

**TOWN OF MEDWAY
WARRANT FOR 2021
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 15, 2021, 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 \$2,461 from the Fiscal Year 2022 Sewer Consulting Services Account, \$232.40 from the Fiscal Year 2022 Water Repair and Maintenance Roadwork Account, \$232.40 from the Fiscal Year 2022 Sewer Contracted Services Account, \$207 from the Fiscal Year 2022 Water Testing Account, \$650 from the Fiscal Year 2022 Communications Department professional/ technical account, and \$211.88 from the Fiscal Year 2022 Police Department vehicle 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: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 2: (Transfer to Fire Dept. Budget)

To see if the Town will vote to appropriate the sum of \$91,119 to the Fiscal Year 2022 Fire Department budget, and to meet this appropriation \$43,877 shall be transferred from the Fiscal Year 2022 Salary Reserve account, and \$47,242 shall be transferred from the EMS Ambulance Revenue account, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 3: (Free Cash Transfer to Facility Stabilization Fund)

To see if the Town will vote to transfer a sum of money from Certified Free Cash to the Facility Stabilization Fund, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION:

Approve

FINANCE COMMITTEE RECOMMENDATION:

To Be Determined

ARTICLE 4: (Free Cash Transfer: Capital Items)

To see if the Town will vote to transfer \$81,000 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
Voting Machines	Town Clerk	\$25,000
Portable Baseball Field Fence and Storage	Parks and Recreation	\$25,000
Security Cameras (Various Locations)	Information Services	\$31,000
	Total	\$81,000

Or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION:

Approve

FINANCE COMMITTEE RECOMMENDATION:

To Be Determined

ARTICLE 5: (Free Cash Transfer: Athletic Field Stabilization Fund)

To see if the Town will vote to transfer \$93,100 from Certified Free Cash to the Athletic Field Stabilization Fund, or act in any manner relating thereto.

FINANCE COMMITTEE

SELECT BOARD RECOMMENDATION:

Approve

FINANCE COMMITTEE RECOMMENDATION:

Approve

ARTICLE 6: (Free Cash Transfer: BESS Study)

To see if the Town will vote to transfer \$100,000 from Certified Free Cash for the purpose of funding the services of consultants and other experts as may be necessary to provide information on all aspects of the operation, safety, security and technology of Battery Energy Storage Systems (BESS), as well as the potential economic impacts of a BESS facility and recommendations for zoning bylaw amendments, as voted by May 10, 2021 Annual Town Meeting, and further to authorize contracts therefor for terms in excess of three years, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION:

Approve

FINANCE COMMITTEE RECOMMENDATION:

Approve

ARTICLE 7: (Transfer CPA Funds: 1964 Firetruck Restoration)

To see if the Town will vote to transfer \$295,000 from Community Preservation Fund Historic Reserves for the purpose of restoring a 1964 Maxim fire pumper and a storage shed for its shelter, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 8: (Transfer CPA Funds: Construct Accessible Trail, viewing platform, and associated parking)

To see if the Town will vote to transfer \$65,000 from Community Preservation Fund Open Space Reserves for the purpose of designing and constructing a one-quarter mile ADA-accessible loop trail with a viewing platform, parking, benches, and associated amenities as an addition to the existing Adams Street Meadow trail, or act in any manner relating thereto.

SELECT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **Approve**

ARTICLE 9: (Amend Zoning Bylaw: Environmental Standards)

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

7.3. ENVIRONMENTAL STANDARDS

- A. **Purpose.** The intent of this section is to provide standards for uses which, by their operation, may generate impacts that are potentially hazardous, harmful to the environment, disturbing, offensive or objectionable.
- B. **Enforcement:** The Zoning Bylaw, § 3.1, Enforcement, Violations, and Penalties authorizes the Building Commissioner, or designee, to interpret and enforce the Bylaw. At the discretion of the Building Commissioner, a technical consultant may be engaged by the Town of Medway to investigate and document violations pursuant to this section.
- C. **Definitions:** For purposes of this section of the Bylaw, the following terms shall be defined as follows:

Air Pollution: The presence in the ambient air space of one or more air contaminants or combinations thereof in such concentrations and of such duration as to: (a) cause a nuisance; (b) be injurious, or be on the basis of current information, potentially injurious to human health or animal life, to vegetation, or to property; or (c) unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business.

Ambient Noise: The sound pressure level at a given location produced by everything else excluding the source of sound being monitored, analyzed, or evaluated. Also referred to as background noise. Ambient noise includes environmental noises from sources such as traffic, aircraft, waves, alarms, animals or noise from existing mechanical devices such as air conditioning, power supplies, or motors that are present prior to introduction of a new intrusive sound source that is being evaluated. The measurement metric to determine ambient noise levels will be the A-weighted L_{90} sound level.

Commercial Zones: Properties located in the Central Business, Village Commercial, Neighborhood Commercial, Oak Grove Village Center, or Oak Grove Business Park zoning districts as shown on the Medway Zoning Map

Continuous Noise: Noise including but not limited to noise generated by machinery that keeps running without interruption including, but not limited to heating or ventilation systems, factory equipment, or engine noise.

(Hz) Hertz: A unit for measuring the number of cycles that occur in a second. In this standard, Hz will be referring to sound waves.

(dB) Decibel: A logarithmic (dimensionless) measure used in describing the amplitude of sound.

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

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

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

Industrial Zones: Properties located in the East Industrial, West Industrial, Business/Industrial, or Energy Resource zoning districts as shown on the Medway Zoning Map

L_{90} Sound Level: The A-weighted sound level that is exceeded ninety percent (90%) of the time during a measurement period.

Noise: Sound of sufficient intensity and/or duration as to cause a condition of air pollution. Noise which complies with subsection D.2 herein shall not be deemed to cause a condition of air pollution.

Noise Level: The frequency weighted sound pressure level as measured with a sound level meter or equivalent device using the A-weighting network. This level is designated dBA.

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

One-third Octave Band (TOB): A frequency band where the highest frequency is 1.26 times the lowest frequency.

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

Prominent Discrete Tone: The presence of acoustic energy concentrated in a narrow frequency range, including, but not limited to, an audible tone, which produces a one-third octave sound pressure level greater than that of either adjacent one-third octave and which exceeds the arithmetic average of the two adjacent one-third octave band levels by an amount greater than shown in the following table opposite the center of frequency for the one-third octave band containing the concentration of acoustical energy.

1/3 Octave Band Center Frequency (Hz)	dB		1/3 Octave Band Center Frequency (Hz)	dB
100	16		1250	4
125	14		1600	4
160	12		2000	3
200	11		2500	3
250	9		3150	3
315	8		4000	3
400	7		5000	4
500	6		6300	4
630	6		8000	5
800	5		10000	6
1000	4			

Residential Zones: Properties located in the Agricultural-I, Agricultural-II, Village Residential, or Oak Grove Neighborhood zoning districts as shown on the Medway Zoning Map

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

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

1. **Smoke, Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution:** All activities involving smoke, fly ash, dust, fumes, vapors, gases, other forms of air pollution, as defined in CMR 310, § 7, Air Pollution Control Regulations, as amended, which can cause damage to human health, to animals or vegetation, or other forms of property, or which cause any excessive soiling at any point are prohibited.
2. **Noise Disturbance:** The Building Commissioner may determine that a noise source is subject to investigation, and if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties.
 - a. **Standards.** No person or persons owning, leasing or controlling the operation of any source or sources of noise shall produce disturbing, offensive or objectionable noises in any zoning district or impact any space where people live, work or assemble in a way that unreasonable interferes with the comfortable enjoyment of life or the use of property.
 - 1) **Continuous Noise.** For the purposes of this bylaw, continuous noise restrictions apply to permanent non-residential uses and home-based businesses where noise is a by-product of business operations (such as from exhaust equipment). Maximum permissible sound pressure levels measured at the property line of the noise source shall not exceed the values specified in the tables below. In addition, maximum permissible sound levels

measured at Sensitive Receptors positioned anywhere on a property that is wholly or partially located within two-thousand feet of the property line of the source of continuously radiated noise shall not exceed the values in the tables below. In the calculation of day-evening-night levels (known as L_{den}), Daytime is defined as between the hours of 7:00 a.m. and 7:00 p.m.; Evening is defined as between the hours of 7:00 p.m. and 11:00 p.m.; and Nighttime is defined as between the hours of 11:00 p.m. and 7:00 a.m.¹ These time periods will be used to determine compliance as per the tables below.

Industrial Zoned Property to Industrial Zoned Property

	Daytime 7:00 a.m. – 7:00 p.m. @ Property Line	Evening 7:00 pm – 11:00 pm @ Property Line	Nighttime 11:00 p.m. – 7:00 a.m. @ Property Line
Overall Level (dBA)	55	55	55

Industrial or Commercial Zoned Property to Commercial Zoned Property

	Daytime 7:00 a.m. – 7:00 p.m. @ Property Line	Evening 7:00 p.m. – 11:00 p.m. @ Property Line	Nighttime 11:00 p.m. – 7:00 a.m. @ Property Line
Overall Level (dBA)	50	50	50

Industrial or Commercial Zoned Property to Residential Zoned Property

- The introduction of any potential new noise sources cannot result in an increase in broadband sound pressure levels of more than 2 dB above the existing ambient conditions at the nearest residential property line or any Sensitive Receptor; and
- The introduction of any potential noise sources cannot result in overall noise levels that exceed the following:

	Daytime 7:00 a.m. – 7:00 p.m. @ any Residential Property Line	Evening 7:00 pm – 11:00 pm @ any Residential Property Line	Nighttime 11:00 p.m. – 7:00 a.m. @ any Residential Property Line	Evening & Nighttime 7:00 p.m. – 7:00 a.m. @ Sensitive Receptors

¹ Directive 2002/49/EC of the European Parliament and Council of the European Union, 25-June-2002

Maximum Overall Noise Level (dBA)	47	45	42	32
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- 2) **Tonal Requirements** – The presence of prominent discrete tones, as defined in Section 7.3 (c) herein at any industrial, commercial or residential property line shall be considered a violation.
- 3) **Temporary Noise.** For the purposes of this bylaw, non-continuous noise restrictions apply to permanent non-residential installations and home-based businesses where noise is periodically produced. No person shall use or cause the use of any noise-producing equipment or tool (such as for construction, repair, demolition operations or equipment testing such as for emergency generators) between the hours of 7:00 p.m. and 7:00 a.m.
- 4) **Construction Noise.** Work at construction sites and in the operation of construction equipment including start-up and movement of trucks, vehicles, and machines shall commence no earlier than 7:00 a.m. and shall cease no later than 7:00 p.m., Monday through Saturday. No construction shall take place on Sundays, federal holidays or state legal holidays without the advance written approval of the Building Commissioner.

Advisory Note – State regulations authorize municipal police departments, fire departments, and board of health officials to enforce noise standards that are based on certain sections of 310 Code of Massachusetts Regulations (CMR), § 7, Air Pollution Control Regulations. Such regulations are distinct and separate from the Town’s zoning regulations for noise.

- b. **Investigation.** The Building Commissioner may determine that a noise source is subject to investigation, and, if it is determined to be in violation of this bylaw, may take appropriate enforcement action, including the issuance of orders requiring the development and implementation of corrective measures, and/or imposition of fines or non-criminal penalties. If the Building Commissioner determines that an investigation is warranted, he or she or a designee, may undertake a noise study to determine if a non-compliant noise condition exists. The Building Commissioner may enlist the assistance of other Town personnel for the investigation. At the discretion of the Building Commissioner, a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience may be engaged by the Town to assist in the investigation including measurements and documentation of violations. Depending on the particular site and its noise generators, the noise study may include measurements of:
 - Ambient noise (Daytime, Evening, and Nighttime) and
 - Operational noise levels (Daytime, Evening, and Nighttime) at the facility property line and at Sensitive Receptors located anywhere on a property that is wholly or partially located within two thousand feet of the facility property line. These operational measurements may include one-third octave band measurements to check for the prominent discrete tone condition as defined in Section 7.3(c).
- c. **Noise Control, Abatement and Mitigation Plan.**
 - 1) If the Building Commissioner determines that there is a violation, he or she shall order the owner or operator to come into compliance. The owner and/or operator of the noise producing use shall provide a noise control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a qualified acoustical consultant whose qualifications include Institute of Noise Control Engineering (INCE) board certification or equivalent experience.
 - 2) Special permit and site plan applicants for facilities that could potentially introduce noise may be required to conduct a background noise survey over a minimum of a 7-day period

to establish noise levels at the nearest residential property lines and at the property line of any Sensitive Receptor located within 2,000 feet of the subject property for conditions at the time of application. The applicant shall make a good faith effort to secure permission from the owners of such noted properties to install the sound monitoring equipment and to provide documentation of such efforts as part of the noise survey report. The sound monitoring is to be conducted by a qualified professional acoustic testing firm, in accordance with the procedures in with the most current versions of American National Standards ANSI S12.18² and ANSI/ASA S3/SC1.100-2014/ANSI/ASA S12.100-2014³. Sound analyzers used for the background noise monitoring should be capable of collecting 10-minute and hourly L₉₀ sound levels. Background noise levels will be determined by monitoring noise levels for at least seven days. For each hour of the day, the hourly L₉₀ levels measured on every day of the monitoring period will be arithmetically averaged to determine a single L₉₀ average for each of the 24 hours of the day. The background noise level for Daytime, Evening and Nighttime periods will then be determined by taking the lowest averaged hourly L₉₀ value found in each of these time periods. The 10-minute L₉₀ sound levels will be used to determine if any unusual activity occurred during that hour. If so, that hourly measurement will be discarded and not included in the average calculation.

- 3) If a special permit or site plan approval is required for construction or operation of any facility which could introduce noise sources into the community, once background ambient noise levels are established, an applicant may be required submit a noise control, abatement and mitigation plan during the permitting process to demonstrate that the noise levels as specified above will not be exceeded.
- 4) A noise control, abatement and mitigation plan shall use established acoustical prediction procedures and should predict noise levels at property lines as well as Sensitive Receptors. The noise control, abatement and mitigation plan shall include the concept of “buy quiet”, which means using the quietest equipment that will meet operational requirements. The practice of using the Best Available Control Technology (BACT) shall also be employed to assure that any equipment being installed is as quiet as possible. The potential existence of prominent discrete tones as defined above shall also be evaluated and addressed.
- d. **Corrective Measures.** Non-residential uses that produce non-compliant noise must install and maintain noise reducing equipment in accordance with the approved noise control plan to meet the requirements of this section. The Building Commissioner may require the provision of reports to document ongoing noise compliance.
- e. **Continued Noise Compliance.** Should it be determined that a facility goes out of compliance and exceeds any allowable noise limit conditions (e.g. due to equipment wear), corrective action will be required to bring the facility back into compliance which could include, but not be limited to, equipment replacement or additional mitigation steps.
3. **Vibration:** No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7:00 a.m. and 7:00 p.m. or for thirty seconds or more in any one hour from 7:00 p.m. to 7:00 a.m. shall be permitted. No vibration at any time shall produce an

² Acoustical Society of America, American National Standard ANSI S12.18-1994 (R2009), “Procedures for Outdoor Measurement of Sound Pressure Level,” reaffirmed by ANSI June 15, 2009. Reference is to Method #1: General method for routine measurements.

³ Acoustical Society of America, American National Standard ANSI/ASA S3/SC1.100-2014/ANSI/ASA S12.100-2014. Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas
<https://webstore.ansi.org/standards/asa/ansiasas3sc11002014s12>

acceleration of more than 0.1g or shall result in any combination of amplitude and frequencies beyond the "safe" range on the most recent edition of Table 7, U.S. Bureau of Mines Bulletin NO. 442 (U.S. Department of the Interior).

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

practices of ASTM (American Society for Testing Materials) - E679 and meet the selection criteria of EN13725 (international olfactometry standard). As a component of such investigation, measurements may be done in the field by using:

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

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

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

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

- c) Chemical Analysis – Instrumental methods of characterizing odor involving the identification and quantification of chemical compounds in an odor sample by means of gas chromatography coupled with mass spectrometry, analysis of hydrocarbon molecules, and analysis of single gases such as ammonia and hydrogen sulfide.
 - d) Instrumental Odor Monitoring – Instruments designed to mimic human olfaction in the detection and characterization of simple or complex odors. Also referred to as electronic (E) - noses.
 - e) Any other method or best practice determined to be appropriate by the Building Commissioner.
- c. **Odor Control Plan** – If, based on the investigation, the Building Commissioner determines that there is a violation, the owner and/or operator of the odor-producing use shall be required to provide an odor control, abatement and mitigation plan to the Building Commissioner for review and approval, or otherwise bring the property into compliance with this bylaw and the order of the Building Commissioner. The plan shall address how the site will become compliant and specify suitable corrective measures. Compliance shall be achieved through industry best practices and suitable mitigation measures. The plan shall be prepared by a certified environmental engineer, certified environmental professional, or certified industrial hygienist with experience in odor management, abatement and mitigation technologies. The Building Commissioner may also require the plan to include the provision of reports of ongoing odor monitoring and compliance.

- d. **Corrective Measures** - Non-residential uses that produce non-compliant odors shall be required to install and maintain odor-eliminating equipment in accordance with the approved odor control plan to meet the requirements of this section.

E. Exemptions

- 1) **Farming.** Impacts resulting from agricultural, farm-related, or forestry-related activities as defined by G.L., c 128, Agriculture, § 1A, as amended, and Medway General Bylaws, ARTICLE XXXI, §2 Right to Farm, are exempt from these restrictions when such activities follow generally accepted practices (G.L., c 111, §125A).
- 2) **Residential Uses.** Impacts resulting from residential activities such as but not limited to barbecues, wood stove exhaust, driveway paving, gardening, and house painting are exempt from these restrictions.
- 3) **Repair and infrequent maintenance activities.** Repair and infrequent maintenance activities such as but not limited to those for septic and sewer systems are exempt from these restrictions.
- 4) **Construction.** Impacts resulting from construction, demolition, or repair work that occurs between 7:00 a.m. and 6:00 p.m. on public improvements authorized by a governmental body or agency; utility work and repairs, and other similar work on private property pursuant to an order by a governmental body or agency for health or safety purposes are exempt from these restrictions.
- 5) **Municipal uses.** Municipal uses and other governmental entities are exempt from the provisions of this Section 7.3.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION:

Approve

FINANCE COMMITTEE RECOMMENDATION:

To Be Determined

ARTICLE 10: (Amend Zoning Bylaw: Battery Energy Storage Facility Moratorium)

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

Amend Section 2 by adding the following new definition:

Battery energy storage facility: A series of containers or cabinets containing batteries and related equipment designed to store electrical energy for periodic resale to the wholesale energy market and/or other customers on the electrical grid. 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, other power interconnection facilities and/or a project substation.

And by inserting the following new section as Section 1.8, Temporary Moratorium:

1.8 Temporary Moratorium

A. Preamble

WHEREAS, the Medway Town Meeting voted on May 10, 2021:

“That the Planning and Economic Development Board conduct a review and study of Battery Energy Storage Systems (BESS) and engage the services of consultants and other experts as may be necessary to provide information on all aspects of the operation, safety, security, and

technology of such systems, including the economic impact of a BESS facility if located in the Town of Medway, with a report to be completed by October 15, 2021 of the board's findings and recommendations, to include but not be limited to, consideration of potential amendments to the Zoning By-Law."

And WHEREAS, the Planning and Economic Development Board is conducting the review and study as voted by the Town Meeting, but the review and study was not completed by October 15, 2021, as a result of which, potential zoning bylaw amendments to address BESS have not been completed in time to be presented to the November 15, 2021 Town Meeting.

NOW, THEREFORE, it is proposed that a temporary moratorium be imposed in order to allow the Planning and Economic Development Board to conduct its review and study, and to propose potential zoning bylaw amendments to regulate BESS.

B. Temporary Moratorium

There is hereby imposed a temporary moratorium on the construction of any and all battery energy storage facilities in the Energy Resources (ER) zoning district effective until June 30, 2023.

Or act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION:

Approve

FINANCE COMMITTEE RECOMMENDATION:

To Be Determined

ARTICLE 11: (Amend Zoning Bylaw: Schedule of Uses, Energy Resource District)

To see if the Town will vote to amend the Zoning Bylaw, Section 5.4, Schedule of Uses, by changing the status of the uses permitted by right (specified as Y on the table) to N (prohibited use) in Table 1 in the Energy Resource (ER) district by deleting the text indicated by ~~strike through~~ and inserting the text shown in **bold** as follows.

ARTICLE 1: SCHEDULE OF USES											TABLE 1: Form-Based Districts		
	AR-I	AR-II	VR	CB	V C	NC	BI	EI	ER	WI	OG VC	OG BP	OG N
D. BUSINESS USES													
Commercial indoor amusement	N	N	N	SP	N	N	Y	Y	Y N	Y	Y	Y	N
E. INDUSTRIAL AND RELATED USES													
Wholesale bakery	N	N	N	N	N	N	N	Y	Y N	Y	N	Y	N
Wholesale showroom or office, including warehouse	N	N	N	N	N	N	N	Y	Y N	Y	N	Y	N
Manufacturing	N	N	N	N	N	N	Y	Y	Y N	Y	N	Y	N

Light Manufacturing	N	N	N	N	N	Y	Y	Y	Y	N	Y	N	Y	N
Research and development	N	N	N	N	N	N	Y	Y	Y	N	Y	N	Y	N
Brewery	N	N	N	N	N	N	Y	Y	Y	N	Y	N	Y	N

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION:

Approve

FINANCE COMMITTEE RECOMMENDATION:

To Be Determined

ARTICLE 12: (Amend Zoning Bylaw: Housekeeping)

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

Amend Section 10. Central Business District Development Standards, sub-section 10.2.D. Parking Requirements, 1. Purpose and Intent by combining subsections b. and c., and re-lettering subsection d. to c., so that it will read as follows:

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

2. Amend Section 10.2.B.1 by inserting the language shown in **bold** text as follows:

B. Main Street Pedestrian Frontage Zone.

1. The Main Street Pedestrian Frontage Zone includes all properties **in the Central Business District** with frontage on Route 109 (Main Street). These frontages are prioritized for pedestrian-oriented ground floor uses. Buildings fronting on the designated Pedestrian Frontage Zone shall be subject to the following requirements:

And to amend Section 3.5. Site Plan Review, subsection 3.5.4.J. Procedures for Administrative Site Plan Review, item 4 by inserting the language shown in **bold** text as follows:

4. If proposed activity or use requires administrative site plan review and one or more special permits, the Planning and Economic Development Board shall serve as permit granting authority for all, **except special permits under Section 5.5 Nonconforming Uses and Structures**.

And to amend Section 3.4. Special Permits, sub-section H.2 by deleting the text indicated by ~~strike-through~~ and inserting the language shown in **bold** text:

2. If proposed activity or use requires administrative site plan review ~~pursuant to Section 3.5 Site Plan Review~~ and one or more special permits, the Planning and Economic Development Board shall serve as permitting granting authority for all, **except special permits under Section 5.5 Nonconforming Uses and Structures.**

And to amend Section 5.5. Nonconforming Uses and Structures, Sub-Section D by inserting the language shown in **bold** text as follows:

D. Nonconforming Uses: Legally pre-existing nonconforming uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Zoning Board of Appeals as the special permit granting authority that such extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The Zoning Board of Appeals may grant a special permit to change or substantially extend a nonconforming use only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

And to amend the definition of Outdoor Display in Section 2 DEFINITION by deleting the current definition which reads:

Outdoor Display: The temporary display of goods and products sold by a business establishment, located on the same premises but not including such display on any parking, delivery or loading areas, fire lanes, drive aisles, or sidewalks where less than 6 feet of sidewalk width remains for pedestrian access, or other features that could cause a safety hazard, and limited to the hours the business is open.

And replacing it to read as follows:

Outdoor Display: The temporary display of goods and products sold by a business establishment, located on the same premises, and limited to the hours the business is open. Outdoor displays are prohibited on any parking, delivery or loading areas; fire lanes; drive aisles; or sidewalks where less than 6 feet of sidewalk width remains for pedestrian access; or any other location that could cause a safety hazard.

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

FINANCE COMMITTEE RECOMMENDATION: **To Be Determined**

ARTICLE 13: (Amend Zoning Bylaw: Construction Equip./Machinery Sales, Leasing, Rentals)
To see if the Town will vote to amend the Zoning Bylaw as follows:

By adding a new definition in SECTION II – Definitions as follows:

Construction Equipment/Machinery Sales, Leasing or Rentals - A facility that sells, leases, or rents any new or used construction equipment, machinery or device designed and intended for use in construction or material handling including but not limited to air compressors, air tracks, backhoes, bulldozers, compactors and rollers, cranes, derricks, ditchers, excavators, generators, graders, loaders, lulls, off-highway haulers, pavers, pile drivers, scrapers, tractors, trenchers and other material handling

equipment. This use may include the maintenance and repair only of equipment, machinery or devices owned by the establishment.

And by amending Table 1 in Section 5.4 Schedule of Uses by adding Construction Equipment/Machinery Sales, Leasing or Rentals (subject to Section 7.1.3 Outdoor Storage) as a use in E. Industrial and Related Uses to be allowed by special permit only in the West Industrial Zoning District with the Planning and Economic Development Board serving as the special permit granting authority as follows:

TABLE 1: SCHEDULE OF USES													
	AR-I	AR-II	VR	CB	VC	NC	BI	EI	ER	WI	Form-Based Districts		
											OG VC	OG BP	OG N
E. INDUSTRIAL AND RELATED USES													
Construction Equipment/Machinery Sales, Leasing or Rentals (Subject to Section 7.1.3 Outdoor Storage)	N	N	N	N	N	N	N	N	N	PB	N	N	N

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION:

Approve

FINANCE COMMITTEE RECOMMENDATION:

To Be Determined

ARTICLE 14: (Street Acceptance: Bramble, Briar, Fern, Field, Redgate)

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

A portion of Bramble Road (shown as Bramble Patch Way on the Plan), from its southern terminus to a point approximately 740 linear feet north;

Briar Lane in its entirety;

A portion of Fern Path from its intersection with Redgate Drive to a point approximately 200 linear feet north;

A portion of Field Road (shown as Hay Field Road on the Plan), from Howe Street to a point approximately 1,175 linear feet south;

Redgate Drive in its entirety (shown as Red Gate Drive on the Plan);

All as shown on *Subdivision Plan of Land in Medway, MASS Red Gate Estates*, dated October 14, 1986, last revised December 17, 1986, prepared by H₂O Engineering Consultants, Inc. of Weston, MA, endorsed by the Planning Board on January 13, 1987, recorded at the Norfolk County Registry of Deeds as plan number 613 of 1987 in Plan Book 354 (herein referred to as “the Plan”).

And further to see if the Town will vote to accept as a gift from the Trustees of the Red Gate Estates Realty Trust of Milford, MA one parcel of land containing 1.445 acres, more or less, identified as Lot – 1
11/15/21 Fall Town Meeting Warrant

on the Plan, also known as 2 Redgate Drive (Medway Assessors Map 22, Parcel 020) for drainage and general municipal purposes.

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

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

Or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

SELECT BOARD RECOMMENDATION: **Approve**

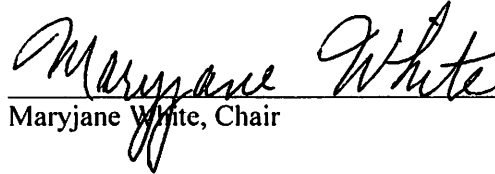
FINANCE COMMITTEE RECOMMENDATION: **Approve**

And you are hereby directed to serve this warrant by posting printed attested copies thereof at two (2) locations in each precinct at least FOURTEEN (14) days before the day of said meeting. Hereof fail not and make due return of this warrant with your doings thereon to the Clerk of said Town at or before the time of said meeting.

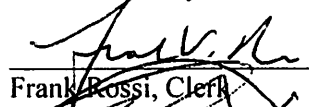
Given under our hands in Medway, this 18th day of October 2021.

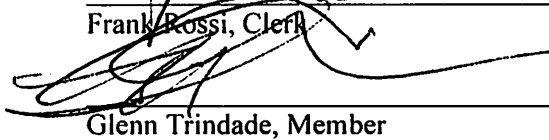
A TRUE COPY:

SELECTMEN OF THE TOWN OF MEDWAY


Maryjane White, Chair

Dennis Crowley, Vice-Chair


Frank Rossi, Clerk


Glenn Trindade, Member

John Foresto, Member


ATTEST: Paul Trufant, Constable