

**TOWN OF MEDWAY  
WARRANT FOR 2017  
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 13, 2017 at 7:00 PM, then and there to act on the following articles:

**ARTICLE 1:** (Prior Year Bills)

To see if the Town will vote to transfer the sum of \$5,832.95 from the Fiscal Year 2018 Health Insurance Account, \$219.00 from the Fiscal Year 2018 Human Resources Drug and Alcohol Testing Account, \$67.47 from the Department of Public Services Contracted Services Account and \$52.90 from the Town Administrator's Advertising Account for the purpose of paying unpaid bills of prior years of the Town, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:** Approve

**FINANCE COMMITTEE RECOMMENDATION:** Approve

**ARTICLE 2:** (Extend Expenditure Deadlines – May 2017 Annual Town Meeting Article 7)

To see if the Town will vote to extend the expenditure deadline for the following appropriations made under Article 7 at the May 2017 Annual Town Meeting:

Project	Department	Cost
System-wide Town Security Cameras	Info. Services	\$86,667
Facility and Systems Security Improvements	Police	\$80,800

Said appropriations to be expended by June 30, 2019 with unexpended funds as of June 30, 2019 being returned to the General Fund, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 3:** (Fund Town Share Fire Dept. Federal Grant)

To see if the Town will vote to raise and appropriate the sum of \$37,574 to the Fire Department Full-Time Salaries Account and the sum of \$18,500 to the Fire Department Fire Purchased Services Account to pay for costs associated with funding the Town's twenty-five percent share of the Federal SAFER staffing grant for Firefighter/Paramedics, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 4:** (Repurpose Funds to Sewer I&I Programming)

To see if the Town will vote to repurpose \$10,000 authorized to be borrowed under Article 19 of the December 1996 Special Town Meeting for a Sewer Master Plan and \$37,333.17 authorized to be borrowed under Article 3 of the March 2006 Special Town Meeting for the Summer Street Sewer project, the funds for which are no longer needed for the projects for which they were approved, to Sewer Inflow and Infiltration Work as authorized under Article 13 of the May 2015 Annual Town Meeting, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 5:** (Rescind Borrowing – McGovern School Windows/Doors Project)

To see if the Town will vote to rescind the \$473,169 unissued balance of the \$978,809 authorized to be borrowed by vote of the Town under Article 1 of the March 9, 2015 Special Town Meeting for the McGovern School's windows and doors project, the funds for which are no longer needed for the project for which it was approved, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 6:** (Rescind Borrowing – Highway Facility Study)

To see if the Town will vote to rescind the authorized borrowing for a Highway Facility Study in the amount of \$40,000 authorized by the Town under Article 9 of the June 2, 2008 Annual Town Meeting, the funds for which are no longer needed for the project for which it was approved, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:** Approve

**FINANCE COMMITTEE RECOMMENDATION:** Approve

**ARTICLE 7:** (Transfer to Athletic Fields Stabilization Fund)

To see if the Town will vote to transfer the sum of \$100,000 from the Parks Revolving Fund to the Athletic Fields Stabilization Fund, or act in any manner relating thereto.

**PARKS AND RECREATION COMMISSION**

**BOARD OF SELECTMEN RECOMMENDATION:** To Be Determined

**FINANCE COMMITTEE RECOMMENDATION:** Approve

**ARTICLE 8:** (Fund Affordable Housing Unit Creation)

To see if the Town will vote, in accordance with Massachusetts General Laws Chapter 44B, to appropriate the sum of \$500,000 from the Community Preservation Fund, the total of which shall be from Community Housing Reserves, to fund a grant to Metro West Collaborative Development, Inc. for the purpose of constructing affordable housing units in a development known as Glen Brook Way, and to authorize the Board of Selectmen to enter into a grant agreement on such terms and conditions as the Board of Selectmen shall determine to be appropriate with Metro West Collaborative Development, Inc. outlining the purposes for and the conditions upon which these funds may be expended, and, further, to authorize the Board of Selectmen or its designees to accept one or more deed restrictions for affordable housing purposes on said property meeting the requirements of Massachusetts General Laws Chapter 184, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:** Approve

**FINANCE COMMITTEE RECOMMENDATION:** Approve

**ARTICLE 9:** (Purchase 158 Main Street)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase and to accept the deed to the Town of a fee simple interest in all or a portion of 158 Main Street, Medway, identified by the Norfolk County Registry of Deeds in Book 20612, Page 387, containing 1.41 acres more or less, which land is now owned by the Trustees of the Womack Family Funding Trust, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, the property to be used for purposes allowed by the so-called Community Preservation Act, General Laws Chapter 44B, said property to be under the care, custody, management and control of the Board of Selectmen, and, further, to see if the Town will vote: a) to appropriate from the Community Preservation Fund's Historical Reserves the sum of \$525,000 for the purchase of the property and up to \$10,000 for any expenses related thereto, including legal fees; b) authorize the Board of Selectmen to convey a permanent deed restriction in accordance with General Laws Chapter 44B, section 12 and General Laws Chapter 184, sections 31-33; and c) authorize the Board of Selectmen and Town officers to take all related actions necessary or appropriate to carry out this acquisition, including the submission, on behalf of the Town, of any and all applications deemed necessary for grants and/or reimbursements from any state or federal programs and to receive and accept such grants or reimbursements for this purpose, and/or any other purposes in any way connected with the scope of this Article, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:**     **Approve**

**FINANCE COMMITTEE RECOMMENDATION:**     **Approve**

**ARTICLE 10:** (Purchase 123 Holliston Street)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase and to accept the deed to the Town of a fee simple interest in all or a portion of 123 Holliston Street, Assessors Map 22, Parcel 22-067, containing 12.497 acres more or less, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, to be under the care, custody, management and control of Board of Selectmen for general municipal purposes, and, further, to see if the Town will vote to appropriate the sum of \$1,310,000 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 Board of Selectmen is authorized to borrow such sum under General Laws Chapter 44, section 7 or any other enabling authority, and further to authorize the Board of Selectmen and Town officers to take all related actions necessary or appropriate to carry out this acquisition, including the submission, on behalf of the Town, of any and all applications deemed necessary for grants and/or reimbursements from any state or federal programs and to receive and accept such grants or reimbursements for this purpose, and further, to authorize the Board of Selectmen after acquisition to lease said property for a period not to exceed ten years in a manner that they shall determine is in the Town's best interest, and/or to act in furtherance any other purposes in any way connected with the scope of this Article, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: Approve**

**ARTICLE 11:** (Capital Project: Parks Improvements – Choate, Oakland and Middle School – General Funds)

To see if the Town will vote to appropriate a sum of money for the purpose of funding the construction of park and recreation improvements, as well as the purchase of associated equipment and structures and the provision of construction management and inspection services for Choate Park, Oakland Park and at the Medway Middle School, and for the payment of all other costs incidental and related thereto, and to meet this appropriation the Treasurer with the approval of Board of Selectmen is authorized to borrow such sum under General Laws Chapter 44, section 7 or any other enabling authority, and to authorize the Board of Selectmen and Town officers to take all related actions necessary or appropriate to carry out this article, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: To Be Determined**

**ARTICLE 12:** (Capital Project: Parks Improvements – Choate, Oakland and Middle School – CPA Funds)

To see if the Town will vote to appropriate the sum of \$2,000,000 from available Community Preservation Act funds for the purpose of funding the construction of park and recreation improvements, as well as the purchase of associated equipment and structures for Choate Park, Oakland Park and the Medway Middle School, and for the payment of all other costs incidental and related thereto, and further to authorize the Board of Selectmen and Town officers to take all related actions necessary or appropriate to carry out this article, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION: Approve**

**FINANCE COMMITTEE RECOMMENDATION: To Be Determined**

**ARTICLE 13:** (Purchase Cassidy Field Lights)

To see if the Town will vote to transfer from Certified Free Cash the sum of \$400,000 for the purpose of purchasing and installing field lighting and associated equipment at Cassidy Field,

said appropriation to be expended by June 30, 2019, with unexpended funds as of June 30, 2019 being returned to the General Fund, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:**     **Approve**

**FINANCE COMMITTEE RECOMMENDATION:**     **Approve**

**ARTICLE 14:**                             (Free Cash Transfer – Fund Permitting and GIS Software)  
To see if the Town will vote to transfer from Certified Free Cash the sum of \$18,250 to purchase and implement a permitting and GIS software program, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:**     **Approve**

**FINANCE COMMITTEE RECOMMENDATION:**     **Approve**

**ARTICLE 15:**                             (General Bylaw Amendment: Historical Properties)  
To see if the Town will vote to amend the Town of Medway General By-Laws, Article XVII, by replacing the language in its entirety with the following:

**ARTICLE XVII**

**Building 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" 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" - 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 or substantial portion thereof, or starting the work of any such act with the intention of completing the same.
- 2.5 "HISTORICALLY SIGNIFICANT BUILDING" - any building 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 construction, or association with a recognized architect or builder) either by itself or in the context of a group of buildings.
- 2.6 "PREFERABLY-PRESERVED HISTORICALLY SIGNIFICANT BUILDING" - any historically significant building 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.

### Section 17.3 Procedure

- 3.1 No permit for the demolition of a building 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 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, if different from the owner;
  - (iii) The address or location of such building;
  - (iv) Assessors' Parcel ID;
  - (v) A brief description of such building including its age;
  - (vi) An explanation of the proposed use and/or changes thereof to be made of the site of such building; and
  - (vii) 4" x 6" color photos of all sides of the building exterior and all outbuildings that are visible from the street.

- 3.3 Upon receipt of an application for a demolition permit for a building 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 is historically significant. The applicant for the permit may make a presentation to the Commission at that time.
- 3.5 If the building 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 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 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](http://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 building 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 building 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 building 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 twelve months after the date of the determination by the Commission.
- 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 building. If the building 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 building 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 building, or
  - (ii) The Commission is satisfied that for at least twelve months the owner had made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful.

#### Section 17.4 Responsibility of Owners

- 4.1 During the twelve month demolition delay period, the applicant shall make a good faith effort to find an alternative use for the building that will result in its preservation. Alternatives to demolition include, but are not limited to, incorporation of the building into the future development of the site; adaptive reuse of the building; utilization of

financial incentives to rehabilitate the building; seeking a new owner willing to purchase and preserve, restore or rehabilitate the building; or moving or relocating the building.

- 4.2 Upon determination by the Commission that a building is a preferably preserved historically significant building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Commissioner. Should the owner fail to so secure the building, the subsequent destruction of such building through any cause, which destruction could have been prevented by the required security measures, shall be considered a demolition in violation of this bylaw.

#### Section 17.5 Emergency Demolition

Nothing in this bylaw shall restrict or prevent the Building Commissioner from ordering the demolition of a historically significant building 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 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 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 was located.

#### Section 17.7 Severability

Or act in any manner relating thereto.

**FINANCE COMMITTEE RECOMMENDATION:** **Approve**

11



<b>Address</b>	<b>Medway Assessor's Parcel ID #</b>	<b>Parcel Size</b>	<b>Current Owner</b>
1 Memory Lane	30-067	1.01	Paul Melia
2 Memory Lane	30-066	1.01	Tina Wright
3 Memory Lane	30-065	1.013	David & Marie Marchetti
4 Memory Lane	31-033	1.739	Carl Rice
6 Howe Street	21-088	1.048	Michael & Kara Gulla
3 Howe Street	21-084	1.702	Alan & Joann Osborne
5 Howe Street	14-010	1.710	Kenneth & Kelly Yuen
7 Howe Street	14-009	1.842	Richard & Megan Grady
OR Woodland Road	14-005	115.100	Henry Wickett & Henry Wickett Jr.
<b>MAP C</b>			
12 Ohlson Circle	14-059	1.02	Gary & Mary Whitaker
15 Ohlson Circle	14-019	1.145	Peter Schubert

The following parcels shall be rezoned from the present Agricultural Residential I district zoning to Agricultural II district, so that the entire parcel is rezoned to Agricultural II:

<b>Address</b>	<b>Medway Assessor's Parcel ID #</b>	<b>Parcel Size</b>	<b>Current Owner</b>
<b>MAP A</b>			
22 Coffee Street	32-151	.30	Chris & Nadia Sullivan
<b>MAP C</b>			
86 Winthrop Street	14-054	.25	Matthew Maccarrick Trust & Family Nominee Maccarrick Trust
88 Winthrop Street	14-055	.25	Kathleen & Julie Ann Fallon
90 Winthrop Street	14-056	.25	Alexander & Allison Stroshane
92 Winthrop Street	14-043	.25	Sandra St. John Life Estate, Stacy Murphy, Christine Tiemann, & David St. John
112 Lovering Street	14-053	.25	Michael & Sonya Murphy
68 Winthrop Street	21-008	.25	Alan Weiner & Pamela Tatelman-Weiner

The following split zoned parcels shall be rezoned so that the portion which is presently zoned Agricultural Residential I district shall be rezoned to Agricultural Residential II district, so that the entire parcel is zoned Agricultural Residential II:

<b>Address</b>	<b>Medway Assessor's Parcel ID #</b>	<b>Parcel Size</b>	<b>Current Owner</b>
<b>MAP A</b>			
20 Coffee Street	32-150	.541	Richard & Frances Scannell
24 Coffee Street	32-152	.49	Susan & Sergio Gomez
102 Holliston Street	31-069	.29	William & Francis Obrien Trustee

<b>Address</b>	<b>Medway Assessor's Parcel ID #</b>	<b>Parcel Size</b>	<b>Current Owner</b>
1 Gorwin Drive	31-068	.22	John Fasolino & Meghann Mckenney
3 Gorwin Drive	31-067	.27	John Wooster & Patricia Mathaisel
5 Gorwin Drive	31-066	.379	David Jones
7 Gorwin Drive	31-065	.32	George & Eileen Kornmuller
9 Gorwin Drive	31-064	.263	Daniel Williams
11 Gorwin Drive	32-170	.27	Max, Constance, & Robert Greenberg
13 Gorwin Drive	32-169	.26	Chester Mosher & Lorraine Gorwin Life Estate
15 Gorwin Drive	32-168	.25	Patricia Treanor
17 Gorwin Drive	32-167	.24	Joel & Judith Goldstein
19 Gorwin Drive	32-166	.24	Lawrence & Ellen Johnson
21 Gorwin Drive	32-165	.23	Charles & Barbara Hutt
23 Gorwin Drive	32-164	.23	Tina Sheppard
25 Gorwin Drive	32-163	.23	Denise Bartone & Kenneth Gormley
27 Gorwin Drive	32-162	.23	Michael & Teresa O'Rourke
29 Gorwin Drive	32-161	.23	Walter & Judit Baer
31 Gorwin Drive	32-160	.23	Roy Young
33 Gorwin Drive	32-159	.23	Edward Companik & Susan Rreilly
35 Gorwin Drive	32-158	.30	John & Jennifer Dougherty
37 Gorwin Drive	32-157	.30	John & Ethel Maguire
39 Gorwin Drive	32-156	.30	Jeffrey & Cheryl Foss
<b>MAP B</b>			
68 Lovering Street	30-064	3.88	Robert Symonds
70 Lovering Street	21-094	2.77	Medway Housing Authority
82 Lovering Street	21-093	20.3	Paul Wilson
<b>MAP C</b>			
22 Ohlson Circle	14-060	.602	William & Susan Callahan
24 Ohlson Circle	14-061	.565	Michelle Diebler
28 Ohlson Circle	14-062	.565	Michael & Karen Tudino
30 Ohlson Circle	14-063	.565	Joseph Lavigne
32 Ohlson Circle	14-064	.621	Charles & Kathleen Dwyer
31 Ohlson Circle	14-046	.788	Robert & Patricia Comtois
33 Ohlson Circle	14-045	.679	Andrew & Kathleen Anderson
35 Ohlson Circle	14-044	.517	Derek & Jessica Baldassarre
108 Lovering Street	14-051	.77	Thomas & Nancy Kierce
110 Lovering Street	14-052	.25	Kenneth Lawrence
107 Lovering Street	14-030	.25	Jennifer Lindsey
70 Winthrop Street	21-007	.5	Sean Barry
72 Winthrop Street	21-006	.5	Meeri Lewandowski & Edward Lewandowski Trust
74 Winthrop Street	21-005	.5	Frank Glass & Anne Buddenhagen
76 Winthrop Street	21-004	.62	Marshall & Elizabeth Gustin
78 Winthrop Street	21-003	.853	Joseph & Mary Vadakekalam

Address	Medway Assessor's Parcel ID #	Parcel Size	Current Owner
78A Winthrop Street	21-002	.902	Anthony & Lynda Bertone
80 Winthrop Street	21-001	.722	Craig & Janice Dresser
82 Winthrop Street	14-029	1.0	Jeffrey Devine
84 Winthrop Street	14-028	.5	Romas & Niucole Banaitis
6 Hemlock Drive	21-019	.5	William & Mildred Beachman
12 Hemlock Drive	21-015	.5	Brianna & Matthew Boyce
14 Hemlock Drive	21-016	.5	William Oldmixon & Takeda Karou
16 Hemlock Drive	21-014	.5	Charlotte Porreca
18 Hemlock Drive	21-013	.5	Martin Concannon Trustee & Dawn Rose Trustee
20 Hemlock Drive	21-014	.5	Alan & Myrtle Miller
3 Clover Lane	21-009	.25	Joanne Davenport
5 Clover Lane	21-010	.25	William & Roberta Scherer

Or act in any manner relating thereto.

## PLANNING AND ECONOMIC DEVELOPMENT BOARD

**BOARD OF SELECTMEN RECOMMENDATION: To Be Determined**

**FINANCE COMMITTEE RECOMMENDATION: To Be Determined**

**ARTICLE 19:** (Amend Zoning Bylaws: Wireless Communications Facilities)  
To see if the Town will vote to amend the Medway Zoning Bylaw, Section 8.7., by replacing the language in its entirety with the following:

### 1.1. WIRELESS COMMUNICATIONS FACILITIES

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**A. Purpose.** The purpose of this Section is to minimize adverse impacts of wireless communication facilities on adjacent properties and residential neighborhoods (including but not limited to aesthetic, public safety, and property value impacts), to limit the number and height of these facilities to only what is essential, to promote shared use of existing facilities, to reduce the need for new facilities, and to protect the interest of the general public. This Section is promulgated under the authority of G.L. c. 40A, the Home Rule Amendment of the Massachusetts Constitution and the 1996 Telecommunications Act, 47 U.S.C. Section 332(c)(7)(A).

No Wireless Communications Facility ("WCF") shall be constructed except in compliance with the provisions of this Section. Unless exempted in accordance with subsection 8.7.H, any WCF shall require a special permit from the Zoning Board of Appeals. An Eligible Facilities Request shall follow the procedures set forth in subsection 8.7.I.

**B. Definitions.** The definitions herein, especially that of a “device” and “WCF,” are intended to encompass such devices as they may evolve through technological advances.

1. **Tower:** Any structure to which a device may be attached for the purpose of transmitting or receiving wireless communications, including but not limited to water towers, steeples, flag poles, or parking lights (typical), but not including any residential, commercial or industrial building, accessory building, and/or rooftop.
  - a. **Self-Supporting Tower:** Any lattice or monopole tower to which a device may be attached for the purpose of transmitting or receiving wireless communications. Self-Supporting Towers are ground-mounted, but may include an above-grade base made of concrete or other similar material.
2. **Height:** A distance measured from the mean finished grade of the land surrounding the device to its highest point, surface or projection, in the case of free standing devices, or a distance measured from the average finished grade of the land surrounding the exterior walls to the highest point, surface or projection, in the case of devices mounted on existing buildings or structures.
3. **Device:** Any antenna, or other apparatus that performs the function of antennas, together with any telecommunications satellite dishes and other necessary equipment.
  - a. **Mounted Device:** Any device which is affixed to a Tower.
  - b. **Building Mounted Device:** Any device which is affixed to a residential, commercial, or industrial building, accessory building, and/or rooftop.
  - c. **Free Standing Device:** Any device which is affixed to a Self-Supporting Tower.
4. **Wireless Communications Facility (WCF):** Any buildings, structures, towers, and appurtenant equipment and storage that are used for the express purpose of conducting wireless telecommunication services regulated by the Federal Communications Commission (FCC) and defined as “personal wireless services” in Section 704, or other sections of the Federal Telecommunications Act of 1996 as amended. By way of example, but not limitation, “WCF” includes cellular telephone services, personal communication services, paging services, specialized mobile radio, including wireless intended for the transmission of data or internet, and also including antennas, towers, satellite dishes, or other devices or equipment for transferring wireless transmissions with or without a building to house and/or maintain such equipment.
5. **Collocation:** The mounting or installation of transmission equipment on an Eligible Facility for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
6. **Eligible Facility:** Any existing tower or base station as defined in the Spectrum Act, provided it is in existence at the time an Eligible Facilities Request is filed with the Town in accordance with the provisions of this Bylaw.



7. **Eligible Facilities Request:** Any request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.
8. **Spectrum Act:** The “Middle Class Tax Relief and Job Creation Act of 2012” (Public Law 112-96; codified at 47 U.S.C. §1455(a)).

**C. By Right Provisions.** The following devices may be constructed, erected, installed, placed and/or used within the Town subject to the issuance of a building permit by the Building Department in those instances when a building permit is required:

1. A device for customary private household use, including but not limited to, a conventional chimney-mount television antenna or home satellite dish not to exceed 3 feet in width;
2. A device (or combination of devices) installed on an existing building or other existing structure within any commercial or industrial district provided that such device or combination thereof, including its supports, is:
  - a. Finished in a manner designed to be aesthetically consistent with the exterior finish of such building or structure and otherwise in accordance with the Design Standards set forth in subsection 8.7.F; and
  - b. Mounted in such a manner that it does not:
    - i. Extend above the highest point of a building or structure by more than 10 feet;
    - ii. Obscure any window or other exterior architectural feature;
    - iii. Extend beyond the face of any wall or exterior surface by more than 18 inches;
    - iv. Extend below the top of the roof line of any single-story building or structure; or
    - v. Extend more than 8 feet below the roof line of any multi-story building or structure.
  - c. Not comprised of any device or devices which have a visible surface area facing surrounding streets and/or residential districts that exceeds 50 square feet in area.
3. A device owned by and located on the property of an amateur radio operator licensed by the FCC, which device shall be installed at the minimum height necessary for the proper functioning of amateur radio communications in accordance with the licensing requirements for that location; and
4. A device installed wholly within and not protruding from the interior space of an existing building or structure (including interior space behind existing roofs or within existing mechanical penthouse space) or behind existing rooftop mechanical screens in such a manner that the device would not be visible from surrounding streets and/or residential districts only for so long as such device remains wholly within such space or behind such roofs or screens.

#### **D. Special Permit General Requirements.**

1. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are prohibited.
2. To the greatest extent feasible, all service providers shall co-locate at existing facilities. Wireless communication facilities shall be designed to accommodate the maximum number of users as technically practical.
3. When co-location on an existing WCF is not feasible, the applicant must demonstrate that another site is required to address a substantial gap in coverage. A new WCF shall be located at one of the sites described in Section E.2 below; only if there is no feasible alternative location set forth in Section E.2 below that would address the gap in coverage may other locations be considered.
4. The height of a WCF shall be constructed at the minimum height necessary to accommodate the anticipated and future use of the facility. The maximum allowed height for a WCF shall be 120 feet.
5. A WCF shall meet all setback requirements as provided for in Section 6, Dimensional Regulations, of the Medway Zoning Bylaw.
6. Where the applicant seeks approval for a device owned or controlled by the applicant, approval of equipment shall be contingent upon the agreement of the applicant to reasonably cooperate with other wireless communications service providers in permitting the co-location of antennas on such structures, on commercially reasonable terms, unless:
  - a. There are structural or other limitations which would make it unfeasible to accommodate the proposed WCF; or
  - b. The proposed facility would interfere with the wireless communications of one or more existing occupants at the site, including the applicant.
7. The Board may adjust height and setback requirements by a four-fifth vote if the Board finds that such adjustments will result in:
  - a. A more desirable design of the development or provide enhanced buffering for adjacent residential properties;
  - b. Improved transmission for wireless telecommunication services, signals, and long distance communications; and/or
  - c. Improved public safety.

#### **E. Location of Wireless Communication Facilities.**

1. All applications for a new WCF must demonstrate inability to co-locate at an existing WCF, and that there is a gap in coverage that the new WCF will address in whole or in part, before consideration will be given to another site.

2. Should the applicant demonstrate the requirements that there is a technical inability to co-locate and that there is a gap in coverage that the new WCF will address in whole or in part, the following locations may be allowed by special permit and should be considered by the Applicant to the extent that any of these locations serve as a feasible location for a proposed WCF:
  - a. Any land located within an electrical transmission easement; or
  - b. Any land owned by the Town of Medway on which a water tower, water tank/well, emergency service building (i.e. police or fire station), or other buildings/structures, not including schools, are located.
3. Should the applicant demonstrate that there is a need for a WCF due to a substantial gap in coverage in a location not otherwise provided for in subsections 8.7.E.1 and 2, consideration may be given for a WCF as provided for in subsection 8.7.H. Applications under subsection 8.7.H must comply with all general, design, and procedural requirements of this Section 8.7, as well as all other applicable sections of the Medway Zoning Bylaw.
4. No WCF shall be located, erected, or modified nearer to any building or structure than one times the vertical height of the facility (inclusive of any appurtenant buildings/structures).
5. No WCF shall be located on land under status of G.L. c. 61A or c. 61B, as may be on record with the Assessor's Office.
6. No WCF shall be located within a National or Local Historic District unless the Zoning Board of Appeals finds that the facility is properly concealed, meets the Design Standards set forth in subsection 8.7.F, and does not alter the character of that district, property, building, or structure where it is located. All such applications shall be referred to the Historical Commission for review within five business days of receipt, and the Historical Commission shall provide its recommendations, if any, within 45 days after said referral.

#### **F. Design Standards.**

1. Wireless facilities shall be suitably screened from abutters and residential neighborhoods. Painting, landscaping, fencing, buffering and screening, when deemed necessary by the Zoning Board of Appeals, will be required at the expense of the owner.
2. Devices shall be camouflaged by location and/or design to disguise them from the public view, whether by designing the device so as to disguise it as an existing or new building or structure appropriate in type and scale to its location (e.g. a parking light adjacent to a recreational area, a flagpole in a park, a silo in a field, an artificial tree monopole in a wooded area) where the WCF are hidden within or mounted on a structure to make them essentially invisible, or whether located in a place and manner that renders the device essentially invisible (e.g. siting the device within existing trees, providing effective screening by the use of landscaped buffers which camouflage the device at the time of planting and are effective year-round).

3. Existing on-site vegetation shall be preserved. The Board may require additional buffering and screening if it finds that the existing vegetation is insufficient.
4. A different color scheme shall be used to blend the structure with the landscape below and above the tree or building line, as deemed necessary by the Board.
7. Fencing shall be provided to control access to the WCF and shall be compatible with the rural and scenic character of the area and of the Town. Fencing shall not be constructed of razor wire (or similar materials) or chain link.
8. There shall be no signs or advertisement signs permitted on or in the vicinity of a WCF, except for announcement signs, no trespassing signs, and a required sign, not to exceed four square feet in area for each device installation, which shall display a phone number where the person responsible for the maintenance of the WCF may be reached on a twenty-four hour basis. All other signage shall be consistent with Section 7.2, Signs, of the Zoning Bylaw.
9. Night lighting of any WCF shall be prohibited, except as required by the FCC, Federal Aviation Administration (FAA), or that needed for emergency service, security, and safety requirements. All lighting shall be consistent with Section, 7.1.2, Outdoor Lighting, of the Zoning Bylaw.
10. There shall be a minimum of one parking space for each facility, large enough for an electric utility vehicle, to be used only in connection with the maintenance of the site and not for the permanent storage of vehicles or other equipment.
11. To the extent feasible, the equipment to relay the wireless transmissions shall be located inside an existing building/structure. Otherwise, such equipment shall be located in a new, enclosed structure in a location where the visual impact to the surrounding properties and streets will be minimized. The Board may impose conditions on the siting and screening of such structure.

#### **G. Procedures for Special Permit.**

1. All applications for modification of existing or construction of new wireless communications facilities shall be submitted in accordance with the rules and regulations of the Zoning Board of Appeals, except that applications constituting Eligible Facilities Requests shall follow the procedures set forth in subsections 8.7.I and 8.7.J below.
2. Documentation must be provided for the rights to the property and/or use of buildings/structures (i.e. ownership), a portion of land and/or use of buildings/structures (i.e. a lease or rent), or other means of legal access. Applicants proposing to erect a WCF on municipally-owned land, buildings, or structures shall provide evidence of a contractual authorization by the Town to conduct wireless communication services on such properties.
3. A field inspection/site visit shall be conducted on all applications for a WCF prior to the hearing for the special permit. The results of the inspection shall become a permanent part of the applicant's file and shall bear the date of inspection and comments by the

inspecting town agents. A site visit shall include, but not be limited to, the following agents as determined necessary: Building Commissioner/Zoning Enforcement Officer, Conservation Agent, Department of Public Services Staff, and Zoning Board of Appeals Staff.

4. The following information must be provided, prepared by a professional engineer, licensed in the state of Massachusetts:
  - a. A plan shall be provided showing the exact location of existing and proposed buildings, structures and Towers, as well as:
    - i. Landscaping and lighting features;
    - ii. Buffering and screening;
    - iii. Fencing and controlled entry;
    - iv. Abutting streets, residential dwellings and all buildings/structures within 300 feet of the tower base and the distance at grade from the proposed WCF to each building on the plan;
    - v. Grading and utilities at two-foot contours; and
    - vi. Zoning requirements, as well as building and structural setbacks.
  - b. Elevation plans and/or colored rendition showing details of the tower(s) and devices, as well as any buildings/structures associated with the WCF. Plans should also provide details of buffering and screening, landscaping (including species, height, and breadth of trees and shrubbery), lighting, fencing, and colors and materials for the entire project site.
  - c. Description of facility, as well as all technical, economic, and other reasons for the proposed location, height and design;
  - d. Confirmation that the facility complies with all applicable Federal and State standards;
  - e. Description of facility capacity including number of type of devices that can be accommodated and basis for calculations. For existing towers, confirmation that the WCF has the structural and technical capacity for an additional device;
  - f. Specifications for construction, lighting, and wiring in accordance with State and National building codes;
  - g. Environmental Assessment, as may be required by the FCC;
  - h. Confirmation that proposed facility complies with FAA and FCC guidelines;
  - i. Written statement demonstrating that there are no adverse impacts to residents and the general public—visual, safety, or otherwise; and

- j. A plan showing the existing WCF locations and service provider coverage in and surrounding the Town of Medway, as well as the proposed WCF location and service coverage of that facility. This plan should be provided by a certified radio frequency engineer(s) or other certified telecommunications specialist.

#### **H. Special Provisions for Review of Application to Construct New WCF pursuant to 1996 Telecommunications Act.**

1. The Board shall issue a special permit for a WCF, in accordance with the provisions of this Section, in areas where a WCF would otherwise be prohibited, if and only if the following terms and conditions are met entirely:
  - a. The Board, after public hearing and presentation of substantial evidence by the applicant, determines that a significant gap in wireless coverage exists in a portion of the town; and
  - b. There is no feasible alternative location for the proposed location of the WCF which would adequately address the gap in coverage; and
  - c. An application for a significant gap in wireless coverage determination must provide information such as mapping of existing areas of coverage, maps depicting location of wireless coverage gaps, reports, affidavits, and other supplemental narrative information, from a suitably qualified radio frequency engineer(s) or other telecommunications specialist, to clearly demonstrate that a gap in coverage exists and there are no feasible alternative locations for the proposed WCF that would address the gap in coverage.
  - d. An application for a special permit relying upon a significant gap in wireless coverage determination shall comply with all general, design, and procedural requirements of this Section 8.7, as well as all other applicable sections of the Medway Zoning Bylaw.

#### **I. Request for Modification of Eligible Facilities.**

1. Submission Requirements – Applications for an Eligible Facilities Request shall be filed with the Building Department. The Building Commissioner shall conduct an initial review of the application within 30 days of receipt to determine whether the application is complete. The Building Commissioner shall notify the applicant within thirty days of receipt of the application if the application is deemed incomplete. Such notice shall delineate all missing documents or information.
2. Review of Application – The Building Commissioner shall conduct a limited-scope review of an Eligible Facilities Request to determine if the proposed Eligible Facilities Modification will result in a substantial change to the physical dimensions of an Eligible Facility. An Eligible Facilities Request “substantially changes” the physical dimensions of an Eligible Facility if it meets any of the criteria established in the FCC Eligible Facilities Request Rules.

- ## J. Construction, Maintenance, & Cessation of Use.

- Or act in any manner relating thereto.

**BOARD OF SELECTMEN RECOMMENDATION:** Approve

**ARTICLE 20:** (Transfer Funds to Medway Redevelopment Authority)  
To see if the Town will vote to transfer the \$74,400 appropriated by vote of the May 2017 Annual Town Meeting under Article 8 to the Medway Redevelopment Authority for the purpose

of funding initial land acquisition costs, including any legal or technical costs associated thereto, in connection with implementing a redevelopment and/or urban renewal plan for the so-called Oak Grove project, or act in any manner relating thereto.

**BOARD OF SELECTMEN**

**BOARD OF SELECTMEN RECOMMENDATION:**    **Approve**

**FINANCE COMMITTEE RECOMMENDATION:**    **Approve**