

**TOWN OF MEDWAY  
WARRANT FOR 2020  
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 16, 2020 at 7:00 PM, then and there to act on the following articles:

**ARTICLE 1:** (Raise and Appropriate Funds: FY21 Operating Budget) - placeholder  
To see if the Town will vote to raise and appropriate a sum of money to support the Fiscal Year 2021 operating budget, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 2:** (Prior Year Bills)  
To see if the Town will vote to transfer the sum of \$19,144 from the Fiscal Year 2021 Water Enterprise repair and maintenance account, \$1,195.14 from the Fiscal Year 2021 Water Enterprise copying/binding account, \$1,195.15 from the Fiscal Year 2021 Solid Waste Enterprise copying/printing account, \$1,195.14 from the Fiscal Year 2021 Sewer Enterprise printing account, \$50.00 from the Fiscal Year 2020 Police Department Telephone Expense Account and \$94.19 from the Police Miscellaneous account for the purpose of paying prior, unpaid bills of the Town, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 3:** (Accept Gift of Land: 76 Summer St)

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift and to accept the deed to the Town of a fee simple interest in all or a portion of land located at 60 Summer Street, identified as Parcel 37-071 on the Town of Medway's Assessors' Map and containing 6.98 acres more or less, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, said property to be under the care, custody, management and control of the Board of Selectmen for general municipal purposes and authorize the Board of Selectmen and Town officers to take all related actions necessary or appropriate to carry out this acquisition, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 4:** (Fund Affordable Housing Production Plan)

To see if the Town will vote to transfer the sum of \$18,000 from Community Preservation Act Funds to the Affordable Housing Trust for the purpose of funding an update to the 2016 Medway Housing Production Plan in order to comply with state regulations and guidelines, or act in any manner relating thereto.

**AFFORDABLE HOUSING TRUST**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 5:** (Fund Fence at Gurnsey Dog Park)

To see if the Town will vote to transfer \$5,000 from Community Preservation Act Fund Historical Preservation Reserves for the purpose of replacing the fence around the historic house foundation at the Gurnsey Dog Park, or act in any manner relating thereto.

**HISTORICAL COMMISSION**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 6:** (Street Acceptance – Applegate Rd)

To see if the Town will vote to accept as a public way, the following street 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:

**Applegate Road** in its entirety from Station 0 + 00 at Coffee Street to its end at Station 17 + 46.52 at Ellis Street as shown on *Amended Definitive Subdivision Plan for Applegate Farm, Medway, Massachusetts*, dated February 20, 2013, last revised April 28, 2014 and endorsed October 22, 2014, prepared by GLM Engineering Consultants, Inc. of Holliston, MA, recorded at the Norfolk County Registry of Deeds in Plan Book 635, Page 26.

And further to see if the Town will vote to accept as a gift from Cedar Trail Trust of Medfield, MA one parcel of land containing 1.11 acres, more or less, identified as Parcel A on the Amended Definitive Subdivision Plan for Applegate Farm, Medway, Massachusetts, dated February 20, 2013, last revised April 28, 2014 and endorsed October 22, 2014, prepared by GLM Engineering Consultants, Inc. of Holliston, MA, recorded at the Norfolk County Registry of Deeds in Plan Book 635, Page 26, also known as 0 Applegate Road, Medway Assessors Map 32, Parcel 16, to be used by the Town for drainage purposes.

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 street and any associated drainage, utility or other easements for said street, and for any trail or public access easements;

And further to appropriate the subdivision surety funds in the amount of \$265,617 to meet the Town's costs and expenses in completing the construction of the way and installation of municipal services as specified in the approved subdivision plan, as provided in General Laws chapter 41, section 81U;

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.

**BOARD OF SELECCTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 7:** (Amend Zoning Bylaw – Outdoor Lighting)

To see if the Town will vote to amend portions of Section 7.1.2 of the Zoning Bylaw, Outdoor Lighting, by adding a new Subsection G as set forth below:

G. The Planning and Economic Development Board, when acting as special permit granting authority, or when performing site plan review under Section 3.5, may grant minor relief from the provisions of this Section 7.1.2 where it finds that the relief is in the public interest and will not have a substantially detrimental effect on abutting properties.

Or take any other action relative thereto.

## BOARD OF SELECCTMEN

### BOARD OF SELECTMEN RECOMMENDATION:

### FINANCE COMMITTEE RECOMMENDATION:

**ARTICLE 8:** (Amend Zoning Bylaw: Electric Power Generation, Alternative Energy and Renewal Energy)

To see if the Town will vote to amend the Zoning Bylaw, by amending Section 2, Definitions as follows (new language in **bold**, deleted language in ~~striketrough~~):

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

**Alternative Energy:** ~~Energy derived from combined heat and power; and electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations.~~

**Renewable Energy:** Energy derived from natural resources which are regenerated over time through natural processes. Such energy sources include the sun (solar); wind; moving water (hydro and wave); organic plant materials (biomass); and the earth's heat (geothermal). Renewable energy resources may be used directly, or used indirectly to create more convenient forms of energy. Renewable Energy sources also include landfill gas, fuel cells, **battery energy storage facilities, recharging stations for electric and hydrogen powered vehicles,** and ~~advanced~~ biofuels.

And by amending the Schedule of Uses 5.4.E by amending the following:

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form Based Districts		
											OGVC	OGBP	OGN
Research and development and/or manufacturing of renewable <del>or</del> alternative energy products	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N
Electric power generation, <b>which includes</b> including but not limited to renewable <del>or</del> alternative energy generating facilities such as the construction and	N	N	N	N	N	N	N	N	Y	N	N	N	N

operation of large-scale ground-mounted solar photovoltaic installations with a rated name plate capacity of 250 kW (DC)-or more <b>and other Renewable Energy generating facilities</b>													
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Or act in any manner relating thereto.

## PLANNING AND ECONOMIC DEVELOPMENT BOARD

### BOARD OF SELECTMEN RECOMMENDATION:

### FINANCE COMMITTEE RECOMMENDATION:

#### ARTICLE 9:

(Amend Zoning Bylaw: Schedule of Uses)

To see if the Town will vote to amend the Zoning Bylaw, Section 5.4, Table 1, Schedule of Uses, as follows (new text in **bold**, deleted text in ~~striketrough~~):

1. By adding a new Section G. Marijuana Related Uses, and moving the following marijuana related uses now found in Section D. Business Uses, and Section E. Industrial and Related Uses to the new **Section G. Marijuana Related Uses**, without any changes to the uses that are allowed, prohibited, or require a special permit:

	AR-I	AR-II	VR	C B	V C	N C	BI	EI	E R	W I	Form-Based Districts		
											OG VC	OG BP	OG 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	PB	N	P B	N	N	N
Recreational Marijuana Retailer <i>(Added 3-19-18 and amended 5-21-18)</i>	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
Registered Medical Marijuana Facility (Retail) <i>(Added 5-21-18)</i>	N	N	N	N	N	N	PB	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	P B	N	N	N
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2. And further to amend said Table 1 by deleting the use category “Motel or hotel” and inserting two new use categories, “motel” and “hotel”, and provide for whether such uses are allowed, prohibited, or require a special permit:

<del>Motel or hotel</del>	N	N	N	SP	N	N	N	N	N	Y			
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<b>Motel</b>	N	N	N	SP	N	N	N	N	N	Y	PB	PB	N
<b>Hotel</b>	N	N	N	SP	N	N	N	N	N	Y	Y	Y	N

3. And further to amend said Table 1 related to “Drive-through facility” to provide for whether such uses are allowed, prohibited, or require a special permit in the Oak Grove Zoning districts:

Drive-through facility	N	N	N	N	N	PB	PB	N	N	N	PB	PB	N
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	AR -I	AR- II	V R	C B	V C	N C	BI	E I	E R	W I	Form-Based Districts		
											OG VC	OG BP	OG N

4. And further to amend said Table 1 as follows:

Indoor sales of motor vehicles, trailers, boats, farm equipment, with accessory repair services and storage, but excluding auto body, welding, or soldering shop	N	N	N	Y N	N	N	N	N	N	N	N	PB	N
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5. And further to amend said Table 1 by deleting “Multi-family units in combination with a commercial use that is permitted or allowed by special permit, subject to Section 5.4.1” from Section C. Residential Uses and inserting “Mixed-Use Development subject to Section 5.4.1” in its place and by adding the same language in Section D. Business Uses, Other Business Uses Unclassified.

#### C. RESIDENTIAL USES

<del>Multi-family units in combination with a commercial use that is permitted or allowed by special permit, subject to Section 5.4.1</del>													
<b>Mixed-Use Development subject to Section 5.4.1</b>	N	N	N	P B	N	N	N	N	N	N	Y	Y	N

#### D. BUSINESS USES

<i>Other Business Uses: Unclassified</i>														
<b>Mixed-Use Development subject to Section 5.4.1</b>	N	N	N	P B	N	N	N	N	N	N	N	Y	Y	N

6. And further to amend said Table 1 by inserting “Parking Lot” in Section D. Business Uses, Automotive Uses.

#### D. BUSINESS USES

<b>Parking Lot</b>	N	N	N	N	N	N	N	N	N	N	N	N	N	N
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Or act in any manner relating thereto.

## PLANNING AND ECONOMIC DEVELOPMENT BOARD

### BOARD OF SELECTMEN RECOMMENDATION:

### FINANCE COMMITTEE RECOMMENDATION:

#### **ARTICLE 10:** (Amend Zoning Bylaw: Multi-Family Housing)

To see if the Town will vote to amend the Zoning Bylaw, Section 5.6.4 Multi-Family Housing,

D. Density Regulations, as follows (new text in **bold**):

#### **D. Density Regulations:**

1. For lots of one acre or more:
  - a. The density of a Multi-Family Building or a Multi-Family Development without an Apartment Building shall not exceed 8 dwelling units per whole acre. For example, the maximum density of a 1.8 acre lot shall not exceed 8 dwelling units.
  - b. The density of an Apartment Building or a Multi-Family Development which includes an Apartment Building shall not exceed 12 dwelling units per whole acre.
2. For lots under one acre, the density of a Multi-Family Building and a Multi-Family Development shall not exceed its relative portion of an acre. For example, the maximum density of a 0.5 acre lot shall not exceed 4 dwelling units. *(Amended 11-19-18 and 11-18-19)*
3. **An Applicant is not entitled to the maximum possible number of dwelling units described herein. The number of dwelling units for a Multi-Family Development and/or Multi-Family Building shall be determined by the Planning and Economic Development Board in accordance with the criteria specified in Paragraph I. Decision herein.**

Or act in any manner relating thereto.

## PLANNING AND ECONOMIC DEVELOPMENT BOARD

### BOARD OF SELECTMEN RECOMMENDATION:

### FINANCE COMMITTEE RECOMMENDATION:

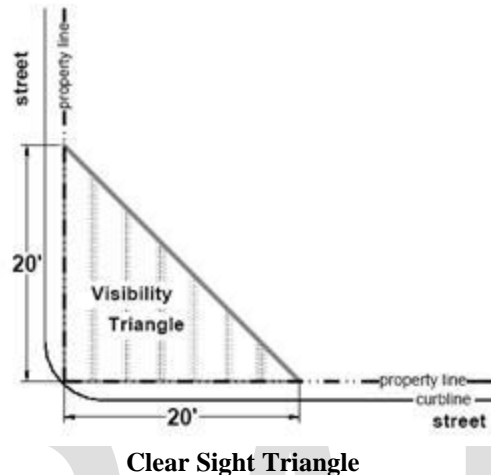
#### **ARTICLE 11:** (Amend Zoning Bylaw: Setbacks)

To see if the Town will vote to amend the Zoning Bylaw, Section 6.2.F, Setbacks, by adding new Section 6.2.F.4 and 6.2.F.5 as follows (new text in **bold**):

4. **On a corner lot, no fence, wall, sign, landscaping or plantings shall be located within the clear sight triangle so as to obstruct visibility at the intersection for**



motorists. The clear sight triangle is that area formed by the intersecting street right of way lines and a straight line joining said street lines at a point twenty feet distant from the point of intersection of street lines.



Or act in any manner relating thereto

## **PLANNING AND ECONOMIC DEVELOPMENT BOARD**

### **BOARD OF SELECTMEN RECOMMENDATION:**

### **FINANCE COMMITTEE RECOMMENDATION:**

#### **ARTICLE 12:** (Amend Zoning Bylaws: Environmental Standards)

To see if the Town will vote to amend the Zoning Bylaws, Section 7.3. Environmental Standards, by deleting it in its entirety and replacing it as follows:

### **7.3. ENVIRONMENTAL STANDARDS**

A. **Purpose.** The intent of this section is to provide standards for uses which, by their operation, may generate impacts that are potentially hazardous, harmful to the environment, disturbing, offensive or objectionable.

B. **Enforcement:** The Zoning Bylaw, § 3.1, Enforcement, Violations, and Penalties authorizes the Building Commissioner, or designee, to interpret and enforce the Bylaw. At the discretion of the Building Commissioner, a technical consultant may be engaged by the Town of Medway to investigate and document violations pursuant to this section.

C. **Definitions:** For purposes of this section of the Bylaw, the following terms shall be defined as follows:

**Ambient Noise:** The sound pressure level at a given location produced by everything else excluding the source of sound being monitored, analyzed, or evaluated. Also referred to as background noise. Ambient noise includes environmental noises from sources such as traffic, aircraft, waves, alarms, animals or noise from existing mechanical devices such as air conditioning, power supplies, or motors that are present prior to introduction of a new intrusive sound source that is being evaluated.

**(Hz)Hertz:** A unit of frequency of change in the cycle of a sound wave

**(dB)Decibel:** A unit of measurement of the intensity of sound

**(dBA)A weighted decibel:** An expression of the relative loudness of sound in the air as perceived by the human ear.

**Detection Threshold:** The lowest concentration or intensity of noise, odor, vibration, or other environmental hazard regulated by this bylaw that is noticeable to a reasonable person with normal sensory sensitivities.

**Disturbing, offensive or objectionable odors:** Those which are at or above the detection threshold of a person with normal olfactory sensitivity.

**Octave Band:** A frequency band where the highest frequency is twice the lowest frequency.

**Odor Plume:** The cloud of odor created when odor molecules are released from their source and are expanded through air movement.

**Sensitive Receptor:** An occupied residence or facility whose occupants are more susceptible to the adverse effects of noise and odor including but not limited to hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.

**D. Standards.** The following standards shall apply to all zoning districts.

1. **Smoke, Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution:** All activities involving smoke, fly ash, dust, fumes, vapors, gases, other forms of air pollution, as defined in [CMR 310, § 7](#), Air Pollution Control Regulations, as amended, which can cause damage to human health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point are prohibited.

2. **Noise Disturbance:** The Building Commissioner may determine that a noise source is subject to investigation, and if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties.

a. **Standards.** No person or persons owning, leasing, or controlling the operation of any source or sources of noise shall permit the establishment of a condition of noise pollution. Disturbing, offensive or objectionable noises shall not be produced in any

zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property.

- 1) **Continuous Noise.** For the purposes of this bylaw, continuous noise restrictions apply to permanent non-residential uses and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line of the noise source shall not exceed the values specified in the table below. In addition, maximum permissible sounds levels measured at sensitive receptors located within one-thousand feet of the property line of the noise source for noise radiated continuously from the noise source shall not exceed the values specified in the table below. Daytime is defined as between the hours of 7:00 a.m. and 9:00 p.m. and Nighttime is defined as between the hours of 9:00 p.m. and 7:00 a.m.

<b>Octave Band Center Frequency (Hz)</b>	<b>Daytime (dB) 7:00 a.m. – 9:00 p.m.</b>	<b>Nighttime (dB) 9:00 p.m. – 7:00 a.m.</b>
63	72	55
125	60	48
250	53	42
500	47	39
1000	43	36
2000	40	33
4000	37	30
8000	33	27
<b>Overall Level (dBA)</b>	<b>52</b>	<b>42</b>

Compliance with all octave band limits is required. If the Building Commissioner determines that the noise source contributes significantly to ambient noise levels at any distance from the property, sound levels may be measured in those locations beyond the source property line.

- 2) **Temporary Noise.** For the purposes of this bylaw, non-continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is periodically produced. No person shall use or cause the use of any noise-producing equipment or tool (such as for construction, repair, or demolition operations) between the hours of 9:00 p.m. and 7:00 a.m.
- 3) **Construction Noise.** Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7:00 a.m. and shall cease no later than 6:00 p.m., Monday through Saturday. No construction shall take place on Sundays, federal holidays or state legal holidays without the advance written approval of the Building Commissioner.

*Advisory Note* – State regulations authorize municipal police departments, fire departments, and board of health officials to enforce noise standards that are based on certain sections of [310 Code of Massachusetts Regulations \(CMR\), § 7](#), Air Pollution

Control Regulations. Such regulations are distinct and separate from the Town's zoning regulations for noise.

- b. **Investigation.** The Building Commissioner may determine that a noise source is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties. If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake a noise study to determine if a non-compliant noise condition exists. The Building Commissioner may enlist the assistance of other Town personnel for the investigation. At the discretion of the Building Commissioner, a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience may be engaged by the Town to assist in the investigation including measurements and documentation of violations. Depending on the particular site and its noise generators, the noise study shall include, at a minimum, measurements of:
- Ambient noise (Daytime and Nighttime) and
  - Operational noise levels (Daytime and Nighttime) at the facility property line and at Sensitive Receptors located within one thousand feet of the facility property line.
- c. **Noise Control Plan.** If the Building Commissioner determines that there is a violation, he or she shall order the owner or operator to come into compliance. The owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience.
- d. **Corrective Measures** - Non-residential uses that produce non-compliant noise must install and maintain noise reducing equipment in accordance with the approved noise control plan to meet the requirements of this section. The Building Commissioner may require the provision of reports to document ongoing noise compliance.
3. **Vibration:** No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7:00 a.m. and 9:00 p.m. or for thirty seconds or more in any one hour from 9:00 p.m. to 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range on the most recent edition of Table 7, U.S. Bureau of Mines Bulletin NO. 442 (U.S. Department of the Interior).
4. **Odors:** The Building Commissioner may determine that an odor is disturbing, offensive or objectionable and is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders

requiring the development and implementation of corrective measures, and/or the imposition of fines and non-criminal penalties.

- a. **Standards** – Disturbing, offensive or objectionable odors as defined in Paragraph C. shall not be produced in any zoning district or impact any space where people live, work or assemble in a way that unreasonably interferes with the comfortable enjoyment of life or the use of property. Failure to meet either the Reasonableness Standard or the Measurement Standard listed below shall constitute a violation of this section.
  - 1) **Sensorial Reasonableness Standard** –The Building Commissioner, or designee, may determine, using only her or his sense of smell, that an odor is one which is disturbing, offensive or objectionable to a reasonable person with normal olfactory sensitivity.
  - 2) **Measurement Standards** – No disturbing, offensive or objectionable odor greater than that caused by the lowest odor detection thresholds as listed in the most recent edition of the [American Industrial Hygiene Association \(AIHA\) Odor Thresholds for Chemicals with Established Occupational Health Standards, Reported Odor Thresholds \(EG Table 6.3 in 2<sup>nd</sup> Edition\)](#) shall be permitted. Due to the potential of odorant mixtures causing more intense odors than individual odorant compounds in isolation, nothing in this Bylaw shall be interpreted as allowing for any disturbing, offensive or objectionable odors at or above the cited detection thresholds.
- b. **Investigation.** The Building Commissioner or designee shall investigate odor complaints until determined to be without merit or resolved to the satisfaction of the Building Commissioner.
  - 1) **Assessment Area** – The Building Commissioner or designee shall investigate odor complaints for odors emanating from:
    - a) **Immediate Impact Zone** - Any resident, occupant, or owner of property located within 1,000 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor, as measured from property line to property line.
    - b) **Secondary Impact Zone** - A collection of complaints from five or more residents, occupants, or owners of property located within 2,500 feet of the property line of the property with a source generating and emitting the disturbing, objectionable or offensive odor as measured from property line to property line.
  - 2) The Building Commissioner or designee may investigate possible odor violations upon their own initiative or at the request of Town officials or staff and shall investigate public complaints about an odor of a suspicious or dangerous nature.
  - 3) If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake an odor observation to determine if a disturbing, objectionable or offensive odor exists. At the discretion of the Building

Commissioner, a technical odor consultant may be engaged by the Town to assist in the investigation including odor observation and documentation of violations. The odor consultant shall be trained in the practices of ASTM (American Society for Testing Materials) - E679 and meet the selection criteria of EN13725 (international olfactometry standard). As a component of such investigation, measurements may be done in the field by using:

- a) Undiluted odor field observations (i.e. sniffing) or odor sampling to be performed at a frequency, duration, and locations appropriate for the odor source under investigation and the locations of odor complaints that have been received by the Town including those beyond the source property lines. The purpose is to detect and assess the presence of recognizable odors linkable to a specific source in ambient air. This may be accomplished by:
  - i. Grid method of analysis - Odor hours for a geographic area of evaluation to establish an odor hour frequency measurement.
  - ii. Plume method of analysis – Measurement of extent of the area where an odor plume originating from a specific odor source can be perceived and recognized under specific meteorological and operating conditions.

The following other forms of measurement may be used only as supplemental methods to evaluate persistent problems or higher intensity odors as a way to determine the severity of the situation.

- b) Field Olfactometry - A method to quantify odors in ambient air by means of a portable odor detecting and measuring device known as a field olfactometer. A field olfactometer measures odor strength and persistence using a Dilution-to-Threshold (D/T) ratio. The Dilution-to-Threshold ratio is a measure of odor concentration by determining the number of carbon filtered air dilutions needed to make the odorous ambient air non-detectable. The formula for calculating D/T with a field olfactometer is:

$$D/T = \frac{\text{Volume of Carbon Filtered Air}}{\text{Volume of Odorous Air}}$$

- c) Chemical Analysis – Instrumental methods of characterizing odor involving the identification and quantification of chemical compounds in an odor sample by means of gas chromatography coupled with mass spectrometry, analysis of hydrocarbon molecules, and analysis of single gases such as ammonia and hydrogen sulfide.
- d) Instrumental Odor Monitoring – Instruments designed to mimic human olfaction in the detection and characterization of simple or complex odors. Also referred to as electronic (E) - noses.
- e) Any other method or best practice determined to be appropriate by the Building Commissioner.

- c. **Odor Control Plan** – If, based on the investigation, the Building Commissioner determines that there is a violation, the owner and/or operator of the odor-producing use shall be required to provide an odor control, abatement and mitigation plan to the Building Commissioner for review and approval o, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant and specify suitable corrective measures. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a certified environmental engineer, certified environmental professional, or certified industrial hygienist with experience in odor management, abatement and mitigation technologies. The Building Commissioner may also require the plan to include the provision of reports of ongoing odor monitoring and compliance.
- d. **Corrective Measures** - Non-residential uses that produce non-compliant odors shall be required to install and maintain odor-eliminating equipment in accordance with the approved odor control plan to meet the requirements of this section.

#### **E. Exemptions**

- 1) **Farming.** Impacts resulting from agricultural, farm-related, or forestry-related activities as defined by [G.L., c 128, Agriculture, § 1A](#), as amended, and Medway General Bylaws, ARTICLE XXXI, §2 Right to Farm, are exempt from these restrictions when such activities follow generally accepted practices ([G.L., c 111, §125A](#)).
- 2) **Residential Uses.** Impacts resulting from residential activities such as but not limited to barbecues, wood stove exhaust, driveway paving, gardening, and house painting are exempt from these restrictions.
- 3) **Repair and infrequent maintenance activities.** Repair and infrequent maintenance activities such as but not limited to those for septic and sewer systems are exempt from these restrictions.
- 4) **Construction.** Impacts resulting from construction, demolition, or repair work that occurs between 7:00 a.m. and 6:00 p.m. on public improvements authorized by a governmental body or agency, utility work and repairs, and other similar work on private property pursuant to an order by a governmental body or agency for safety purposes are exempt from these restrictions.

Or to act in any manner relating thereto.

#### **PLANNING AND ECONOMIC DEVELOPMENT BOARD**

#### **BOARD OF SELECTMEN RECOMMENDATION:**

#### **FINANCE COMMITTEE RECOMMENDATION:**

## **ARTICLE 13:**

(Amend Zoning Bylaw: Miscellaneous Housekeeping)

To see if the Town will vote to amend the Zoning Bylaw, SECTION 2 DEFINITIONS by adding the following definition for “Parking Lot”. New text in **bold**.

**Parking Lot: An area used for the parking of motor vehicles.**

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And amend the Zoning Bylaw, Section 4.2.A, Zoning Map, as follows (new text in **bold**, deleted text in ~~striketrough~~):

A. Except for the Flood Plain District and Groundwater Protection District, the boundaries of these districts are defined and bounded on the map entitled, “Town of Medway Zoning Map,” dated December 4, 2014 **27, 2019**, as may be amended and revised, ~~with a list of the names of the members of the Planning and Economic Development Board~~ and filed with the Town Clerk, which map, ~~together with all explanatory matter thereon~~, is hereby incorporated in and made a part of this Zoning Bylaw.

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And amend the Zoning Bylaw, Section 8.9 Registered Medical Marijuana Facilities, specifically Section 8.9.J.5.b.i. as follows (deleted text in ~~striketrough~~):

### **5. Procedures.**

- a. The special permit application and public hearing procedure for a RMMF shall be in accordance with Section 3.4 and G.L. c. 40A, § 9.
- b. Mandatory Findings. The Planning and Economic Development Board shall not grant a special permit for a RMMF unless it finds that:
  - i. The RMMF is designed to minimize any adverse visual or economic impacts ~~on abutters and other parties in interest, as defined in G.L. c. 40A, § 11;~~
  - ii. The RMMF demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
  - iii. The applicant has satisfied all of the conditions and requirements of this Section and Section 3.4 of this Zoning Bylaw.

And amend Section 8.9 Registered Medical Marijuana Facilities to change the words “Massachusetts Department of Public Health” to “Massachusetts Cannabis Control Commission” wherever it appears in Section 8.9.

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And amend the Zoning Bylaw, Section 6.1, TABLE 2, Dimensional and Density Regulations, to require a minimum lot frontage of 50 feet in the Central Business, Village Commercial, and Neighborhood Commercial zoning districts.

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And amend the Zoning Bylaw, SECTION 9 Oak Grove Park Districts, Table 9.4.C.1.A, by correcting the reference in Section 4.3 in the column under “Cottage” to read “See Section 9.5.B.25 for Pocket Neighborhood Development Standards”.



Or act in any manner related thereto.

## PLANNING AND ECONOMIC DEVELOPMENT BOARD

### BOARD OF SELECTMEN RECOMMENDATION:

### FINANCE COMMITTEE RECOMMENDATION:

#### ARTICLE 14:

(Amend Zoning Bylaw: Adaptive Use Overlay District)

To see if the Town will vote to amend the Zoning Bylaw, Section 5.6.2 Adaptive Use Overlay District, specifically Section 5.6.2.D.2. a. through h., and Section 5.6.2.D.3. c, as follows (new text in **bold**, deleted text in ~~strike through~~):

1. Uses Allowed As of Right: All uses permitted in the underlying zoning district shall be permitted within the Adaptive Use Overlay District unless prohibited under sub-section D.3 hereof.
2. Uses Allowed by Special Permit: In approving an Adaptive Use Special Permit, the Planning and Economic Development Board may provide for the following uses or combination of uses and no others. The Adaptive Use special permit shall identify the uses that are specifically allowed, and may impose any conditions, safeguards and limitations deemed necessary by the Planning and Economic Development Board.
  - a. **Professional or business offices** ~~for business or professional uses.~~
  - b. ~~Studios for artists, photographers, interior decorators, and similar design-related uses.~~
  - c. Retail sales for handcrafted merchandise, original arts and crafts or copies thereof, antiques, second-hand goods, gifts, clothing, accessories, and decorative home furnishings. *(Amended 11-16-15)*
  - d. Food services including, but not limited to bakeries, cafes, coffee shops, delicatessens, frozen dessert shops, pastry shops, sandwich shops and other specialty food items, not to exceed 3,000 sq. ft. *(Amended 11-16-15)*
  - e. ~~Repair shops for small electronic equipment, appliances or tools.~~
  - f. Personal care services **establishments** ~~such as barber shops, beauty parlors and nail salons.~~
  - g. Florists
  - h. **Service establishments** ~~Individual consumer services including but not limited to opticians, personal fitness, tailor, shoe repair, music lessons and travel agency.~~ *(Added 11-1-15)*
  - i. Museum *(Added 11-19-18)*

- 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.
3. Prohibited Uses: The following uses are prohibited in the Adaptive Use Overlay District:
- a. Motor vehicle sales, repair, or sales of parts
  - b. Manufacturing
  - c. Drive-through **facilities** ~~windows of any kind~~
  - d. Exterior storage of equipment or materials

And to amend Section 5.6.2.C, Applicability, as follows (new text in **bold**, deleted text in ~~strike through~~):

C. Applicability. The Planning and Economic Development Board may grant an Adaptive Use Special Permit for any property with at least 50 feet of frontage on a ~~Town-way~~ **street** in the Adaptive Use Overlay District, provided that each lot in the development includes at least one building constructed prior to June 28, 2004.

Or act in any manner related thereto.

## **PLANNING AND ECONOMIC DEVELOPMENT BOARD**

### **BOARD OF SELECTMEN RECOMMENDATION:**

### **FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 15:** (Amend Zoning Bylaws: Definitions – Incidental Accessory Object)  
To see if the Town of Medway will vote to amend the Zoning Bylaw, SECTION 2  
DEFINITIONS by inserting the following definition in alphabetical order: (new text in **bold**).

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

And to amend Paragraph H. in Section 6.3 Accessory Building and Structures as follows:

### **H. Incidental Accessory Objects.**

1. The setback requirements specified in Table 2 **DIMENSIONAL AND DENSITY REGULATIONS** shall not apply to public bus stop shelters.
2. **The standard setback requirements specified in Table 2 DIMENSIONAL AND DENSITY REGULATIONS shall apply to the following Incidental Accessory Objects:**

- a. Animal hutch or pen exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height
- b. Athletic or sports court
- c. Bathhouse or cabana
- d. Gazebo or pavilion exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height.
- e. Ground mounted solar photovoltaic panel
- f. Hot tub
- g. Membrane structure exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height
- h. Patio or free-standing deck
- i. Outdoor fireplace or fire pit
- j. Outdoor kitchen, bar or dining area
- k. Outdoor play gym or structure or playhouse
- l. Man-made pond or water feature
- m. Shed exceeding one hundred and twenty square feet in gross floor area and taller than ten feet in height
- n. Swimming pool
- o. Trash dumpster and/or enclosure
- p. Wind turbine

Or act in any manner relating thereto.

#### **PLANNING AND ECONOMIC DEVELOPMENT BOARD**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

#### **ARTICLE 16:** (Amend Zoning Bylaw: Building Size)

To see if the Town of Medway will vote to amend the Zoning Bylaw, Section 6.2 General Provisions, by adding a new Paragraph G. Building Size.

G. **Building Size.** No building for Business or Industrial and Related Uses specified in Sections D and E of Table 1 – Schedule of Uses, shall be larger than 100,000 square feet of gross floor area without a special permit from the Planning and Economic Development Board.

Or act in any manner related thereto.

#### **PLANNING AND ECONOMIC DEVELOPMENT BOARD**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 17:** (Amend Zoning Bylaw: Central Business District Special Permits)

To see if the Town will vote to amend the Zoning Bylaw, Section 5.4.1 Special Permits in the Central Business District (new text in **bold**, deleted text in ~~striketrough~~) as follows:

5.4.1 Special Permits in the Central Business District

~~In the Central Business district, the following provisions shall apply to uses allowed by special permit and are also available for applicants for uses permitted by right in order to propose a flexible site design.~~

**A. Purposes**

- 1. To further the goals of the Medway Master Plan**
- 2. 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.**
- 3. 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.**
- 4. 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.**
- 5. To improve walkability within the district and provide better access between housing, shops, services, and employment.**

**B. Applicability**

- 1. A Mixed-Use Development may be allowed in the Central Business District by special permit from the Planning and Economic Development Board to include a 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.**
- 3. All development projects considered under this Section are subject to site plan review pursuant to Section 3.5 herein and the Medway Design Review Guidelines.**

**C. Definitions:**

**Mixed-Use Development:** See definition in SECTION 2 DEFINITIONS

**Multi-Family Building:** See definition in SECTION 2 DEFINITIONS

**A. D. Dimensional Requirements.**

- 1. Minimum lot size: 10,000 square feet**

2. Minimum continuous frontage: 50 feet
3. Minimum front-yard setback: 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 10-foot minimum setback.
4. Minimum side-yard and rear-yard setback: For lot lines abutting a residential zoning district, 25 feet of which the first 10 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.
5. Maximum building height: 60 feet

**B. E. Residential Uses in a Mixed-Use Development.**

1. ~~Except for assisted living residence facilities, a building comprised of multi-family dwelling units only shall not be permitted.~~ **A mixed-use building shall include multi-family residential units and retail, service, office, commercial or other business uses allowed in the zoning district (hereinafter referred to as “business uses”) in at least the minimum percentage as set forth in Subsection E.2 below.**
2. ~~In a three-story building, no more than 67 percent of the gross floor area shall be comprised of multi-family dwelling units. In a two-story building, no more than 50 percent of the gross floor area shall be comprised of multi-family dwelling units.~~

**Except as provided in Section E.4 below, in a two-story building at least 50% of the gross floor area shall be comprised of business uses, and no more than 50% of the gross floor area shall comprise multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units. In a three-story building, at least 33% of the gross floor area shall be comprised of business uses, and no more than 67% of the gross floor area shall be comprised of multi-family dwelling units and common areas and support facilities associated with those multi-family units. In a building of four stories or more, at least 25% of the gross floor area shall be comprised of business uses, and no more than 75% of the gross floor area shall be comprised of multi-family dwelling units and 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. 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 set behind the business uses within the same building which has a front façade that faces a public way or primary access drive.
  - 4. **A mixed-use development may include a building comprised of only multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units under the following conditions:**
    - a) **A building comprised of only multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units shall be set back at least one hundred feet from the Main Street right-of way; and**
    - b) **The amount of gross floor area of the building comprised of only multi-family dwelling units and common areas and support facilities associated with those multi-family dwelling units which would otherwise be required by Section E.2 above to include business uses shall be added to the required business uses gross floor area of the other building(s) of the mixed-use development as additional business use space, so that the total amount of gross floor area for business uses in the mixed-use development will equal or exceed the total gross floor area for business uses which would result if no building were devoted solely to multi-family dwelling units.**
  - 4.5. No more than 10 percent of the total number of a mixed-use development's residential dwelling units shall have more than two bedrooms.
  - 6. **The provisions of Section 8.6 Affordable Housing shall apply to Mixed-Use Developments.**
- €. F. A minimum of 15 percent of the site shall function as landscaped or public space. The landscaped or public space shall be architecturally integral to the site or, as appropriate and practical, to abutting sites. No space that is used for vehicular parking or circulation, or loading shall be included as landscaped and/or public space.
- Đ.G. Special Permit Review Criteria.
- 1. Special permits granted under this Section 5.4.1 are not subject to the special permit criteria under Section 3.4.
  - 2. Before granting a special permit for a ~~special permit~~ **mixed-use development** or flexible site design of a permitted use in the Central Business district, the ~~special permit granting authority~~ **Planning and Economic Development Board** 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 are provided within the site and connecting to abutting properties;
- 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 possible.

**E. H.** Design Requirements – The Planning and Economic Development Board shall adopt Central Business District Special Permit rules and regulations to administer this Section 5.4.1 including submission requirements and procedures and Central Business District design guidelines. Such guidelines may include any or all of the following:

1. Façade design for buildings visible from public ways
2. Vehicular or pedestrian connections to abutting commercial or residential areas;
3. Provision of pedestrian amenities; and
4. Sustainability, i.e., efficient resource use throughout a building's life cycle from siting to design, construction, operation, maintenance, renovation and deconstruction.

Or act in any manner relating thereto.

## **PLANNING AND ECONOMIC DEVELOPMENT BOARD**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**ARTICLE 18:** (Citizens' Petition: Board of Selectmen Change to Select Board)  
To see if the Town will vote to amend the General Bylaws 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; or act in any manner relating thereto.

## **CITIZENS' PETITION**

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION :**

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 19<sup>th</sup> day of October 2020.

**A TRUE COPY:**

**SELECTMEN OF THE TOWN OF MEDWAY**

\_\_\_\_\_  
Glenn Trindade, Chairman

\_\_\_\_\_  
Maryjane White, Vice-Chairman

\_\_\_\_\_  
Richard D’Innocenzo, Clerk

\_\_\_\_\_  
Dennis Crowley, Member

\_\_\_\_\_  
John Foresto, Member

\_\_\_\_\_  
ATTEST: Paul Trufant, Constable