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Notice of Planning Board Hearing

Relative to Proposed Zoning By-Law Amendments Pursuant to M.G.L. c. 40A, § 5

The Planning Board of the Town of MEDFIELD will hold a public hearing to discuss proposed amendments to the town's zoning by-laws. The public hearing will be held as follows:

Place: Town Hall, 2nd Floor, Chenery Room

Date: Monday, December 19, 2016

Time: 8:05 pm

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TOWN CLERK

The subject matter of the proposed amendments is/are as indicated below (*attach additional sheets if necessary*). The complete text and maps relative to the proposed amendments are available for inspection during regular business hours at the following place(s):¹

Place: Planning Department, Town Hall, 459 Main St., Medfield, MA

Place: Town Clerk, Town Hall, 459 Main St., Medfield, MA

Place: www.medfield.net > Events > Download the pdf of the meeting notice for the Planning Board meeting on December 19, 2016

Article Number ### Subject Matter of Proposed Amendments Sufficient for Identification

Pursuant to the provisions of MGL ch. 40A §5, the Medfield Planning Board will hold a public hearing at 8:05 p.m. on Monday, December 19, 2016, at the Medfield Town House, 459 Main Street, for the purpose of accepting public comments on the following proposed amendments to the Town of Medfield Zoning By-laws:

#1# To see if the Town will vote to amend the Medfield Town Code Chapter 300 Zoning Article 2 Definitions, by adding the following in appropriate alphabetical order:

TWO-FAMILY DWELLING - a single building divided either (a) vertically and designed for two families living side by side where Habitable Space is separated by a common party wall, or (b) horizontally and designed for two

¹ **Note:** The above information is *strictly required* by M.G.L. c. 40A, § 5.

families occupying separate apartments one above the other – also called a duplex.

HABITABLE SPACE - an area within a building, typically a residential building, used for living, sleeping, eating or cooking purposes - also called occupiable space. Those areas not considered to meet this definition include storage rooms, garages and utility spaces.

or do or act anything in relation thereto.

#2# To see if the Town will vote to amend the Medfield Town Code Chapter 300 Zoning Attachment 1 Table of Use Regulations, by adding the following symbol:

SPPB - A use which may be permitted in the district by a special permit from the Planning Board in accordance with appropriate By-Laws.

or do or act anything in relation thereto.

#3# To see if the Town will vote to amend the Medfield Town Code Chapter 300 Zoning Attachment 1 Table of Use Regulations, by adding the sections in **bold** for the following purpose:

- **New Section 1.2b.** would allow the by-right construction of a new two-family dwelling or the conversion of an existing single-family dwelling to a new two-family dwelling if the proposed lot coverage is below 15%
- **New Section 1.2c.** would allow the construction of a new two-family dwelling or the conversion of an existing single family to a new two-family dwelling by special permit from the Planning Board if the proposed lot coverage is equal to or greater than 15%

	Use	A	RE	RT	RS	RU	B	BI	IE
1	Residential								
1.1.	One-family dwelling (See § 300-14.10F)	YES	YES	YES	YES	YES	SP	NO	NO
1.1a.	Accessory dwelling unit in single-family dwelling (See § 300-14.10I)	SP	SP	SP	SP	SP	NO	NO	NO
1.2.	Two-family dwelling (Under § 300-14.10F)	NO	NO	NO	NO	Yes NO	SP	NO	NO
1.2a.	Family apartment [See definition in § 300-2.1 and § 300-14.10I(3)]	SP	SP	SP	SP	YES	SP	NO	NO
1.2b.	Conversion of one-family dwelling to two-family dwelling or a new two-family dwelling (lot coverage is < 15%)	NO	NO	NO	NO	YES	NO	NO	NO
1.2c.	Conversion of one-family dwelling to two-family dwelling or a new two-family dwelling (lot coverage is ≥ 15%)	NO	NO	NO	NO	SPPB	NO	NO	NO

or do or act anything in relation thereto.

#4# To see if the Town will vote to amend the Medfield Town Code Chapter 300 Zoning Attachment 3 Table of Height and Bulk Regulations, by adding a new row in **bold**, for the purpose of reducing the maximum lot coverage from 35% to 25% for two-family dwellings:

300 Attachment 3
Town of Medfield
Table of Height and Bulk Regulations

District	Maximum Height (feet)	Permitted Height (stories)	Maximum Floor Area Ratio Including Accessory Buildings	Maximum Lot Coverage	Multifamily Dwelling Minimum Unit Floor Area (square feet)
A*					
RE	35	2 1/2	0.2	10%	Not permitted
RT	35	2 1/2	0.25	15%	Not permitted
RS	35	2 1/2	0.35	20%	Not permitted
RU	35	2 1/2	0.35	35%	500 450**
<u>RU/ Two- Family</u>	<u>35</u>	<u>2 1/2</u>	<u>0.35</u>	<u>25%***</u>	<u>Not applicable</u>
B	35	3	0.75	90%	Not permitted
BI	30	2	0.75	90%	Not permitted
IE	35	2	0.5	90%	Not permitted

NOTES

* See § 300-5.5.

** 450 square feet required for public housing for elderly.

*** See § 300-14.15

or do or act anything in relation thereto.

#5# To see if the Town will vote to amend the Medfield Town Code Article 300 Zoning by adding a new Section 300-14.15 to create requirements for special permits by the Planning Board, as follows:

§300-14.15. Special permits by Planning Board.

Certain uses, structures, or conditions are designated as "SPPB" in the Table of Use Regulations included as an attachment to this bylaw. These uses require a special permit from the Planning Board, which may be obtained only by use of the following procedure.

A. Form of Application.

(1) Any person desiring to apply for a special permit hereunder shall submit an application in writing to the Planning Board with a copy to the Building Commissioner, the Board of Health, and Town Clerk. Each application shall contain the following information:

- (a) The full name and address of the applicant.
- (b) The full name and address of the record owner of the real estate concerning which the special permit is sought if different from the applicant.
- (c) If the applicant is other than the record owner of the real estate, the nature of the applicant's interest in the real estate (i.e., lease, option to purchase, etc.).

- (d) The street address and zone for the property concerning which a special permit is sought.
- (e) A summary of any construction or change which the applicant intends to make to the property if the special permit is granted.
- (f) Zoning Table to show existing and proposed dimensional requirements using methodologies found in the Medfield Zoning Bylaw.
- (g) A site plan showing the boundary lines of the premises and the locations of structures thereon; including parking areas, walkways, patios, decks, accessory structures, utilities, easements, stone walls or other significant features.
- (h) Current stamped plans showing any proposed construction, alterations or renovations of the premises for which the special permit is sought.
- (i) Current stamped engineered plans showing proposed drainage system.
- (j) If the proposed use contemplates removal or disturbance of any earth, topographical plans of the property shall be furnished which show existing and finished ground contours at two-foot intervals.
- (k) A summary of applicant's reasons for seeking the special permit.

(2) The Planning Board may require from any applicant for a special permit such additional information as it may determine to be necessary to determine the effect of the proposed use upon neighboring persons and property, and upon the welfare of the Town.

- B. If no recommendations are received within 35 days after the date on which a copy of the application is submitted to the Building Commissioner and the Board of Health, as required by Subsection A, it shall be deemed lack of their opposition thereto.
- C. Hearing. The Planning Board shall, at the expense of the applicant, give notice of a public hearing as required by the Zoning Act and shall, after publication of said notice, hold a public hearing on the application. The public hearing shall not be held until at least 21 days have elapsed and within 65 days from the date of the filing of the application. The public hearing shall be conducted in accordance with the rules and procedures prescribed by the Planning Board as required by the Zoning Act.
- D. The Planning Board shall adopt and from time to time amend rules relative to the issuance of special permits and shall file a copy of said rules in the office of the Town Clerk.
- E. After the public hearing required by Subsection C has been concluded, the Planning Board may grant a special permit if it concludes that a special permit is warranted by the application and the evidence produced at the public hearing and if it makes the following specific findings of fact:
 - (1) Overall design is architecturally and aesthetically consistent and compatible with the neighborhood, including as to factors of building orientation, scale, massing and materials.
 - (2) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
 - (3) Drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
 - (4) The proposed use will not have any adverse effect upon property values in the neighborhood.

- (5) Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.
- (6) Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.
- (7) Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.
- (8) The Proposed use will not create any hazard to public safety or health in the neighborhood.
- (9) If public sewerage is not provided, plans for on-site sewage disposal systems are adequate and have been approved by the Board of Health.

F. New two-family dwellings with a proposed lot coverage equal to or greater than 15% (in the RU zoning district) or the conversion of an existing single family dwelling to a new two-family dwelling with a proposed lot coverage equal to or greater than 15% (in the RU zoning district) shall be permitted subject to the following special criteria:

- (1) There shall be no more than two garage bays per unit and they should be oriented so that they are in character with the surrounding properties.
- (2) Each dwelling unit has access to private yard, patio, or other private outdoor space.
- (3) Proposed front and rear setbacks of the new two-family dwellings are consistent with surrounding dwelling units/neighborhood.
- (4) The project design shall include a continuous vegetative buffer zone of at least 5' in width and at least 6' in height (at time of occupancy) so as to provide a dense screen year round;
- (5) Each parking space or driveway serving a two-family dwelling shall be set back at least 10 feet from any side lot line and rear lot line and shall be designated on the site plan. Adequate provisions for snow removal or on-site storage should also be demonstrated.

G. Waivers to special permit criteria for a two-family dwelling - One or more of the special permit criteria specific to two-family dwellings required by Subsection F (1. through 5.) may be waived if, in the opinion of the Planning Board, based on compelling reasons of safety, aesthetics, or site design and evidence submitted by the applicant at the public hearing, the proposed project can be built without substantial detriment to the neighborhood, the proposed building is compatible with the neighborhood and surrounding properties, and the proposed project is otherwise consistent with the requirements of Subsection E and F of this Section.

Note: waivers granted to one project do not mean future projects may automatically receive the same waivers.

or do or act anything in relation thereto.

#6# To see if the Town will vote to amend the Medfield Town Code Chapter 300 Zoning Article 2 Definitions, by striking the existing definition of DWELLING, MULTIFAMILY and replacing it in its entirety with the following definition of DWELLING, MULTIFAMILY shown in **bold** in appropriate alphabetical order:

DWELLING, MULTIFAMILY
A building containing three or more dwelling units.

DWELLING, MULTIFAMILY A residential development consisting of three or more dwelling units on one single contiguous parcel, not necessarily contained in one building.

or do or act anything in relation thereto.

#7# To see if the Town will vote to amend the Medfield Town Code Chapter 300 Zoning Attachment 1 Table of Use Regulations, Section 1.4. by striking “PB” replacing with “SPPB” as shown in **bold** for the purpose of requiring a special permit for new multi-family dwelling developments:

	Use	A	RE	RT	RS	RU	B	BI	IE
1	Residential								
1.1.	One-family dwelling (See § 300-14.10F)	YES	YES	YES	YES	YES	SP	NO	NO
1.1.a.	Accessory dwelling unit in single-family dwelling (See § 300-14.10I)	SP	SP	SP	SP	SP	NO	NO	NO
1.2.	Two-family dwelling (See § 300-14.10F)	NO	NO	NO	NO	YES	SP	NO	NO
1.2.a.	Family apartment [See definition in § 300-2.1 and § 300-14.10I(3)]	SP	SP	SP	SP	YES	SP	NO	NO
1.4.	Multi-family dwelling, including public housing for the elderly (See § 300-14.13 15)	NO	NO	NO	NO	PB SPPB	NO	NO	NO

or do or act anything in relation thereto.

#8# To see if the Town will vote to amend the Medfield Town Code Chapter 300 Zoning Attachment 2 Table of Area Regulations, by adding a new row in **bold**, for the purpose of amending dimensional requirements for multi-family dwellings developments:

		Minimum Required							
		Lots					Yards		
Zoning District	Use	Area* (square feet)	Perfect Square (feet)**	Frontage (feet)	Width (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)
RU	Multi-family dwelling (three or more units)	24,000 30,000	200x200	200	200	100	30	20	50
	Per additional unit (4+ units)	6,000 10,000	300x300 for 4+ units	300	300	400	40	40	60

or do or act anything in relation thereto.

#9# To see if the Town will vote to amend the Medfield Town Code Article 300 Zoning by adding the following Section 300-14.15.H. to allow multifamily developments on a single lot by special permit from the Planning Board in a Residential Urban (RU) Zoning District in accordance with Subsections A through E (1 through 10).

or do or act anything in relation thereto.

#10# To see if the Town will vote to amend the Medfield Town Code Chapter 300 Zoning Article 14.10H(2)h, by inserting the following in **bold** so that it reads :

(h) For the enlargement of any nonconforming structure (not including a sign) beyond the maximum floor area ratio and yard regulations in any district and the extension of the use thereof, refer to Article 9. **For two-family dwellings refer to Article 300-14.15. For Multifamily dwellings refer to Article 300-14.10H(2)i.**

or do or act anything in relation thereto.

#11# To see if the Town will vote to amend the Medfield Town Code Chapter 300 Zoning Article 14.10H(2)i, by **striking** the following so that it reads :

(i) For alteration of ~~single, two or~~ multifamily dwelling to adapt them to additional limited two- or multiple-family use upon the following conditions:

(i) That there will be no change in the existing district use and the approval shall automatically cease when the structure is removed.

(ii) That a minimum floor space of 500 square feet per family unit be provided.

(iii) That satisfactory off-street parking be provided.

(iv) That each family unit be a complete housekeeping unit.

(v) That additions or appurtenances may not be added without the prior approval of the Board of Appeals, except for openings for ingress and egress, for necessary stairs and steps, including shelters therefor, and for the housing of one motor vehicle per family unit.

(vi) Other conditions that may lawfully be required by the Board of Health, the Building, Plumbing and Wiring Inspectors, the Planning Board and the Board of Appeals, consistent with the foregoing.

or do or act anything in relation thereto.

All interested persons should attend the public hearing. A copy of the proposal is on file with the Town Clerk and Planning Department, and may be inspected during regular business hours.

WRIGHT C. DICKINSON, CHAIRMAN
MEDFIELD PLANNING BOARD

MEDFIELD PRESS

December 2, 2016
December 9, 2016