated under Article 16 of the May 11, 2015 Annual Town Meeting for engineering, design and project management services of a new Department of Public Services Facility, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 6: (Free Cash Appropriation: Transfer to Debt Stabilization)

To see if the Town will vote to appropriate \$1,250,000 from Certified Free Cash to the Debt Stabilization account, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN 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 \$533,950 from Certified Free Cash for the purpose of funding the following capital and other items, including associated engineering, personnel, maintenance and legal service costs; said appropriations to be expended by June 30, 2019, with unexpended funds as of June 30, 2019 being returned to the General Fund, or act in any manner relating thereto.

Project	Department	Cost
Sidewalk Tractor w/ Plow, Blower & Boom Mower	DPS	\$190,000
Replace Heavy Duty Dump/Plow Truck 217	DPS	\$175,000
Replace Sander For Truck 212	DPS	\$20,000
Perimeter Fencing Idylbrook Field	DPS	\$21,000
Choate Park LCD Sign	DPS	\$45,000
Green Communities Grant Match Funding	Various	\$31,020
Police Ballistic Vests	Police	\$21,725
Automated External Defibrillators	School	\$30,205
Total		\$533,950

CAPITAL IMPROVEMENT PLANNING COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 8: (Free Cash Appropriation to Street Acceptance Account)
To see if the Town will vote to appropriate \$30,000 from Certified Free Cash to the special Street Acceptance Account, or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 9: (Create Receipts Reserved for Appropriation Special Revenue Account – EMS Services)
To see if the Town will vote, consistent with the provisions of Massachusetts General Laws Chapter 40, Section 5F, to establish a separate fund to which shall be credited fees or charges paid by or on behalf of persons transported by town ambulances, to be known as the EMS

Receipts Reserved Account, which fund shall be subject to appropriation by Town Meeting for ambulance-related services and expenses, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 10: (Reserve for Overlay Release; Transfer to EMS Receipts Reserved for Appropriation Special Revenue Account)
To see if the Town will vote to transfer from Overlay Surplus the sum of \$146,952.19 to the EMS Receipts Reserved for Appropriation Special Revenue Account, or act in any manner relating thereto.

BOARD OF ASSESSORS

BOARD OF SELECTMEN RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 11: (Transfer to EMS Special Revenue Account)
To see if the Town will vote to transfer \$100,000 from EMS Enterprise Fund retained earnings and \$100,000 from the Fiscal Year 2019 Fire Department operations budget to the newly created EMS Receipts Reserved for Appropriation Special Revenue Account, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 12: (CPA Transfers from Reserves to Retained Earnings)
To see if the Town will vote to transfer \$92,120 from Community Preservation Act reserve accounts to the unreserved fund balance as follows, or act in any manner relating thereto.

Reserve Account	Amount
Community Housing	\$30,040.00
Open Space	\$31,040.00
Historical Preservation	\$31,040.00
	\$92,120.00

COMMUNITY PRESERVATION COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 13: (Charter Amendment: General Changes)

To see if the Town will vote to amend the Town Charter to make ministerial corrections and revisions, including, for example, minor, non-substantive changes to language, spelling, department names and titles, and references to state law, and further, to remove unneeded and outdated sections of the Charter, all for the purpose of providing clarity and accuracy and as set forth in the document entitled, “Proposed Baseline Amendments to Town Charter – Fall, 2018”, as on file in the Town Clerk’s office and available on the Town website; and, further, to authorize the Board of Selectmen to submit to the General Court a home rule petition or petitions to carry out the vote taken hereunder and any other vote by this Town Meeting to amend the Town Charter and to make non-substantive revisions of form as necessary to incorporate any such additional amendments, and to authorize the General Court to make changes as to form only to any bill so filed unless approved in advance by the Board of Selectmen, and to authorize the Board of Selectmen to approve such revisions as fall within the public purpose of this vote; or act in any manner relating thereto.

CHARTER REVIEW COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 14: (Charter Amendment: Board of Selectmen)

To see if the Town will vote to amend the Town Charter to delete the term, “Board of Selectmen” in each instance in which it appears and replace it with the term “Executive Board”; and, further, to authorize the Board of Selectmen to submit to the General Court a home rule petition or petitions to carry out the vote taken hereunder and any other vote by this Town Meeting to amend the Town Charter and to make non-substantive revisions of form as necessary to incorporate any such additional amendments, and to authorize the General Court to make changes as to form only to any bill so filed unless approved in advance by the Board of Selectmen, and to authorize the Board of Selectmen to approve such revisions as fall within the public purpose of this vote; or act in any manner relating thereto.

CHARTER REVIEW COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Not Approve

FINANCE COMMITTEE RECOMMENDATION: Not Approve

ARTICLE 15: (Charter Amendment: Parks and Recreation Commission)

To see if the Town will vote to amend the Town Charter to revise Chapter 3, Elections and Elected Officers, Section 10, Parks and Recreation Commission, by adding two appointed members to such Commission and establishing criteria for appointment of such members, and for such purposes, to delete said section in its entirety and replace it with the text below; and, further, to authorize the Board of Selectmen to submit to the General Court a home rule petition or petitions to carry out the vote taken hereunder and any other vote by this Town Meeting to amend the Town Charter and to make non-substantive revisions of form as necessary to incorporate any such additional amendments, and to authorize the General Court to make changes as to form only to any bill so filed unless approved in advance by the Board of Selectmen, and to authorize the Board of Selectmen to approve such revisions as fall within the public purpose of this vote; or act in any manner relating thereto.

3-10-1 There shall be a parks and recreation commission consisting of 3 members to be elected and 2 members to be appointed by the executive board each for terms of 3 years, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year. The executive board shall seek to appoint persons with broad experience and perspective with respect to parks and recreation in the town, so that the composition of the board includes persons representative of various potential interests, including but not limited to, active recreation, including organized sports, preservation of green and other open space, and opportunities for passive recreation, all for the purpose of facilitating a holistic approach to managing the town's parks and recreation spaces for all residents.

3-10-2 The parks and recreation commission shall conduct and promote recreation, play, sport, physical education and other programs to meet the leisure time needs of the town. The parks and recreation commission shall have all the powers and duties provide to park and recreation commissions under the General Laws and such additional powers and duties as may be authorized by the charter, by by-law or by vote of the town meeting.

CHARTER REVIEW COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 16: (Charter Amendment: Board of Health)

To see if the Town will vote to amend the Town Charter to revise Chapter 3, Elections and Elected Officers, Section 8, Board of Health, by adding two appointed members to such Board and establishing criteria for appointment of such members, and for such purposes, to delete said section it in its entirety and replace it with the text below; and, further, to authorize the Board of Selectmen to submit to the General Court a home rule petition or petitions to carry out the vote taken hereunder and any other vote by this Town Meeting to amend the Town Charter and to make non-substantive revisions of form as necessary to incorporate any such additional

amendments, and to authorize the General Court to make changes as to form only to any bill so filed unless approved in advance by the Board of Selectmen, and to authorize the Board of Selectmen to approve such revisions as fall within the public purpose of this vote, or act in any manner relating thereto.

Section 8. Board of Health

3-8-1 There shall be a board of health consisting of 3 members to be elected and 2 members to be appointed by the executive board, each for terms of 3 years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year. The executive board shall seek to appoint persons with personal expertise or experience in health-related fields including but not limited to nurses, doctors, public health specialists, veterinarians, or infectious disease specialists.

3-8-2 The board of health shall adopt rules and regulations relative to the environment and the public health, and shall have all the powers and duties provided to boards of health under the General Laws, and such additional powers and duties as may be authorized by by-law, by vote of the Town Meeting or by this charter.

CHARTER REVIEW COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 17: (Charter Amendment: Water and Sewer Commission)

To see if the Town will vote to amend the Town Charter to revise Chapter 3, Elections and Elected Officers, Section 9, Water and Sewer Commission, to change the name and responsibilities of such Commission, and for such purposes, to delete said section in its entirety and replace it with the text below and to make a related revision to Chapter 6, Administrative Organization, Section 2, Department of Public Works, by inserting a new section relative to rate setting and renumbering accordingly, as set forth below; and, further, to authorize the Board of Selectmen to submit to the General Court a home rule petition or petitions to carry out the vote taken hereunder and any other vote by this Town Meeting to amend the Town Charter and to make non-substantive revisions of form as necessary to incorporate any such additional amendments, and to authorize the General Court to make changes as to form only to any bill so filed unless approved in advance by the Board of Selectmen, and to authorize the Board of Selectmen to approve such revisions as fall within the public purpose of this vote; or act in any manner relating thereto.

Chapter 3, Section 9. Water and Sewer Advisory Board

3-9-1 There shall be a water and sewer advisory board consisting of 3 members to be elected and 2 members to be appointed by the executive board, each for terms of 3 years each, so arranged that the term of office of as nearly an equal number of members as possible shall expire each year.

3-9-2 The water and sewer advisory board shall advise the director of public works on policy and fiscal matters, including the annual budget and water rates, relative to the provision of municipal water system and sewer system services, and on such other matters involving the water system and sewer system as may be requested by the director of public works; provided, however, that no less than twice annually the director of public works shall meet with the advisory board at a properly posted meeting held in accordance with the open meeting law to review departmental priorities with respect to water and sewer systems.

Chapter 6, Section 2. Department of Public Works

6-2-3 The executive board shall be authorized to set water and sewer rates and promulgate regulations in connection with the scope of the authority of the department of public works. Prior to taking any action hereunder, however, the executive board, following consultation with the water and sewer advisory board, shall hold a public hearing for which notice is provided on the town website and in the same manner required by the Open Meeting Law, for a period of not less than fourteen days before the date of said hearing. Any regulations promulgated hereunder shall take effect upon filing with the town clerk.

CHARTER REVIEW COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 18: (Charter Amendment: Town Clerk)

To see if the Town will vote to amend the Town Charter, Chapter 3, Elections and Elected Officers, Section 5, Town Clerk, to change the position of Town Clerk from elected to appointed, and provide an appropriate transition process, and for such purposes, to delete said section in its entirety and to insert in Chapter 8, Section 6, or in any other appropriate location, the text set forth below addressing the transition; and, further, to authorize the Board of Selectmen to submit to the General Court a home rule petition or petitions to carry out the vote taken hereunder and any other vote by this Town Meeting to amend the Town Charter and to make non-substantive revisions of form as necessary to incorporate this and any such additional amendments, and to authorize the General Court to make changes as to form only to any bill so filed unless approved in advance by the Board of Selectmen, and to authorize the Board of Selectmen to approve such revisions as fall within the public purpose of this vote; or act in any manner relating thereto.

8-6. Upon the effective date of this act, the elected position of town clerk shall be become appointed; provided, however, that the elected incumbent holding the office of town clerk shall serve for the remainder of her unexpired term subject to recall or sooner vacating of office; upon the expiration of the elected term, the elected incumbent shall become the first appointed town

clerk, subject to removal in accordance with section 5-4 of the charter set forth in section 1 of this act or her sooner vacating of office. Thereafter, appointments to the positions shall be made in accordance with section 5-2-2 of the charter set forth in section 1 of this act.

CHARTER REVIEW COMMITTEE

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 19: (Accept Sidewalk Easement: Mechanic Street)
To see if the Town will vote to acquire, by gift, purchase, eminent domain or otherwise, an easement for sidewalk and related purposes, including, but not limited to, public pedestrian access and access and installation, construction, maintenance, repair and replacement, on such terms and conditions as the Board of Selectmen deems to be in the best interests of the Town, on, upon, under and over property identified as Assessor’s Map 47, Parcel 036, and shown as “Pedestrian Access Easement 563 S.F.” on a plan of land entitled “Easement Plan of Land in Medway, MA. Scale: 1” = 20’ June 5, 2018” prepared by Colonial Engineering Inc., on file with the Town Clerk, and further authorize the Board of Selectmen to execute all documents and take all actions necessary in connection therewith, or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 20: (Street Acceptance, Land Conveyance, Acquisition of Easements and Infrastructure Acceptance: Candlewood and Island Road Subdivisions and The Village at Pine Ridge Open Space Residential Development)

To see if the Town will vote to accept as public ways, the following streets as laid out by the Board of Selectmen and as shown on a plan or plans on file in the Office of the Town Clerk:

Candlewood Drive as laid out by a vote of the Board of Selectmen and shown on the plan entitled ““As-Built” Acceptance Plan Candlewood Drive Medway, MA”, dated January 7, 1999, prepared by Engineering, Surveying, and Planning Associates, excluding from said layout the unconstructed portion of Candlewood Drive abutting Lots 8, 9 and 10, as shown on said plan.

Island Road in its entirety as laid out by a vote of the Board of Selectmen and shown on the plan entitled “Subdivision As-Built ‘Island Road’ Medway, MA”, dated February 15, 1995, prepared by Engineering, Surveying and Planning Associates.

And further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise a parcel of land totaling 62,646 sq. ft. more or less identified as “Parcel A” on a plan

entitled “‘Candlewood’ Definitive Subdivision Plan in Medway (Norfolk County) in Massachusetts”, dated March 22, 1993, recorded at the Norfolk County Registry of Deeds in Plan Book 419 as Plan 9, to be used by the Town for drainage purposes and for public pedestrian access between the Candlewood Drive and Island Road subdivisions.

And further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise a non-exclusive perpetual access easement on and over a portion of Pine Ridge Drive shown as “Prop. 24 Wide Public Access Easement” including three adjacent parking spaces, and a non-exclusive perpetual access easement shown as “Prop, 20’ Wide Public Access Easement” for purposes of enabling Town employees and officials and members of the public to access “Parcel C Open Space”, all as shown on Sheet 2 of 23 of a plan of land entitled “The Village at Pine Ridge Definitive OSRD Development Plan in Medway, Massachusetts” dated March 28, 2006, last revised September 6, 2006, by Faist Engineering, recorded with the Norfolk County Registry of Deeds on October 18, 2006 in Plan Book 561, Plan 33.

And further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, and to accept the deed or deeds to the Town of a fee simple interest or easements in said streets and any associated drainage, utility or other easements for said streets, and for any trail or public access easements and to appropriate a sum of money for this purpose and any related expenses.

And further to authorize the Board of Selectmen 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.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 21: (Grant Utility Easement: 76 Oakland St)

To see if the Town will vote to authorize the Board of Selectmen to grant to Verizon New England Inc. a permanent utility easement over a portion of 76 Oakland Street on such terms and conditions as the Board of Selectmen shall deem to be in the best interests of the Town, and to authorize the Board of Selectmen and other Town officials to take any and all related actions necessary or appropriate to carry out the purposes of this article, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 22: (Amend General Bylaw: Accepting Gifts of Land for Various Purposes)

To see if the Town will vote to amend the Town of Medway General Bylaws Article II Town Officers and Their Duties by adding a new subsection to 2.6 as follows:

- (b) The Selectmen may accept on behalf of the Town of Medway gifts of land and interests in land for the following purposes: walkway and sidewalk purposes, water and sewer purposes, storm drainage, above and below ground general drainage purposes, for slope maintenance purposes, for purposes of rounding street corners, and for any purpose approved by the Planning and Economic Development Board and shown on a plan approved by the Planning and Economic Development Board under Massachusetts General Laws, Chapter 41, Sections 81K to 81Y inclusive.

Or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 23: (Zoning Bylaw Amendment: Adaptive Use Overlay District)

To see if the Town will vote to amend the Town of Medway Zoning Bylaws, Section 5.6.2 Adaptive Use Overlay District, by adding a new subsection to Section 5.6.2.D.2 as follows: “i. museum”, and revising the current subsection i to read as follows: “j. The alteration of, addition to, and/or conversion of an existing building to one or two residential dwelling units and one or more business uses listed in items a-i above, provided that the appearance of the building is characteristic of a single-family dwelling”, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 24: (Zoning Bylaw Amendment: Multifamily Housing)

To see if the Town will vote to amend the Zoning Bylaw by revising certain portions of Section 5.6.4 Multifamily Housing as follows. Added text is indicated in **bold**. Deleted text is shown with ~~strikethroughs~~.

5.6.4 Multifamily Housing

A. **Purpose:** The purpose of this sub-section is to further the goals of the Medway Master Plan and the Medway Housing Production Plan to encourage the provision of a diversity of housing types, to promote pedestrian oriented development, **to encourage the preservation of older and architecturally significant properties**, and to increase the number of affordable housing units by establishing a special permit option to allow for the development of Multifamily Dwellings or Apartment Houses, and Multifamily Developments within the capacities of existing Town utilities and services.

B. Applicability:

1. The Planning and Economic Development Board may grant a Multifamily Housing special permit for a Multifamily Dwelling or Apartment House, and/or a Multifamily Development on a tract of land within the AR-I, AR-II, Village Residential, **or** Village Commercial zoning districts whether on one parcel or a set of contiguous parcels, with a minimum of fifty feet of frontage on an existing street located within the Multifamily Housing Overlay District as shown on a map on file with the Medway Town Clerk. The street **that provides frontage** shall, in the opinion of the Planning and Economic Development Board, have sufficient capacity to accommodate the projected additional traffic flow from the development. *(Amended 11-14-16)*
 2. Tracts of land within residential subdivisions approved and constructed under the Subdivision Control Law since September 29, 1952 or granted a special permit under the Medway Zoning Bylaw shall not be eligible for a special permit under this ~~S~~sub-~~S~~section.
 - ~~3. Multifamily Dwellings or Apartment Houses and Multifamily Developments within the Adaptive Use Overlay District must comply with the Medway Zoning Bylaw, Adaptive Use Special Permit Site Development Standards.~~
- ~~4.3.~~ These provisions apply to the following:
- a. The alteration, ~~r~~rehabilitation, ~~and~~ conversion, **or** adaptive reuse of existing buildings
 - b. Construction of new buildings or additions to existing buildings.

C. Dimensional Regulations:

1. The minimum dimensional requirements **as specified in Table 2** ~~for area and setbacks~~ shall be the same as for the underlying zoning district in which the parcel is located. However, the Planning and Economic Development Board may adjust these dimensional requirements by a four-fifths vote if, in its opinion, such adjustment will result in a more desirable design of the development or provide enhanced buffering for adjacent residential properties.
2. Legally pre-existing nonconforming buildings shall be eligible for a Multifamily Housing special permit provided there is no increase in any dimensional nonconformity or the creation of a new nonconformity, and the applicant can demonstrate compliance with the parking and open space requirements of this **sub**-section.
3. Maximum building height: 40' **except that the maximum building height for a property located within the Medway Village or Rabbit Hill Historic Districts shall not exceed 35'.**

D. Density Regulations: ~~The density of a Multifamily Dwelling or Apartment House, and a Multifamily Development shall not exceed twelve dwelling units per whole acre or portions thereof, except that the Planning and Economic Development Board may grant a density bonus for one or more of the following:~~

- ~~1. + one unit when the project involves the rehabilitation/adaptive reuse of an existing structure at least seventy five years of age and is completed in a manner that preserves and/or enhances the exterior architectural features of the building;~~
- ~~2. + one unit for each three thousand sq. ft. of existing interior finished space that is substantially rehabilitated in accordance with the Board's *Multifamily Housing Rules and Regulations*.~~
- ~~3. + two units when twenty five percent of the dwelling units are designated as affordable independent of the provisions of the Section 8.6 Affordable Housing.~~

~~In no case shall total density, including bonus units, exceed twenty dwelling units per acres.~~

- 1. For lots of 1 acre or more, the density of a Multifamily Dwelling or Apartment House, and a Multifamily Development shall not exceed 12 dwelling units per whole acre.**
- 2. For lots under 1 acre as of November 19, 2018, the density of a Multifamily Dwelling or Apartment House, and a Multifamily Development shall not exceed its relative portion of an acre. For example, the maximum density of a .6 acre lot shall not exceed 7 dwelling units.**

E. Special Regulations:

1. Affordable Housing Requirement: Projects approved pursuant to this ~~S~~sub-~~S~~section shall comply with:
 - ~~a. The Town's Affordable Housing requirements as specified in Section 8.6 Affordable Housing;~~
 - ~~b. the Massachusetts Department of Housing and Community Development (DHCD)'s Local Initiative Program (LIP) Guidelines, July 1996, as may be amended; and~~
2. Open Space: There shall be an open space or yard area equal to at least fifteen percent of the parcel's ~~(s)~~ total area. This area shall be unpaved and may be landscaped or left natural, with the balance being trees, shrubs and grass suitable for the site. This area shall not be built upon but may include a play area.
3. Parking: At least one and one-half off-street parking spaces shall be provided for each dwelling unit plus one additional visitor parking space for every two dwelling units.

4. There shall be Town water and sewer available in the street on which the Multifamily Dwelling or Apartment House or Multifamily Development has its frontage and said water and sewer lines shall have sufficient capacity to accommodate the project.
5. A Multifamily Dwelling or Apartment House shall not contain more than twelve dwelling units **per building**.
6. Any Multifamily Development shall not exceed forty dwelling units.
7. **Historic Properties: Any property proposed for a Multifamily Dwelling or Apartment House, and/or a Multifamily Development pursuant to this sub-section which includes a building that is 75 years of age or older shall be reviewed by the Medway Historical Commission to determine if it is an “historically significant building” in accordance with the criteria specified in Medway General Bylaws Article 17 Historical Properties. If so determined, the property shall comply with the following additional requirements:**

- a. **A historically significant building shall not be demolished unless:**
 - 1) **The Inspector of Buildings has determined that it is unused, uninhabited or abandoned, and open to the weather; or**
 - 2) **The Board of Selectmen or the Board of Health has determined it to be a nuisance or dangerous pursuant to applicable state laws and/or the State Building Code;**
- b. **Renovation of a historically significant building shall be completed in a manner that preserves and/or enhances the building’s historic exterior architecture and features;**
- c. **The project may include new construction which shall be designed to be consistent with the historic nature of the property, its primary building, and the surrounding neighborhood including buildings which characterize historic homes, carriage houses, barns, sheds, garages, agricultural buildings, other similar out buildings, and historic forms of house additions traditionally undertaken in the neighborhood.**

F. **Rules and Regulations:** The Planning and Economic Development Board ~~shall~~ **may** adopt *Multifamily Housing Rules and Regulations* which shall include application submittal requirements, public hearing and review procedures, and site development and design standards including but not limited to landscaping, buffering, lighting, building style, pedestrian access, off-street parking, utilities, and waste disposal. **Such *Multifamily Rules and Regulations* shall be filed with the Town Clerk.**

G. **Development Limitation:** The maximum number of Multifamily Dwelling units authorized pursuant to this sub-section shall not exceed five percent of the number of detached single-family dwellings located in the Town of Medway, as determined by the Board of Assessors.

H. Special Permit Procedures:

1. The special permit application, public hearing, and decision procedures shall be in accordance with this ~~Ssub-S~~section, the Planning and Economic Development Board's *Multifamily Housing Rules and Regulations*, **Section 3.4 Special Permits**, and Section 3.5 Site Plan Review and Approval.
2. Application Requirements. The Applicant shall submit a Multifamily Housing special permit application together with the size, form, number, and contents of the required plans and any supplemental information as ~~required~~ **specified** in the Planning and Economic Development Board's *Multifamily Housing Rules and Regulations*.
3. The special permit review of Multifamily Dwelling or Apartment Houses, and Multifamily Developments shall incorporate site plan review pursuant to Section 3.5 Site Plan Review and Approval.

I. **Decision:** The Planning and Economic Development Board may grant a Multifamily Housing special permit with any conditions, safeguards, and limitations necessary to mitigate the project's impact on the surrounding area and to ensure compliance with this ~~Ssub-S~~section, **Section 3.4 Special Permits**, and Section 3.5 Site Plan Review and Approval, upon finding that the Multifamily Dwelling or Apartment House, or the Multifamily Development will:

1. meet the purposes and requirements of this ~~Ssub-S~~section, and the Planning and Economic Development Board's *Multifamily Housing Rules and Regulations* and *Site Plan Rules and Regulations*;
2. is consistent with the goals of ~~the Medway Master Plan and the Medway Housing Production Plan~~;
3. not have a detrimental impact on abutting properties and adjacent neighborhoods or such impacts are adequately mitigated;
4. provide for greater variety and type of housing stock.
5. **be designed in a manner that is reflective of or compatible with the character of the surrounding neighborhood.**

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

ARTICLE 25: (Zoning Bylaw Amendment: Variances)

To see if the Town will vote to amend the Zoning Bylaw by revising Section 3.2.B.4 Zoning Board of Appeals Powers to read as follows, (added text is indicated in bold):

4. To hear and decide petitions for variances in accordance with G.L. c. 40A, §10, **including variances authorizing a use or activity not otherwise permitted in a particular zoning district.**

Or act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: Approve

FINANCE COMMITTEE RECOMMENDATION: Approve

And you are hereby directed to serve this warrant by posting printed attested copies thereof at two (2) locations in each precinct at least FOURTEEN (14) 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 16th day of October 2018.

A TRUE COPY:

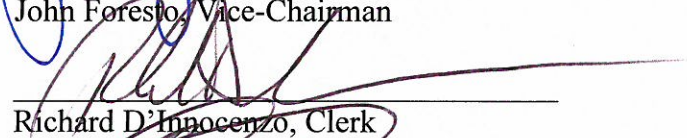
SELECTMEN OF THE TOWN OF MEDWAY



Dennis Crowley, Chairman



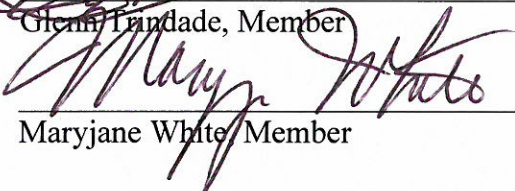
John Foresto, Vice-Chairman



Richard D'Innocenzo, Clerk



Glenn Lundade, Member



Maryjane White, Member



ATTEST: Paul Trufant, Constable