

**TOWN OF MEDWAY
WARRANT FOR 2022
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 14, 2022, at 7:00 PM, then and there to act on the following articles:

ARTICLE 1: (Raise and Appropriate: Fiscal Year 2023 Debt Budget)
To see if the Town will raise and appropriate the sum of \$495,000 in fiscal year 2023 and transfer this sum to the fiscal year 2023 debt budget, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 2: (Acquire 120 Main Street)
To see if the Town will vote to authorize the Select Board to acquire by gift, purchase, eminent domain or otherwise and to accept the deed to the Town of a fee simple interest in all or a portion of 120 Main Street, Parcel 39-069, and described in a deed recorded in the Norfolk County Registry of Deeds in Book 9695, Page 721, containing 8.309 acres more or less, upon such terms and conditions as the Select Board shall determine to be appropriate, to be under the care, custody, management and control of the Select Board for general municipal purposes, and, further, to see if the Town will vote to appropriate the sum of \$4,515,000 to pay the costs of obtaining the property and for the payment of all other costs incidental and related thereto, and to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow such sum under General Laws Chapter 44, section 7 or any other enabling authority, and further to 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, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

DRAFT as of 10/4/22

ARTICLE 3: (Acquire 72B Main Street)

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase, eminent domain or otherwise and to accept the deed to the Town of a fee simple interest in all or a portion of 72B Main Street, Parcel 40-051-0001, containing 0.814 acres more or less, upon such terms and conditions as the Select Board shall determine to be appropriate, to be under the care, custody, management and control of the Select Board for general municipal purposes, and, further, to see if the Town will vote to appropriate the sum of \$405,000 to pay the costs of obtaining the property and for the payment of all other costs incidental and related thereto, and to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow such sum under General Laws Chapter 44, section 7 or any other enabling authority, and further to 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, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 4: (Accept Gift of Land: 72A Main Street)

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase, eminent domain or otherwise and to accept the deed to the Town of a fee simple interest in all or a portion of a parcel of land located at 72A Main Street, Parcel 40-051-0002, containing 2.514 acres more or less, upon such terms and conditions as the Select Board shall determine to be appropriate, to be under the management and control of the Select Board for general municipal purposes, and, further, to see if the Town will vote to transfer from available funds or raise and appropriate the sum of \$5,000 to pay costs of obtaining the property and for the payment of all other costs incidental and related thereto and to 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, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 5: (Raise and Appropriate: Fiscal Year 2023 DPW Budget)

To see if the Town will raise and appropriate the sum of \$85,000 in fiscal year 2023 and transfer this sum to the fiscal year 2023 Public Works Department Vehicle Fuel Budget, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 6: (Prior Year Bills)

To see if the Town will vote to transfer \$214.50 from the Fiscal Year 2023 Human Resources Other Purchased Services Account and \$335 from the Fiscal Year 2023 Solid Waste Recycling Disposal Account for the purpose of paying prior year, unpaid bills of the Town, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 7: (Free Cash Transfer to Facility Stabilization Fund)

To see if the Town will vote to transfer \$1,000,000 from Certified Free Cash to the Capital Stabilization Fund, or act in any manner thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 8: (Free Cash Transfer: Capital Items)

To see if the Town will vote to transfer \$240,000 from Certified Free Cash for the purpose of purchasing the following capital items, and for the payment of all other costs incidental or related thereto:

Project	Department	Cost
Lights at High School Pickle Ball/Tennis Courts	Public Works	\$240,000
	Total	\$240,000

Or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 9: (Free Cash Transfer: Athletic Field Stabilization Fund)

To see if the Town will vote to transfer \$75,000 from Certified Free Cash to the Athletic Field Stabilization Fund, or act in any manner relating thereto.

FINANCE COMMITTEE

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 10: (Fund Lead Water Line Study)

To see if the Town will vote to authorize the Treasurer with the approval of the Select Board to borrow \$140,000 under General Laws Chapter 44, section 7 or any other enabling authority for the purpose of funding a lead service line inventory and development of a replacement plan, and, further, to authorize the Select Board and Town officers to take all related actions necessary or appropriate to carry out the purpose of this article, 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, or act in any manner relating thereto.

PUBLIC WORKS DEPT

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 11: (Endorse Master Plan)

To see if the Town will vote to accept the following Resolution to endorse the 2022 Medway Master Plan.

Whereas, the 2022 Medway Master Plan has been created with the input of Medway citizens, organizations, local government representatives, and Town administration;

And whereas, the Medway Planning and Economic Development Board has approved said 2022 Medway

Master Plan, consisting of ____goals and ____specific strategies, in 4 different categories;

And whereas, the 2022 Medway Master Plan has been posted on the Town of Medway Planning and Economic Development Board website at:

Now, therefore be it hereby resolved, that the Medway Town Meeting endorses the 2022 Medway Master Plan, as approved by the Medway Planning and Economic Development Board on _____

Or to act in any manner relating thereto.

**MASTER PLAN COMMITTEE AND
PLANNING AND ECONOMIC DEVELOPMENT BOARD**

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 12: (Amend General Bylaws: Permit/License Security)

To see if the Town will vote to amend the General Bylaws by adding a new Bylaw as follows:

Section XXXI Security Posted in Connection with Licenses, Permits and Approvals

DRAFT as of 10/4/22

Section 31.1 Purpose

The purpose of this Bylaw is to provide a mechanism for the application by Town officers, boards, committees and commissions of security posted by applicants in connection with their obtaining licenses, permits, approvals, authorizations and contracts. This Bylaw is adopted pursuant to the home rule authority of the Town and the authority conferred by G.L. c. 44, § 53G½.

Section 31.2 Scope

It is the intent of this Bylaw to govern as broad a range of situations as possible in which Town officers, boards, committees and commissions require some form of security from applicants, provided that this Bylaw shall not apply to deposits or other financial surety received under G.L. c. 41, § 81U or financial surety governed by other general or special laws. Without limiting the generality of the foregoing, this Bylaw shall apply to surety required by (a) the Select Board to secure performance under any contract which such board is authorized to execute by general or special law or by any of the General Bylaws; (b) the Select Board to secure performance of any condition for the issuance by such board of any license, permit or approval; (c) the Conservation Commission to secure performance of any obligation undertaken by an applicant for an order of conditions, land disturbance permit or other approval granted by such commission; (d) the Planning and Economic Development Board and Zoning Board of Appeals to secure performance of any obligation undertaken by an applicant for a special permit, variance, site plan approval, land disturbance permit or other approval granted by such boards; and (e) the Department of Public Works to secure performance of any obligation undertaken by an applicant for a stormwater permit, street opening permit, or other approval granted by such department.

Section 31.3 Handling of Funds.

(a) Subject to any restrictions set forth in any authorizing statute or Bylaw, Town officers, boards, committees and commissions may require, accept, hold and apply security in a deposit of money, a bond issued by a bonding company authorized to do business within the Commonwealth of Massachusetts, a letter of credit, and a so-called 'tri-partite' agreement of the kind described in G.L. c. 41, § 81U(4).

(b) Any deposit of money hereunder shall be held by the Treasurer in a special account established specifically for such purpose, separate and apart from all other funds. Any bonds, letters of credit and so-called "tri-partite" agreements shall also be held by the Treasurer, and any funds generated from such surety shall likewise be deposited in such a special account. Any such account shall be an interest-bearing account with a Massachusetts bank. All interest accruing on each such account shall be added to the principal of such account for disposition as set forth herein.

Section 31.4 Performance Standards

(a) Any Town officer, board, committee or commission requiring surety from any applicant hereunder shall be responsible for determining, in the exercise of his, her or its reasonable discretion and in good faith, the extent, quality and adequacy of any work done by such applicant or performance by such applicant of the obligation for which such surety was given. Such officer, board, committee or commission may, but need not, reduce the amount of surety held upon proof of satisfactory partial work or performance by such applicant, provided that nothing herein shall require that such reduction be commensurate with the extent of such performance.

(b) If and when such Town officer, board, committee or commission determines that such applicant has fully and satisfactorily completed all work and performed all obligations for which such surety was given, such surety shall be released and returned to the applicant, including any accrued interest.

Section 31.5 Default

(a) If any Town officer, board, committee or commission which has received surety for work or for the performance of any obligation hereunder determines at any time that the applicant who posted such security is in default of his, her or its obligations (whether because of a failure to complete such work or performance by a designated deadline, or the unsatisfactory quality of such applicant's work or performance, or otherwise), such officer, board, committee or commission may declare such applicant in default, after first providing the applicant with written notice and an opportunity to be heard regarding whether such applicant is in default.

(b) Upon a declaration of default, such officer, board, committee or commission shall be entitled to apply any and all surety posted by such applicant (including any interest received thereon) to the completion of the work or the performance of the obligations for which such surety was posted. Without limiting the generality of the foregoing, such officer, board, committee or commission may take any and all actions necessary or appropriate to enforce any bond, make demand on any issuer of a letter of credit, and demand payment under any so-called "tri-partite" agreement, and any money received as a result thereof shall be deposited in an account held by the Treasurer under §31.3(b), above. Monies in such special account may be expended by such officer, board, committee or commission, without further appropriation, to complete the work or perform the obligations which such applicant was obliged to do or perform. Any monies remaining in such account after all work has been done and all obligations performed to the full satisfaction of such officer, board, committee or commission shall be returned to the applicant, including any accrued interest.

Section 31.6 Procedure for Return of Surety

(a) At any time, and from time to time, an applicant whose surety is being held by the Treasurer on behalf of a Town officer, board, committee or commission may give written notice to such officer, board, committee or commission that in such applicant's opinion the work or performance that such surety was intended to secure has been fully and satisfactorily completed. Such notice shall contain a demand for the return of surety and the full name and address of the applicant. If such officer, board, committee or commission determined that such work or performance has been fully and satisfactorily completed, then he, she or it shall release the surety, or so much of it as may then remain, including any accrued interest, as set forth in §31.4(b), above. If such officer, board, committee or commission determines that such work or performance has not been fully and satisfactorily completed, then he, she or it shall specify in a written notice to the applicant the details wherein such work or performance remains incomplete or unsatisfactory within forty-five days after the receipt by such officer, board, committee or commission of the said notice and demand from the applicant. In the event that such forty-five-day period expires without such specification, then the applicant shall be entitled to the return of all surety then remaining, including any accrued interest. Any notice under this Bylaw by an applicant to a Town officer, board, committee or commission shall be given by certified mail, return receipt requested, or by hand delivery with a signed receipt.

Section 31.7 Severability

If any term, condition or provision set forth in this Bylaw should be found by a court of competent jurisdiction to be illegal, invalid or unenforceable as applied under particular circumstances, such term, condition or provision shall not be deemed stricken from this Bylaw but rather shall be, to the greatest extent possible, deemed applicable only to such circumstances as will not support a finding of such illegality, invalidity or unenforceability. The illegality, invalidity or unenforceability of any term, condition or provision of this Bylaw shall not affect the legality, validity or enforceability of any other term, condition or provision of this Bylaw.

Or act in any manner related thereto.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPT

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 13: (Amend General Bylaws: Building Demolition)

To see if the Town will vote to amend the General Bylaws, Article XVII, Building Demolition, as follows (deletions shown in ~~striketrough~~ and additions underlined):

ARTICLE XVII

Building Structure Demolition

Section 17.1 Intent and Purpose

This bylaw is enacted to promote the public welfare and safeguard Medway's historical, cultural and architectural heritage by protecting historical resources that make the town a more interesting, attractive and desirable place in which to live. The bylaw aims to protect "preferably-preserved historically significant ~~buildings~~-structures" within the town by encouraging their owners to seek alternatives to their demolition and by providing the town an opportunity to work with owners of such properties in identifying alternatives to their demolition.

Section 17.2 Definitions

As used in this bylaw, the following words and terms shall have the meanings set forth below, unless the context otherwise requires:

- 2.1 "APPLICANT" - any person or entity who files an application for a demolition permit.
- 2.2 "~~BUILDING~~STRUCTURE" - any combination of materials forming a shelter for persons, animals or property.
- 2.3 "COMMISSION" - the Medway Historical Commission.
- 2.4 "DEMOLITION" - any act of destroying, pulling down, razing or removing a ~~building~~structure or substantial portion thereof, or starting the work of any such act with the intention of completing the same.
- 2.5 "HISTORICALLY SIGNIFICANT ~~BUILDING~~STRUCTURE" - any ~~building~~structure or portion thereof, which:
 - (a) Is in whole or in part seventy-five or more years old; and
 - (b) Is listed on the National Register of Historic Places or the Massachusetts Register of Historic Places, or which is the subject of a pending application for such listing, or is eligible for such listing, or;
 - (c) Is within any historic district, or;
 - (d) Has an important association with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth, or;
 - (e) Is historically or architecturally important (in terms of period, style, method of ~~building~~structure construction, or association with a recognized architect or builder) either by itself or in the context of a group of ~~buildings~~structures.

- 2.6 "PREFERABLY-PRESERVED HISTORICALLY SIGNIFICANT ~~BUILDING~~STRUCTURE" - any historically significant ~~building~~structure which the Commission determines, as provided in section 17.3.6.iii of this bylaw, is in the public interest to be preserved or rehabilitated rather than to be demolished.
- 2.7 "STRUCTURE": Anything constructed or erected at a fixed location on the ground to give support or to provide shelter, including dams.

Section 17.3 Procedure

- 3.1 No permit for the demolition of a ~~building~~structure which is in whole or in part seventy-five or more years old or portion thereof shall be issued other than in conformity with the provisions of this bylaw as well as in conformity with the provisions of other laws applicable to the demolition of ~~buildings~~structures and the issuance of permits thereof generally.
- 3.2 Application contents: Every application for a demolition shall be filed with the Building Commissioner and shall contain the following information:
- (i) The owner's name and current address (and/or the name of owner's legal representative, if applicable);
 - (ii) The applicant's name, address, and interest in such ~~building~~structure, if different from the owner;
 - (iii) The address or location of such ~~building~~structure;
 - (iv) Assessors' Parcel ID;
 - (v) A brief description of such ~~building~~structure including its age;
 - (vi) An explanation of the proposed use and/or changes thereof to be made of the site of such ~~building~~structure; and
 - (vii) 4" x 6" color photos of all sides of the ~~building~~structure exterior and all other outbuildings~~structures~~ that are visible from the street.
- 3.3 Upon receipt of an application for a demolition permit for a ~~building~~structure which is in whole or in part seventy-five or more years old, the Building Commissioner shall forward a copy thereof to the Commission within seven business days. No demolition permit shall be issued at that time.
- 3.4 Within forty-five days after the Commission's receipt of a complete application, the Commission shall make an initial determination on whether the ~~building~~structure is historically significant. The applicant for the permit may make a presentation to the Commission at that time. The Commission may require that the applicant provide a report from an engineer licensed to practice in Massachusetts with respect to any claims by the applicant as to the structural condition of the ~~building~~structure. The Commission may also, at the applicant's expense, hire its own consultant to review any such reports and any claims by the applicant as to the structural condition of the house.
- 3.5 If the ~~building~~structure is determined not to be historically significant, the Commission shall notify the Building Commissioner and the applicant, in writing, within seven business days of its initial determination and the Building Commissioner may issue a demolition permit.
- If the Commission determines that the ~~building~~structure is historically significant, it shall notify the Building Commissioner and the applicant, in writing, within seven business days of its initial determination; and the Commission shall, within forty-five days of its initial determination, open a public hearing to determine whether the historically significant ~~building~~structure is preferably preserved.

(i) Publication of Notice of Public Hearing

Public notice of the time, place and purpose of the hearing shall be published in a newspaper of general circulation in the Town not less than fourteen days prior to the date of said hearing and shall be posted in a conspicuous place in town hall for a period of not less than fourteen days prior to the date of said hearing. Notice of the hearing shall also be posted online on the Town of Medway website (www.townofmedway.org) for a period of not less than fourteen days prior to the date of said hearing.

(ii) Notification of Abutters

At least fourteen days prior to the public hearing, the applicant shall send copy of said notice by mail, postage prepaid, to the owners of all abutting properties at their mailing addresses shown in the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private way and abutters to the abutters within 300 feet of the property line of the applicant. A list of those so notified shall be provided to the Commission prior to the opening of the public hearing.

All costs associated with publication of the legal notice and required mailings shall be the responsibility of the applicant. Failure to comply with any of the above will result in a delay of the public hearing.

3.6 The Commission shall make a determination of whether or not the historically-significant buildingstructure is preferably preserved within thirty-one days following the close of the public hearing.

(i) If after a public hearing the Commission determines that the buildingstructure should not be preferably preserved, the Commission shall notify the Building Commissioner and the applicant, in writing within seven business days after the close of the public hearing and the Building Commissioner may issue a demolition permit upon receipt of the written decision.

(ii) If after a public hearing the Commission determines that the buildingstructure should be preferably preserved, the Commission shall so notify the Building Commissioner and the applicant in writing within seven business days after the close of the public hearing, and no demolition permit may be issued until:

a. at least twenty-four months after the date of determination by the Commission, for buildingsstructures that are 200 or more years old; or

b. at least eighteen months after the date of the determination by the Commission, for buildingsstructures that are at least 150 years old, but less than 200 years old; or

c. at least twelve months after the date of the determination by the Commission, for buildingsstructures that are at least 75 years old, but less than 150 years old.

- 3.7 The demolition permit shall expire after eighteen months of being issued. This means that once the above conditions have been satisfied, the owner of the property or applicant has eighteen months to demolish the buildingstructure. If the buildingstructure is not taken down in that period, the owner or applicant shall submit a new demolition permit application.
- 3.8 Notwithstanding anything contained in section 17.3.6, the Building Commissioner may issue a demolition permit for a preferably-preserved historically significant buildingstructure at any time after receipt of written advice from the Commission to the effect that either:
- (i) The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, rehabilitate and restore the subject buildingstructure, or
 - (ii) The Commission is satisfied that for at least the demolition delay period the owner had made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject buildingstructure, and that such efforts have been unsuccessful.

Section 17.4 Responsibility of Owners

- 4.1 During the demolition delay period, the applicant shall make continuing, bona fide and reasonable efforts to find an alternative use for the buildingstructure that will result in its preservation, including seeking a new owner willing to purchase and preserve, restore or rehabilitate the buildingstructure. Other alternatives to demolition include, but are not limited to, incorporation of the buildingstructure into the future development of the site; adaptive reuse of the buildingstructure; utilization of financial incentives to rehabilitate the buildingstructure; or moving or relocating the buildingstructure. For the purposes of this paragraph, “continuing, bona fide and reasonable efforts” to seek a new owner shall mean retaining a licensed broker to market the property in the usual manner over substantially all of the demolition delay period, obtaining an appraisal from a reputable appraiser and providing evidence of good faith negotiations with potential buyers of the property.
- 4.2 Upon determination by the Commission that a buildingstructure is a preferably preserved historically significant buildingstructure, the owner shall be responsible for properly securing the structure, if vacant, to the satisfaction of the Building Commissioner. Should the owner fail to so secure the buildingstructure, the subsequent destruction of such buildingstructure through any cause, which destruction could have been prevented by the required security measures, shall be considered a demolition in violation of this bylaw.
- 4.3 If requested by the Commission, it shall be the responsibility of the owner to assist in the facilitation of the implementation of the requirements of this Bylaw by providing information and any architectural plans readily available to the owner, allowing access to the property, participating in the investigation of preservation options, and actively cooperating in seeking alternatives with the Commission and any persons designated by the Commission.

Section 17.5 Emergency Demolition

Nothing in this bylaw shall restrict or prevent the Building Commissioner from ordering the demolition of a historically significant buildingstructure determined by the Building Commissioner pursuant to state law and/or the State Building Code to be unused, uninhabited or abandoned, and open to the weather.

If the Building Commissioner determines there is no reasonable alternative to an emergency demolition, the Building Commissioner shall prepare a written report describing the basis of that decision. A copy of that report shall be filed with the Commission.

Section 17.6 Non-Compliance

- 6.1 Any owner of a historically significant ~~building~~structure who violates any provision of this bylaw shall be penalized by a fine of not more than three hundred (\$300.00) dollars. Each day during which any portion of a violation continues shall constitute a separate offense.

As an alternative means of enforcement, the Building Commissioner may impose noncriminal penalties pursuant to G.L. c. 40, § 21D and Article XX of the Town's General Bylaws, in accordance with the following schedule:

- (i) First offense: one hundred dollars
- (ii) Second offense: two hundred dollars
- (iii) Third and each subsequent offense per violation: three hundred dollars

- 6.2 The Commission and the Building Commissioner are each authorized to institute any and all proceedings in law or equity, as they deem necessary to obtain compliance with the requirements of this bylaw or to prevent a violation thereof.

- 6.3 No permit shall be issued with respect to any premises upon which a historically significant ~~building~~structure has been demolished in violation of this bylaw for a period of two years after the date of the completion of such demolition. As used herein, "premises" includes all land within the property lines of said parcel of land upon which the demolished historically significant ~~building~~structure was located.

Section 17.7 Severability

If any section, paragraph or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

Section 17.8 Regulations

The Commission may enact rules and regulations to carry out the provisions and purposes of this By-law.

HISTORICAL COMMISSION

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 14: (Amend Zoning Bylaw: Battery Energy Storage)

To see if the Town will vote to amend the Zoning Bylaw by:

- (1) Amending Section 2 Definitions deleting the definition of Battery Energy Storage Facility and adding the following new definition in Section 2:

Battery Energy Storage System (BESS): One or more containers or cabinets containing batteries and related equipment, assembled together, capable of storing electrical energy in order to supply electrical energy at a future time. This includes all accessory equipment necessary for energy storage including but not limited to inverters, transformers, cooling equipment, switching gear, metering equipment, transmission tie-lines, and other power interconnection facilities and/or a project substation, but does not include a stand-alone 12-volt vehicle battery or an electric motor vehicle.

(2) Amending Table 3, Schedule of Off-Street Parking Requirements, by adding a new line:

Battery energy storage systems (as principal use)	2 spaces for Tier 1 3 spaces for Tier 2
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(3) Amending Section 3.5 Site Plan Review as follows:

Amend Section 3.5.3.A.1 Major Site Plan Review by adding:
“f. Tier 2 Battery Energy Storage Systems”

And amend Section 3.5.3.A.2 Minor Site Plan Review by adding:
“h. Tier 1 Battery Energy Storage Systems”

(4) And adding a new Section 8.12 Battery Energy Storage Systems:

Section 8.12 Battery Energy Storage Systems

A. Purpose. The purpose of this Section is to advance and protect the public health, safety, welfare, and quality of life by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

1. To provide a regulatory scheme for the location, construction and operation of battery energy storage systems consistent with best practices and safety protocols;
2. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems and to mitigate any potential impacts on abutting and nearby properties; and
3. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources.

This Section shall be construed to be consistent with state law, including but not limited to the provisions of General Laws chapter 40A, section 3, and state regulations, including but not limited to the provisions of the State Building Code, State Fire Code, and State Electrical Code. In the event of any conflict between the provisions of this section and the provisions of state law or regulations, the state law and regulations shall prevail.

B. Definitions

As used in this bylaw, the following terms shall have the meanings indicated. Terms that are not defined herein or elsewhere in this Zoning Bylaw shall be as defined in NFPA 855 if applicable.

ANSI: American National Standards Institute

Battery or batteries: A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this bylaw, batteries utilized in consumer products are excluded from these requirements.

Battery Energy Storage Management System: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

Cell: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

Commissioning: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

Dedicated-Use Building: A building that is built for the primary intention of housing battery energy storage system equipment, and complies with the following:

- 1) The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
- 2) No other occupancy types are permitted in the building.
- 3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- 4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
 - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
 - b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

Nationally Recognized Testing Laboratory (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NFPA: National Fire Protection Association.

Non-Dedicated-Use Building: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

Non-Participating Property: Any property that is not a participating property.

Non-Participating Residence: Any residence located on non-participating property.

Participating Property: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

This bylaw: Section 8.12 of the Zoning Bylaw
add

UL: Underwriters Laboratory

DRAFT as of 10/4/22

C. Applicability

1. The requirements of this bylaw shall apply to battery energy storage systems permitted, installed, decommissioned or modified after the effective date of this bylaw, excluding general maintenance and repair. BESS subject to this bylaw are only those that exceed the following capacities:

- Lead-acid with a capacity of greater than 70 kWh
- Nickel with a capacity of greater than 70 kWh
- Lithium-ion with a capacity of greater than 20 kWh
- Sodium nickel chloride with a capacity of greater than 20 kWh
- Flow with a capacity of greater than 20 kWh
- Other battery technologies with a capacity of greater than 10 kWh
- BESS in one- and two-family dwellings with a capacity of greater than 1 kWh

BESS that do not meet the threshold capacities above are not subject to this bylaw and are allowed by right in all zoning districts.

2. A battery energy storage system that is subject to this bylaw is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

a). Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

b). Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

D. General Requirements

1. A building permit, an electrical permit, and a fire department permit per state codes shall be required for installation of all battery energy storage systems.

2. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (a) contain or are otherwise associated with a battery energy storage system and (b) subject to the requirements of the State Building Code, shall be designed, erected, and installed in accordance with all applicable provisions of the State Building Code 780 CMR, State Fire Code 527 CMR 1.00, and State Electrical Code 527 CMR 12.00. All battery energy storage systems shall comply with NFPA 855, Standard for the Installation of Stationary Energy Storage Systems.

3. Energy storage system capacities, including array capacity and separation, are limited to the thresholds contained in NFPA 855.

E. Permitting Requirements for Tier 1 Battery Energy Storage Systems

Tier 1 Battery Energy Storage Systems are allowed by right in all zoning districts, subject to applicable provisions of the State Building Code, Electrical Code, Fire Code, and other applicable codes, and are subject to minor site plan review and such provisions of this bylaw as are applicable.

F. Permitting Requirements for Tier 2 Battery Energy Storage Systems

Tier 2 Battery Energy Storage Systems are subject to this bylaw and require the issuance of a special permit in those zoning districts identified in Table 1, Schedule of Uses, and are subject to Major Site Plan Review pursuant to Section 3.5. Tier 1 and Tier 2 BESS shall comply with the applicable requirements set forth in this bylaw, as well as this Zoning Bylaw, and the Medway General Bylaws. The following requirements apply to all Tier 1 and Tier 2 BESS subject to this bylaw, except where it is specifically noted to apply only to Tier 2 BESS:

1. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles.
2. Signage. Signage shall comply with the requirements of Section 7.2 of this Zoning Bylaw and the following additional requirements; in the event of a conflict between the provisions of Section 7.2 and this section, the requirements of this section shall prevail.
 - a) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.
 - b) As required by the state electrical code, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
 - c) Signage compliant with ANSI Z535 shall be provided on doors to rooms, entrances to BESS facilities, and on BESS outdoor containers.
3. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall comply with Section 7.1.2 of this Zoning Bylaw.
4. Vegetation and tree-cutting. Areas within ten feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.
6. Setbacks. Tier 2 Battery Energy Storage Systems shall be set back a minimum of 50 feet from all side, rear, and front lot lines; except that Tier 2 BESS shall be set back a minimum of 100 feet from side, rear, and front lot lines that abut or are across a street from residential zoning districts or existing single, two-family, or multi-family structures. The minimum setback areas shall include a Buffer Area at least fifteen feet wide along all property lines. Access drives and parking are allowed in the setback areas, but shall not intrude into the required Buffer Areas except where necessary to provide access or egress to the property. In addition, a minimum of 10 feet must be maintained between BESS components and all buildings, stored combustible materials, hazardous materials, high-piled storage, personnel means of egress, and other exposure hazards not associated with electrical grid infrastructure.

7. Dimensional. Tier 2 Battery Energy Storage Systems shall comply with the dimensional limitations for principal structures of the underlying zoning district as provided in Section 6 of this Zoning Bylaw, unless otherwise provided in this bylaw.

8. Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a minimum eight foot high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building. Security barriers, fences, landscaping, and other enclosures must not inhibit required air flow to or exhaust from the BESS and components. Electrical equipment greater than 1,000V require a separate and additional means to restrict access. NFPA 855 requires specialty safety systems to be provided based on the BESS chemistry and installed location.

9. Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area. Such features may not inhibit required air flow to or exhaust from the BESS and components and must comply with the setbacks established in paragraph 6 above.

10. Mitigation for Loss of Carbon Sequestration and Forest Habitat. If land that is Forestland or has been Forestland within one year immediately preceding the filing an application to install a Tier 2 BESS, 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 two times the total area of Forestland that will be eliminated, cut, destroyed, or otherwise disturbed by 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.

11. Mitigation for Disruption of Trail Networks. If existing trail networks, old roads, or woods or cart roads are disrupted by the location of a Tier 2 BESS, the plans shall show alternative trail alignments to be constructed by the applicant, although no rights of public access may be established hereunder.

12. Mitigation for Disruption of Historic Resources and Properties. Historic resources, structures 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 for a Tier 2 BESS. 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 as determined by the PEDB shall be established on all sides of each historic resource.

13. Batteries. Failed battery cells and modules shall not be stored on the site and shall be removed no later than 30 days after deemed failed by the BESS operator or cell/module manufacturer. The operator shall notify the Medway Fire Chief in advance if the type of battery or batteries used onsite is to be changed.

14. Decommissioning Plan. The applicant shall submit with its application a decommissioning plan for Tier 2 BESS to be implemented upon abandonment and/or in

conjunction with removal of the facility. The owner or operator of the BESS shall notify the Building Commissioner in writing at least twenty days prior to when a Tier 2 BESS will be decommissioned. Decommissioning of an abandoned or discontinued Tier 2 BESS shall be completed within six months after the facility ceases operation. The decommissioning plan shall include:

- a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- c. The anticipated life of the battery energy storage system;
- d. The estimated decommissioning costs and how said estimate was determined;
- e. The method of ensuring that funds will be available for decommissioning and restoration;
- f. The method by which the decommissioning cost will be kept current;
- g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
- h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

15. **Decommissioning Fund.** The owner and/or operator of the energy storage system, shall continuously maintain a fund or other surety acceptable to the Town, in a form approved by the Planning and Economic Development Board and Town Counsel, for the removal of the battery energy storage system, in an amount to be determined by the Town, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant.

16. **Proof of Liability Insurance.** The applicant or property owner shall provide evidence of commercially liability insurance in an amount and type generally acceptable in the industry and approved by the PEDB prior to the issuance of a building permit, and shall continue such insurance in effect until such facility has been decommissioned, removed, and the site restored in accordance with this bylaw.

G. Site plan application. For a Tier 2 Battery Energy Storage System the site plan application shall include the following information, in addition to that required by Section 3.5 of this Zoning Bylaw and the Planning and Economic Development Board Rules and Regulations Governing Site Plan Applications:

1. A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all State Electrical Code compliant disconnects and over current devices.
2. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

3. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
4. Large-scale fire test data, evaluation information, and calculations, and modeling data. For any of the following, UL 9540A fire test data must be made available to the Planning and Economic Development Board for review:
 - BESS systems with a capacity of greater than 50kWh
 - BESS systems with spacing between arrays of less than 3 feet
5. Commissioning Plan. The system installer or commissioning agent shall prepare a commissioning plan prior to the start of commissioning. Such plan shall be compliant with NFPA 855 and document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in applicable state codes. Where commissioning is required by the Building Code, battery energy storage system commissioning shall be conducted by a Massachusetts Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required by applicable state codes shall be provided to Zoning Enforcement Officer prior to final inspection and approval and maintained at an approved on-site location.
6. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with state codes, including documentation that BESS components comply with the safety standards set forth in subsection 8.12.I.
7. Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth state codes and NFPA 855. Maintenance provisions will be driven by manufacturer requirements for the specific listed system.
8. Depending on the location of the BESS in relation to and its interaction with the electrical grid, interconnection will be completed per 527 CMR 12.00. System interconnections into utility grids shall be in accordance with NFPA 855. An accessible disconnect is required per 527 CMR 12.00.
9. Prior to the issuance of the building permit, engineering documents must be signed and sealed by a Massachusetts Licensed Professional Engineer.
10. Emergency Operations Plan. An Emergency Operations Plan compliant with NFPA 855 is required. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. For so long as the BESS is operational, the operator shall provide the Fire Department, Police Department, Building Commissioner, and Town Manager's office with contact information for personnel that can be reached 24 hours per day every day, and this contact information shall be updated by the operator whenever there is a change in the information. The operator shall also be required to have an official representative be present onsite not later than two hours after notification by the Fire Chief, Police Chief, or their designee. A permanent copy shall also be placed in an approved

location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- b. Procedures for inspection and testing of associated alarms, interlocks, and controls, including time intervals for inspection and testing.
- c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- f. Procedures for safe disposal of battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
- g. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
- h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

H. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Building Commissioner of such change in ownership or operator within 14 days of the ownership change. A new owner or operator must provide such notification to the Building Commissioner in writing.

I. Safety

1. **System Certification.** Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

- a) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
- b) UL 1642 (Standard for Lithium Batteries),
- c) UL 1741 or UL 62109 (Inverters and Power Converters),
- d) Certified under the applicable electrical, building, and fire prevention codes as required.

e) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

2. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

3. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

K. Abandonment

The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, after compliance with any applicable state and federal constitutional requirements, enter the property and utilize the available bond and/or security for the removal of a Tier 2 BESS and restoration of the site in accordance with the decommissioning plan.

Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 15: (Amend Zoning Bylaw: Schedule of Uses – BESS and Solar)

To see if the Town will vote to amend Zoning Bylaw by amending Table 1, Schedule of Uses in Section 5.4.E, Industrial Uses, as shown in the Table below, (deleted words shown in strikethrough, added words shown in **bold**):

TABLE 1: SCHEDULE OF USES

TABLE 1: SCHEDULE OF USES													
	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGV C	OGB P	OG 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; amended 11-15-21)</i>	N	N	N	N	N	N	N	Y	N	Y	N	Y	N
Wholesale showroom or office, including warehouse <i>(Amended 11-15-21)</i>	N	N	N	N	N	N	Y	Y	N	Y	N	Y	N
Manufacturing <i>(Amended 5-8-17; amended 11-15-21)</i>	N	N	N	N	N	N	Y	Y	N	Y	N	Y	N
Light Manufacturing <i>(Added 5-8-17; amended 11-15-21)</i>	N	N	N	N	N	Y	Y	Y	N	Y	N	Y	N

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGV C	OGB P	OG N
Contractor's yard	N	N	N	N	N	N	Y	Y	N	N	N	PB	N
Construction Equipment/Machinery Sales, Leasing or Rentals <i>(Added 11-15-21)</i>	N	N	N	N	N	N	N	N	N	PB	N	N	N
Research and development <i>(Amended 11-15-21)</i>	N	N	N	N	N	N	Y	Y	N	Y	N	Y	N
Brewery <i>(Amended 11-15-21)</i>	N	N	N	N	N	N	Y	Y	N	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	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
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 but excluding battery energy storage systems. See footnote 5 <i>(Amended 11-16-20)</i>	N	N	N	N	N	N	N	N	Y	N	N	N	N
Large-scale ground-mounted solar electric installations, including those with a rated name plate capacity of 250 kW (DC) or more; but excluding battery energy storage systems as a principal use.	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N
Small-scale ground-mounted solar electric installations (as principal use)	N	N	N	N	N	SP	Y	Y	Y	Y	N	Y	N
Tier 1 Battery Energy Storage System	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Tier 2 Battery Energy Storage System	N	N	N	N	N	N	N	N	PB	N	N	N	N
Gravel/loam/sand or stone removal, commercial	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	Y	Y	Y	Y	N	PB	N
Small-scale ground-mounted solar electric installations	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
Solar Parking Canopies	N	N	N	PB	PB	PB	PB	PB	PB	PB	PB	PB	N

TABLE 1: SCHEDULE OF USES

	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OGV C	OGB P	OG N
Tier 1 Battery Energy Storage System	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

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 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 *(Amended 5-10-21)*
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). *(Added 5-10-21)*
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 *(Added 5-10-21)*
5. **Certain small- scale ground-mounted solar electric installations and Solar Parking Canopies are allowed in certain zoning districts under Section 8.11.C. Roof-mounted Solar Energy Facilities are allowed per Section 8.11.C.**

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 16: (Amend Zoning Bylaw: Schedule of Uses)

To see if the Town will vote to amend Zoning Bylaw, Section 5.4, Table 1 Schedule of Uses, by:

- (1) changing the special permit granting authority for “Infill Dwelling Unit, Subject to Section 8.1”; and “Assisted living residence facility”, and “Electric vehicle charging station with digital advertising signage, subject to Section 5.4.2 of the Zoning Bylaw” from the Planning and Economic Development Board to the Zoning Board of Appeals in each zoning district in which said uses are currently allowed by special permit; and
- (2) changing the special permit granting authority for “Retail store larger than 20,000 sq. ft.” from the Zoning Board of Appeals to the Planning and Economic Development Board in the Business Industrial Zone; and
- (3) changing the special permit granting authority for “Shopping center/multi-tenant development” from the Zoning Board of Appeals to the Planning and Economic Development Board in the Neighborhood Commercial and Business Industrial Zones; and
- (4) changing the special permit granting authority for “Veterinary Hospital” and “Lodge or Club” from the Planning and Economic Development Board to the Zoning Board of Appeals in the Central Business District.

Or act in any manner related thereto.

DRAFT as of 10/4/22

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 17: (Amend Zoning Bylaw: –Solar Electric Installations)

To see if the Town will vote to amend Zoning Bylaw by amending Section 2 Definitions, added language shown in **bold** and deleted language shown in ~~strikethrough~~:

Electric Power Generation: The process of generating electric power from other sources of primary energy such as electromechanical generators, chemical combustion, and Renewable Energy, **but excluding Solar Electric Installations and Solar Photovoltaic Arrays.**

And by amending Section 8.11, Solar Electric Installations, as follows, with wording to be deleted shown in ~~strikethrough~~, and added wording shown in **bold**:

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. **The Town through this bylaw also seeks to incentivize solar installations within already developed sites and lands with lower resource values (e.g., parking lots, roofs) in accordance with state policies such as the Department of Environmental Protection Wetlands Program Policy 17-1.**

B. Definitions

Where the following terms appear in this ~~section 8.11~~ **Zoning Bylaw**, 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; **also including a Ground-Mounted Solar Electric Installation with a rated name plate capacity of 250 kW (DC).**

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 **in all zoning districts**, 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, **OGN** and VR, or which are otherwise allowed under the provisions of this Zoning Bylaw, 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 Bylaw.
2. Mitigation for Loss of Carbon Sequestration and Forest Habitat - If land that is Forestland or has been Forestland within the **one year immediately preceding the filing of an application to install** ~~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 ~~two~~ **four** times the total area of **Forestland that will be eliminated, cut, destroyed, or otherwise disturbed by** 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 **as determined by the Planning and Economic Development Board** 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, **and shall continue such insurance in effect until such facility has been decommissioned, removed, and the site restored in accordance with subsection K of this bylaw.**

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, except Solar Parking Canopies, shall have no permanently affixed exterior lighting.~~ **Lighting shall be limited to that minimally required for safety and operational purposes and shall comply with Section 7.1.2 of this Zoning Bylaw.**
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 e. 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. **Except where necessary for structural or other reasons established by the**

applicant to the reasonable satisfaction of the PEDB, Ground-Mounted Solar Electric Installations, except Solar Parking Canopies, shall be installed on water permeable surfaces in order to promote groundwater recharge, minimize groundwater run-off, preserve wildlife habitat and biodiversity, and reduce heat island effects and climate change impacts.

- 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, **after compliance with any applicable state and federal constitutional requirements**, 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:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 18: (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, as follows. Proposed language is noted in **bold**.

By revising item 1. in C. Dimensional Regulations.

1. The minimum dimensional regulations as specified in Table 2 shall be the same **for a proposed multi-family building, apartment building, or multi-family development** 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. **Such adjustment may include increasing the underlying setback requirements.**

And by adding a new item 5. in C. Dimensional Regulations

5. The minimum lot size for a Multi-Family Building shall be 30,000 sq. ft.

And by amending D. Density Regulations by revising items 1 and 2 as follows, inserting a new item 3, and changing the numbering of item 3 to item 4.

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 **of Land Available for Development**. For example, the maximum density of a lot with **1.8 Acres of Land Available for Development** 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 **of Land Available for Development**.
2. For lots under one acre, the density of a Multi-Family Building or a Multi-Family development shall not exceed its relative portion of an acre **of Land Available for Development**.
3. **Land Available for Development = Total area of the site minus the area subject to upland utility easements and minus 50% of all areas subject to protection under the Wetlands Protection Act, G.L. c. 131, §40, and the Town's General Wetlands Protection Bylaw, Article XXI of the General Bylaws.**
- 3.4. 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.

And by revising item 3. Parking in E. Special Regulations

3. Parking: At least ~~one and one-half~~ **two** off-street parking spaces shall be provided for each dwelling unit plus one additional visitor parking space for every two dwelling units. **The Planning and Economic Development Board may adjust this requirement by a four-fifths vote, in consideration of the size of the proposed dwelling units.**

And by adding a new item 8 in E. Special Regulations

8. Architectural Character – In designing new construction of a Multi-Family Building, Apartment Building, or Multi-Family development, Applicants should consider the existing character, scale, and architecture of the surrounding neighborhood and nearby buildings.

Or to act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 19: (Amend Zoning Bylaw: Add New Section – Development Mitigation)
To see if the Town will vote to amend the Zoning Bylaws, by adding a new Section 7.4 Development Mitigation as follows:

Section 7.4 Development Mitigation

- A. **Purposes.** The purposes of this bylaw include the encouragement of development design that protects the Town's environmental, scenic, and historic resources, by: a) providing mitigation of the impacts of significant development projects in order to protect the public health, safety and welfare, including mitigating any impacts upon environmental, scenic, and historic resources; and (b) protecting large, contiguous tracts 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.

B. **Applicability.** The requirements of this Bylaw (Section 7.4) apply to all developments under the following sections of this Zoning Bylaw: 8.4 Open Space Residential Development (OSRD); 8.5 Adult Retirement Community Planned Unit Development; 8.7 Wireless Communication Facilities; 8.8 Small Wind Generation; 8.9 Registered Medical Marijuana Facilities; 8.10 Recreational Marijuana; 8.11 Solar Installations, and 8.12 Battery Energy Storage Systems.

C. **Standards.** For all developments that are subject to this Bylaw, mitigation for the impacts of the development shall be required for the following impacts.

1. Mitigation for Loss of Carbon Sequestration and Forest Habitat. If land that is Forestland or has been Forestland within the one year immediately preceding the filing an application for a development, 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 two times the total area of Forestland that will be eliminated, cut, destroyed, or otherwise disturbed by such development. 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 development, 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. In the case of a development such as a solar array that is decommissioned, upon completion of decommissioning, these requirements will no longer apply.

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

3. Mitigation for Disruption of Historic Resources and Properties. Historic resources, structures 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 as determined by the Planning and Economic Development Board shall be established on all sides of each historic resource.

Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 20: (Amend Zoning Bylaw: Add New Use – Contractor's Quarters)

To see if the Town will vote to amend the Zoning Bylaw by adding the following definition in Section 2:

Contractor's Quarters: The premises of a building, construction, plumbing, wiring, landscaping, or other similar contracting or sub-contracting business, occupied and used by a contractor or subcontractor with offices for its administrative operations and any one or more of the following purposes to be conducted wholly indoors: storage of equipment, supplies and materials, and finished products; product assembly; servicing of equipment; wholesale or retail sales; or showroom for finished and unfinished products or materials.

And by amending Table 1, Schedule of Uses in Section 5 Use Regulations to allow Contractor's Quarters by right in the following zoning districts: Village Commercial, Business Industrial, West Industrial, East Industrial, Central Business District, Neighborhood Commercial and Oak Grove Business Park.

And to act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 21: (Amend Zoning Bylaw: Central Business and Oak Grove Districts)
To see if the Town will vote to amend the Zoning Bylaw, Section 9 Oak Grove Park Districts, and Section 10 Central Business District Development Standards as follows (deleted wording shown in strikethrough, added wording shown in bold):

(1) Amend Oak Grove Park Districts, Section 9.4.B as follows:

B. Determination of Building Type

1. **At the time any application is filed with the PEDB under this Section 9, the applicant shall file a written request with the Building Commissioner to classify any new principal structures that are proposed as part of the application, or any existing structures that are to be expanded or converted to new uses.** The Building Commissioner shall classify new principal structures as a specific building type based on the definition of each type and upon finding that the structure is substantially similar in placement, height, massing, use, and features to one of the permitted building types for the zoning district where the structure is located. The Building Commissioner shall also classify existing structures that are being expanded or converted to new uses under this section. If the Building Commissioner is unable to classify an existing principal structure as one of the building types of this section, the structure is considered nonconforming. **The Building Commissioner shall respond to such requests, in writing, within twenty days of receipt of the request.**
2. If a new building is proposed that cannot be classified as one of the allowed building types of this section by the Building Commissioner, the building type is subject to special permit review by the PEDB under Section 9.9. **The PEDB shall determine if the building type is appropriate for the Zoning District, and, if so, determine the building type under Tables 9.4.C.1.A through 9.4.C.1.C that most closely resembles the proposed new building, and apply the standards for that building type to the new building.**
3. When granting a special permit for a building type that cannot be classified under Tables 9.4.C.1.A through 9.4.C.1.C., any such building shall not be used except for a use allowed by right or by special permit in Table 1 in Section 5.4 Schedule of Uses.

(2) **And amend Tables 9.4.C.1.B and 9.4.C.1.C as follows:** by deleting the text for Maximum Building Footprint (SF) in the columns for “Mixed-Use Building”, “General Commercial Building”, “Hotel” and “Fabrication or Flex Building”, and inserting in its place in each column the words “Not Required”.

(3) **And amend Central Business District, Section 10.2.C.1; Section 10.3.C.1, and Section 10.4.C as follows:**

10.2.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, ~~other there are alternative~~ dimensional standards for ~~building lot and for building design that~~ apply under Section 10.4 below.

10.3 MIXED-USE DEVELOPMENT STANDARDS

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.

10.4 BUILDING TYPES AND DESIGN STANDARDS

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. **At the time any application is filed with the PEDB under this Section 10, the applicant shall file a written request with the Building Commissioner to classify any new principal structures that are proposed as part of the application, or any existing structures that are to be expanded or converted to new uses. The Building Commissioner shall classify new principal structures as a specific building type based on the definition of each type and upon finding that the structure is substantially similar in placement, height, massing, use, and features to one of the permitted building types for the zoning district where the structure is located. The Building Commissioner shall also classify existing structures that are being expanded or converted to new uses under this section. If the Building Commissioner is unable to classify an existing principal structure as one of the building types of this section, the structure is considered nonconforming. The Building Commissioner shall respond to such requests, in writing, within twenty days of receipt of the request.**

23. 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. **The PEDB shall determine if the building type is appropriate for the Zoning District, and, if so, determine the building type under Tables 9.4.C.1.A through 9.4.C.1.C that most closely resembles the proposed new building, and apply the standards for that building type to the new building.**

(4) And amend Table 2, Dimensional and Density Regulations to add a footnote for the “CB” column: “Dimensional requirements set forth in Section 10 of this Zoning Bylaw shall take precedence over the provisions of this Table 2 for the CB zone.”

Or take any action relative thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 22: (Amend Zoning Bylaw: Housekeeping)

To see if the Town will vote to amend the Zoning Bylaw, as provided below

1. Amend Open Space Residential Development, Section 8.4.F.1 by changing the reference “Paragraph I” to “Paragraph J”

2. Add a new definition:

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

3. Change all references in the Zoning Bylaw that now read “Board of Selectmen” to “Select Board” and all references that now read “Department of Public Services” to “Department of Public Works”. Delete “the Water and Sewer Commission” in Section 5.6.3.F.1.

or act in any manner related thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 23: (Street Acceptance: Newton Lane)

To see if the Town will vote to accept as a public way, the following street as laid out by the Select Board and as shown on a plan or plans on file in the office of the Town Clerk:

- Newton Lane in its entirety from Station 0+00 at its intersection with Nobscot Road to its end at Station 9+91.18

As shown on *Street Acceptance & As-Built Plan for Hartney Acres II Definitive Subdivision* (Newton Lane), Medway, MA dated November 24, 2021, last revised _____ prepared by O'Driscoll Land Surveying, Inc. of Medway, MA and CMG Engineering Services, of Sturbridge, MA,

And further to authorize the Select Board 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 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 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.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 24: (Citizens' Petition: Voter ID)

To see if the town will vote to amend the General By-laws by adding a section that shall require Medway voters attending Town Meeting and/or voting in Town Elections to produce a valid photo ID document, or do anything in relation there to; and further to authorize the Town Clerk or other appropriate municipal official to assign proper chapter and section numbering for said new by-law.

CITIZENS' PETITION

SELECT BOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION: