



# TOWN OF MEDFIELD

## BOARD OF APPEALS ON ZONING

459 Main Street, Medfield, MA 02052

### APPLICATION FOR HEARING

(TO BE FILLED OUT BY APPLICANT)

Phone: 508-906-3027

Fax: 508-359-6182

Date \_\_\_\_\_

Name of Applicant or Appellant \_\_\_\_\_

Mailing Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

The record title of said property stands in the name of: \_\_\_\_\_

Whose address is: \_\_\_\_\_

Applicant is (owner, tenant, other): \_\_\_\_\_

Location of Property \_\_\_\_\_

Deed duly recorded in the [Norfolk County Registry of Deeds](#):

Book \_\_\_\_\_ Page \_\_\_\_\_ (or) Land Court Certificate # \_\_\_\_\_

Year lot created \_\_\_\_\_ Plan of Land recorded as Book \_\_\_\_\_ Page \_\_\_\_\_ Year \_\_\_\_\_

[Medfield Assessors](#) Map \_\_\_\_\_ Lot \_\_\_\_\_ Zoning District \_\_\_\_\_ Overlay? \_\_\_\_\_

Nature of application or appeal (Written summary of project; attach additional sheets if necessary):

\_\_\_\_\_  
\_\_\_\_\_

Applicable section(s) of Zoning Bylaw or General Law (State which, or if both, so state):

Use this box for additions/alterations to pre-existing non-conforming lots or structures:  
A special permit under MGL Chpt. 40A §9 and/or Medfield Zoning Bylaw Section 300-9.1.C.2. &/or a determination under [M.G.L. Chpt. 40A §6](#) and/or [Medfield Zoning Bylaw, Article 9](#), that proposed work will not be more nonconforming and/or a variance from [Chapter 300b](#) of the Zoning Bylaw.

\_\_\_\_\_  
\_\_\_\_\_

Reviewed by Building Commissioner: Signed \_\_\_\_\_ Date: \_\_\_\_\_

I hereby request a hearing before the Board of Appeals with reference to the above application. In the event that a Variance or Special Permit or other form of decision required by law to be recorded is granted, I will record the same with the Norfolk Registry of Deeds or Land Court.

I have read and accept the rules and fees of the "Rules of the Medfield Board of Appeals."

(Applicant) Signed \_\_\_\_\_ Printed \_\_\_\_\_

(Owner) Signed \_\_\_\_\_ Printed \_\_\_\_\_



## SECTION 6 FINDING WORKSHEET FOR ONE- & TWO- FAMILY RESIDENTIAL DWELLINGS

**For Single & Two-Family Dwellings (per Zoning Bylaw §300-9.1.C.1):** Please return this sheet with your building permit application to disclose if your lot or structure is nonconforming and to determine if your proposed plan requires a special permit by the ZBA. [Note: changes to structures or demolition of structures over 50 years old may require Historic Commission review pursuant to the [Demolition Delay Bylaw](#)]

Applicant's Name \_\_\_\_\_ Map \_\_\_\_\_ Lot \_\_\_\_\_  
 Locus Address \_\_\_\_\_ Zoning District \_\_\_\_\_

Is this a teardown?  Yes /  No (teardowns may require ZBA review)

Aquifer Protection District?  Yes /  No [ If Yes:  Primary /  Secondary /  Well ]

The Aquifer Protection District may affect lot coverage thresholds. Please refer to Zoning Bylaw Article [16](#), check with your surveyor/engineer, or refer to the “maps” tab in the Assessors [GIS Database](#).

*A note regarding plot plans:* Plot plans should be current, show all dimensions for compliance with current zoning, and be stamped by a Registered Land Surveyor. Mortgage plans are not acceptable.

| MEASUREMENT<br>(Refer to <a href="#">Article 2</a> , Definitions, for various methodologies in calculating requirements) | REQUIRED<br>(Refer to <a href="#">Chapter 300b</a> and <a href="#">Chapter 300c</a> ) | EXISTING<br>(Refer to your <b>existing</b> site plan) | √<br>Or<br>X | PROPOSED<br>(Refer to your <b>proposed</b> site plan) | √<br>Or<br>X |
|--|---|---|--------------|---|--------------|
| Lot area   |   |   |              |   |              |
| Frontage   |   |   |              |   |              |
| Lot Width  |   |   |              |   |              |
| Lot Depth  |   |   |              |   |              |
| Perfect Square   |   |   |              |   |              |
| Front Yard Setback   |   |   |              |   |              |
| Side Yard Setback  |   |   |              |   |              |
| Rear Yard Setback  |   |   |              |   |              |
| Floor Area Ratio   | Allowed   |   |              |   |              |
| % Lot Coverage   | Allowed   |   |              |   |              |
| Building Height  |   |   |              |   |              |

√ indicates that the dimension complies with current zoning / X indicates that the dimension does not comply with current zoning

THIS SECTION TO BE FILLED OUT BY THE BUILDING COMMISSIONER

- The proposed alteration will not increase the existing non-conforming nature of the structure.
- The proposed alteration will either intensify any existing nonconformities or result in additional nonconformities and requires a special permit from the Zoning Board of Appeals.

\_\_\_\_\_  
 Building Commissioner

\_\_\_\_\_  
 Date

cc: ZBA

Other notes:

**REQUIRED FINDINGS**  
*to be filled out by applicant*

**UTILITIES:**

Water:  Town  Well  
Sewer:  Town  Septic System

Notes:

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**FAMILY APARTMENTS:**

The Applicant acknowledges the provisions of Medfield Zoning Bylaw Section 300-14.10.I.(3) & (4) that a family Apartment Special Permit is temporary and subject to conditions of approval, including but not limited to annual an affidavit under the pains and penalties of perjury that the person(s) listed continues to reside within the Family Apartment. Future use of the space is contemplated as:

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Name of person(s) to occupy the family apartment: \_\_\_\_\_

**ALL SPECIAL PERMITS:**

The Board of Appeals 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, pursuant to [Medfield Zoning Bylaw Section 14.10](#):

(1) Overall design is consistent and compatible with the neighborhood, including as to factors of building orientation, scale, and massing. *(Describe the proposed construction in the context of the existing surroundings. If an addition, will the siding, windows, shingles etc. match existing. Does the proposal fit into the streetscape and larger area?)*

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(2) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed such that the proposed use will not result in a public hazard due to substantially increased vehicular traffic or parking in the neighborhood. *(Describe additional vehicles and parking spaces required by the proposal as well as road access on public or private ways and any other information. Commercial or multi-family residential projects may require a traffic study prepared by a registered engineer.)*

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(3) Drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development. *(Describe utility connections potential impacts to public wells, aquifers, municipal water mains, nearby private wells.)*

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(4) The proposed use will not have any significant adverse effect upon properties in the neighborhood, including property values. *(Describe any aspects of the project that could be unsafe to those in and around the property i.e. manufacturing, research and design. Commercial or multi-family residential projects may require an analysis prepared by a real estate appraiser.)*

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(5) Project will not adversely affect 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. *(Describe potential impacts to natural resources (tree clearing, proximity to wetlands, etc. If Conservation Commission approval is necessary, please attach approval to application.)*

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(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. *(Describe existing and proposed drainage systems and conditions. All stormwater should be collected/treated/infiltrated on-site. If Board of Health approval is necessary, please attach approval to application.)*

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(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. *(Describe existing and proposed water and wastewater systems and conditions.)*

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(8) The Proposed use will not create any hazard to public safety or health in the neighborhood. *(Describe proposed use and ancillary specifications relating to any noise or vibration producing conditions or mechanical systems, describe site lighting (all new lighting should be "dark-sky compliant"), and describe potential odors to be produced on site. Nuisance can be subjective but describe potential factors and mitigation measures.)*

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(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. *(Describe existing and proposed wastewater systems and conditions.)*

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**VARIANCES:** *(See MGL c. 40A Section 10)* Attach additional sheets if necessary.

1. What circumstances exist relating to the shape, topography, or soil conditions of the subject property, which do not generally affect other land in the zoning district?

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2. What substantial hardship is caused by the circumstances listed above, when the Medfield Zoning Bylaw is applied?

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3. State why you believe the grant of relief would not nullify or derogate from the intent of the Zoning Bylaw.

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**HERE IS SOME GENERAL GUIDANCE FOR PREPARING FOR YOUR PUBLIC HEARING:**

USE SPECIAL PERMIT REQUIREMENTS:

- Be able to provide information as required under [Section 14.10](#) and particularly subsection E 1-9.

GENERAL OPERATIONAL QUESTIONS:

- Fully explain nature of business (and potential for growth, if applicable)
- Hours of operation?
- Number of employees (including you; now and future growth):
- Parking (review requirements in Section 8 of the zoning bylaw):
  - Total number of parking spaces at your location?
  - Number of parking spaces dedicated to your proposed use?
  - Is that adequate to meet the requirements of [300-8.1, Table of Off-Street Parking Standards](#)?
- Are any exterior renovations proposed?
- Are any interior renovations proposed?
- What is the noise that is generally associated with your proposed use?
  - Would it disrupt neighbors?
- Do you need extra outdoor lighting? Is lighting dark-sky compliant? On timer?
- Do you anticipate that ancillary traffic from your use will impact any surrounding neighborhoods?
- Do you have need signage?
  - All signage must comply with the Sign Bylaw (Section 13 of the zoning bylaw)
- Do you need other approvals (i.e. Conservation Commission, Board of Health, or Board of Water & Sewerage)? Please touch base with those departments
- Are you on town water and/or town sewer?

AQUIFER PROTECTION:

For Special Permits in the Aquifer Protection District: Have your engineer go through [Section 16](#) thoroughly to be able to provide any documentation necessary for the Board's approval.

STORMWATER:

Be sure to have your stormwater approval from the Board of Health in hand before coming to the ZBA.



# TOWN OF MEDFIELD

## BOARD OF APPEALS ON ZONING

459 Main Street, Medfield, MA 02052

Phone: 508-906-3027

Fax: 508-359-6182

### RULES AND REGULATIONS

In accordance with the provisions of Massachusetts General Laws, Chapter [40A](#), Section [12](#), and the [Zoning Bylaw](#) of the Town of Medfield, the following rules are hereby adopted for conducting Board of Appeals business:

1. Any person desiring to apply for a Special Permit or Variance hereunder shall submit an application in writing to the Board of Appeals with a copy to the Building Inspector, the Board of Health, the Planning Board and the Town Clerk. Each application shall contain the following information:
  - A) The full name, address and telephone number of the applicant.
  - B) The full name, address and telephone number of the record owner of the real estate concerning which the Special Permit or Variance 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 zoning district for the property concerning which a Special Permit or Variance is sought. Please include a copy of your deed, copy of the subdivision plan, and any applicable easement documents.
  - E) A written summary of any construction or change which the applicant intends to make to the property if the Special Permit or Variance is granted.
  - F) A current plot plan showing the boundary lines of the premises and the locations of structures thereon. The plot plan must be fully dimensioned and show current/existing conditions and proposed conditions. Please submit five (5) 11" x 17" plan sets and two (2) full-sized sets, if needed due to size of property.
  - G) Floor plans and elevations showing any proposed construction, alterations or renovation of the premises for which the Special Permit or Variance is sought.
  - H) 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.
  - I) If the application is made for a determination under M.G.L Chapter 40A, Section 6, a chart showing the zoning requirements of the district as set forth in [Chapter 300b Table of Area Regulations](#) and [Chapter 300c Table of Height and Bulk Regulations](#), the existing dimensions of the lot and structures and the proposed dimensions of the lot and structures, if the relief is granted.
  - J) The Building Commissioner MUST sign-off on your application prior to submittal to the ZBA.
2. The Board of Appeals may require from any applicant for a Special Permit or Variance a written narrative stating how they meet the criteria for the Special Permit or Variance and may require any additional information as it may need to determine the effect of the proposed use upon neighboring persons and property and upon the welfare of the Town.
3. In any Special Permit which is sought in the [Flood Plain](#), [Watershed Protection District](#) or [Aquifer Protection District](#), the applicant shall submit plans showing the boundary line of said district on the lot which is the subject of the application. (See Articles [10](#), [11](#), and [16](#), [Medfield Zoning Bylaw](#).)
4. In any Special Permit which is sought for additional Maximum Lot Coverage for [recreational facilities](#) as defined in the Height and Bulk Regulations, the Applicant shall submit the following additional information: (See [Article 6](#), Medfield Zoning By-Law).

- A) The plot plan shall show all structures, impervious surfaces, recreational facilities and hardscapes, both proposed and existing.
  - B) Calculations showing the existing lot coverage, the proposed lot coverage, and the lot coverage above the maximum lot coverage. These calculations should be presented in square feet and as a percentage.
  - C) The Applicant shall provide provisions to infiltrate the first 2-inches of rainfall for the entire area above the maximum lot coverage (both proposed and existing). These provisions shall be designed by a Professional Engineer registered in the Commonwealth of Massachusetts. The volume to be infiltrated shall be calculated as the entire area above the maximum lot coverage multiplied 2-inches. The Engineer shall provide a minimum of separation between the estimated seasonal high groundwater table and the bottom of the infiltration best management practice of 1-foot.
  - D) The infiltration best management practice shall infiltrate all groundwater with 48-hours of the storm event.
  - E) The areas to be infiltrated shall not include driveways and parking lots, without pretreatment. The plan shall show the location construction details of the infiltration best management practice.
  - F) Some infiltrating techniques are considered Class V Injection Wells, as defined by 310 CMR 27.03, and are prohibited in the Primary Aquifer Zone, except by Special Permit, and are prohibited in the Zone I. The Applicant shall provide provisions to protect groundwater if these techniques are proposed in the Primary Aquifer Zone. (See Section 16 Aquifer Protection District, Medfield Zoning By-Law)
  - G) Upon completion of the project, the Professional Engineer shall provide the following certification: "The Stormwater infiltration best management practice, approved by Medfield Special Permit No. \_\_\_\_\_ has been installed in accordance with the approved plans." This certification shall be provided with an as-built drawing delivered to the Board and to the Building Commissioner.
5. In any Special Permit which is sought for a Family Apartment pursuant to Section 14.10.I.(3), the applicant shall provide the name(s) of the person(s) to occupy the Family Apartment, describe to the Board the circumstances (such as the age, physical condition or financial circumstances) that make it necessary or desirable for the establishment of separate living quarters within the existing single family dwelling. The Board must find that the use is aesthetically consistent with other structures in the neighborhood and that said use is consistent with the purpose of the zoning bylaw. The Board may issue a special permit subject to the following conditions (including but not limited to):
- o The Special Permit for the Family Apartment is expressly limited to occupancy by [*name of family member(s)*].
  - o The Special Permit for the Family Apartment shall terminate upon the happening of any of the following events:
    - a) Sale of the Locus; or
    - b) Death of both persons occupying the Family Apartment as identified above; or
    - c) Permanent change of domicile by the Applicants to some other location either within the Town of Medfield or elsewhere; or
    - d) Permanent change of domicile by the person(s) occupying the Family Apartment as identified above from said Family Apartment to some other location either within the Town of Medfield or elsewhere.
  - o In order to keep the Special Permit in full force and effect, the Applicants shall file annually with the Building Commissioner, on or before January 31 of each year, an affidavit under the pains and penalties of perjury that [*name of family member(s)*] continues to reside within the Family Apartment.

- In the event that the Special Permit is no longer in effect, the Applicants shall remove the cooking facilities from the space and replace the 220v outlet with a 110v outlet, and proceed with the alternative use of the space.
6. Upon receipt of an application by the Board of Appeals, the Assessors shall supply and certify a list of all owners of the property which will be affected by the relief sought, which shall, in any event, include the abutters, owners of land directly opposite on any public or private street or way and owners of land within 300 feet of the property line all as they appear on the most recent applicable tax list. Abutters in another town must also be notified, as should the Planning Boards of all abutting towns. Town lines and ways shall be disregarded in making this determination. Names and addresses shall be as they appear on the most recent tax lists of the town in which the owner of the interested land lies.
  7. An application fee payable to the Town of Medfield shall accompany the application. The fee will include noticing and advertising costs. There are no refunds for withdrawn or denied applications.
    - Residential Applications - \$300
    - Non-Residential Applications (building(s) footprint  $\leq$ 10,000 sf) - \$500
    - Non-Residential Applications (building(s) footprint  $>$  10,000 sf) - \$1,000
    - Modification Requests - \$300
  8. The applicant shall, either, at the hearing or with the application, present satisfactory documentary evidence of the applicant's interest in the land in question.
  9. In case of appeals from a decision of the building or other inspectors to grant or refuse to grant a permit, the applicant shall file with the Board, when filing the application for appeal, a copy of the original application to such inspector. In the event that the decision of such an inspector has been made in writing, a copy of such decision shall also be filed with the appeal.
  10. In the event that a Variance or Special Permit is granted, the applicant shall be responsible for filing the decision after the 20-day appeal period in the Norfolk Registry of Deeds as required by MGL Ch 40A and providing the Board with proof of recording.
  11. In all cases where a plan of land is in existence, and is to be considered by the Board, and is reasonably necessary for the consideration of the application, a copy of said plan shall be attached to the application.
  12. The Board of Appeals reserves the right to refuse to entertain applications not in substantial compliance with these Rules.
  13. Decisions on Variances are due 100 days from the date of the application. Decisions on Special Permits are due 90 days from the date of the hearing.
  14. Following close of a hearing, there will be no communication, written, verbal or otherwise, with the Board until such time as a decision has been rendered, unless it has been established in writing that the hearing will remain open for additional information for a specified length of time.
  15. The Board of Appeals, if it believes that a consultant would be of assistance to it in resolving issues requiring expertise which the Board does not possess, may require the Applicant to pay the reasonable fees of any such consultants.

### Consultant Review Fees:

In accordance with M.G.L. Chapter 44, Section 53G, the Zoning Board of Appeals may impose project review fees for those applications which require the services of outside consultants for the review process due to the size, complexity, or scale of a proposed project; the need for additional expertise in the review; or because of the potential impacts of a project. The Board may engage engineers, planners, landscape architects, architects or other appropriate professionals. The general process is as follows:

- Upon receipt of a complete application package, the Town Planner will forward the project to the Board's preselected consultant for a scope and estimate.
- The applicant shall pay such fees to the Town of Medfield and such fees shall be deposited in a special interest bearing account with the Town.
- If additional funds are needed in the fee account, the Board will obtain an estimate from the consultant as to the amount necessary for completion of the remaining review(s). Said amount is to be paid by the developer prior to any further work being done by the consultant.
- If requested, the Town Planner will provide the applicant with established billing rates for engineering and legal services.

### Expenditure of Fees

Outside consultants retained by the Board shall be paid from this special account. The expenditure of said fees shall be at the direction of the Board, without further appropriation. Said fees are to be expended only in connection with services rendered for the specific project for which the fees were collected.

### Excess Fees

After completion of the Board's review of a project, any excess fee amount, including interest, shall be refunded to the applicant or the applicant's successor in interest and a final report of said account shall be made available to the applicant or applicant's successor in interest.

### Failure to Pay Fee

Failure to pay a Review Fee by the applicant shall be grounds for disapproval of the subject application or the withholding of a building permit, inspection(s) or occupancy.

### Administrative Appeals

The choice of a consultant selected by the Board for the review of an application may be appealed in writing to the Select Board by the applicant, provided such appeal is initiated within one week of submittal. The ground for such appeal shall be limited to claims that the selected consultant has a conflict of interest and the Board (at a posted meeting) may select another qualified consultant.

The required time limits for action upon an application by the Planning Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Select Board within one month following the filing of an administrative appeal, the selection made by the Planning Board shall stand.

### Reports

The Town Treasurer shall submit annually a report of said special account to the Select Board and Town Administrator.

The Town Treasurer shall cause said report to be published in the annual report the Town. The Town Treasurer shall submit annually a copy of said report to the director of the Bureau of Accounts.

REVISED TO: August 8, 2018

Published in *Medfield Press*: July 20, 2018 & July 27, 2018

Public Hearing Opened: August 8, 2018

Filed with Town Clerk: August 9, 2018

MEDFIELD BOARD OF APPEALS ON ZONING

John J. McNicholas, Chairman

William McNiff, Member

Michael Whitcher, Member

Charles H. Peck, Associate Member

Jared Spinelli, Associate Member

Jared Gustafson, Associate Member

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ZONING

300 Attachment 2

Town of Medfield

**Table of Area Regulations**  
 [Amended 4-24-2017 ATM by Art. 45; 4-29-2019 ATM by Art. 23]

| Zoning District | Use   | Minimum Required    |                         |                 |              |              |              |             |             |
|-----------------|---|---------------------|-------------------------|-----------------|--------------|--------------|--------------|-------------|-------------|
|                 |   | Lots                |                         |                 |              |              | Yards        |             |             |
|                 |   | Area* (square feet) | Perfect Square (feet)** | Frontage (feet) | Width (feet) | Depth (feet) | Front (feet) | Side (feet) | Rear (feet) |
| RE              | Any permitted structure or principal use          | 80,000              | 180x180                 | 180             | 225          | 200          | 40           | 25          | 50          |
| RT              | Any permitted structure or principal use          | 40,000              | 142x142                 | 142             | 175          | 150          | 40           | 15          | 50          |
| RS              | Any permitted structure or principal use          | 20,000              | 96x96                   | 96              | 120          | 125          | 30           | 12          | 40          |
| RU              | Single-family dwelling                            | 12,000              | 80x80                   | 80              | 100          | 100          | 20           | 12          | 30          |
|                 | Two-family dwelling                               | 20,000              | 100x100                 | 100             | 100          | 100          | 20           | 12          | 30          |
|                 | Multi-family dwelling (three units)               | 30,000              | 200x200                 | 200             | 200          | 100          | 30           | 20          | 50          |
|                 | Lot area per additional unit (4+ units)           | 8,000               |                         |                 |              |              |              |             |             |
|                 | Public housing for the elderly (1st unit)         | 12,000+             | 200x200                 | 200             | 200          | 100          | 30           | 20          | 50          |
|                 | (per additional unit)                             | 2,000               |                         |                 |              |              |              |             |             |
|                 | Convalescent or nursing home                      | 40,000              | 200x200                 | 200             | 200          | 100          | 30           | 20          | 50          |
|                 | Funeral home or mortuary establishment            | 40,000              | 200x200                 | 200             | 200          | 100          | 30           | 20          | 50          |
|                 | Any other permitted community facility            | 12,000              | 100x100                 | 100             | 100          | 100          | 20           | 12          | 30          |
|                 | Any other permitted structure or principal use    | 12,000              | 100x100                 | 100             | 100          | 100          | 20           | 12          | 30          |
| RU (USSOD)      | Multi-family dwelling (three units)               | 24,000              | 200x200                 | 200             | 200          | 100          | 30           | 20          | 50          |
|                 | Lot area per additional unit (4+ units)           | 6,000               |                         |                 |              |              |              |             |             |
| B               | Automotive sales, service or repair establishment | 40,000              |                         | 200             | 200          | 100          | 25           | 12          | 12          |

MEDFIELD CODE

| Zoning District | Use  | Minimum Required       |                            |                    |                 |                 |                 |                |                |
|-----------------|--|------------------------|----------------------------|--------------------|-----------------|-----------------|-----------------|----------------|----------------|
|                 |  | Lots                   |                            |                    |                 |                 | Yards           |                |                |
|                 |  | Area*<br>(square feet) | Perfect Square<br>(feet)** | Frontage<br>(feet) | Width<br>(feet) | Depth<br>(feet) | Front<br>(feet) | Side<br>(feet) | Rear<br>(feet) |
|                 | Motion picture or amusement & recreation                                       | 40,000                 |                            | 200                | 200             | 100             | 25              | 12             | 12             |
|                 | Any other permitted business use   | -0-                    |                            | (See § 300-6.2R)   |                 | -0-             | 7***            | ****           | -0-            |
|                 | Any permitted residential use  | 10,000                 |                            | (See § 300-6.2R)   |                 | -0-             | 7***            | ****           | -0-            |
| BI              | Any permitted structure or principal use                                       | 10,000                 |                            | 60                 | 60              | 60              | 10              | 6              | 12             |
| IE              | Any permitted structure or principal use (See notes in §§ 300-6.2 and 300-6.3) | 40,000                 |                            | 200                | 200             | 200             | 25              | 25             | 25             |
| A               | Any permitted structure or principal use 10 acres (See § 300-5.5C.)            |                        |                            |                    |                 |                 |                 |                |                |

**NOTES:**

- \* Minimum lot area shall be calculated to include only contiguous land which is not in wetlands (see definition of “wetlands” in § 300-2.1); which is not in the Watershed and/or Floodplain District; nor in a detention pond, retention pond, or open drainage structure; and which does not have a slope greater than 20% for a distance of 50 feet in its natural and unaltered state. A lot which fails to meet these requirements by reason of excessive slope shall be subject to a special permit from the Board of Appeals as set forth in § 300-14.10.
- \*\* No structure shall be built on any lot in any Residential Zoning District unless the lot is of sufficient size and shape to contain a perfect square, as defined in this Bylaw, in accordance with the dimensions set out in the Table of Use Regulations.
- \*\*\* See § 300-6.2S.
- \*\*\*\* See § 300-6.2Q.

ZONING

300 Attachment 3

Town of Medfield

**Table of Height and Bulk Regulations**  
 [Amended 4-24-2017 ATM by Arts. 41 and 47]

| 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                      | 0.20   | 10%                  | Not permitted  |
| RT               | 35                    | 2 1/2                      | 0.25   | 15%                  | Not permitted  |
| RS               | 35                    | 2 1/2                      | 0.35   | 20%                  | Not permitted  |
| RU Single-Family | 35                    | 2 1/2                      | 0.35   | 30%                  | Not applicable   |
| RU Two-Family    | 35                    | 2 1/2                      | 0.35   | 25%***<br>30%****    | Not applicable   |
| RU Multi-Family  | 35                    | 2 1/2                      | 0.35   | 35%                  | 500<br>450**   |
| B                | 35                    | 3                          | 0.75   | 90%                  | Not permitted  |
| BI               | 30                    | 2                          | 0.75   | 90%                  | Not permitted  |
| IE               | 35                    | 2                          | 0.50   | 90%                  | Not permitted  |

**NOTES:**

- \* See § 300-5.5.
- \*\* 450 square feet required for public housing for elderly.
- \*\*\* See § 300-14.15.
- \*\*\*\* See § 300-14.15G, Historic preservation incentive for two-family dwellings in the RU Zoning District.

## Dimensional Chart -- Definitions / Methodology

**Structure, Nonconforming** – A structure lawfully existing at the effective date of this Bylaw or any amendment thereto, which is not in conformity with all provisions of this Bylaw.

**Lot** – An area or parcel of land in the same ownership, or any part thereof designated by its owner or owners as a separate lot, which is bounded by front, side and rear lot lines as defined in this Bylaw. A parcel shall not be designated a lot unless it conforms with the Table of Area Regulations, §300- 6.2. An owner shall retain the right to alienate any parcel or portion of any parcel regardless of whether or not it is a legal lot under this Bylaw. For purposes of this Bylaw, a lot may or may not have boundaries identical with those recorded in the Norfolk County Registry of Deeds.

**Lot, Nonconforming** – A lot lawfully existing at the effective date of this Bylaw, or any amendment thereto, which is not in conformity with all provisions of this Bylaw.

**Frontage** – A continuous portion of a sideline of one street between the side lines of a lot which provides primary and actual vehicular and pedestrian access from said street to the principal use of a lot; said access must also be both objectively safe and practical.

**Lot Width** – The horizontal distance between the side lot lines as measured at the required front yard depth which may or may not coincide with the actual front setback line.

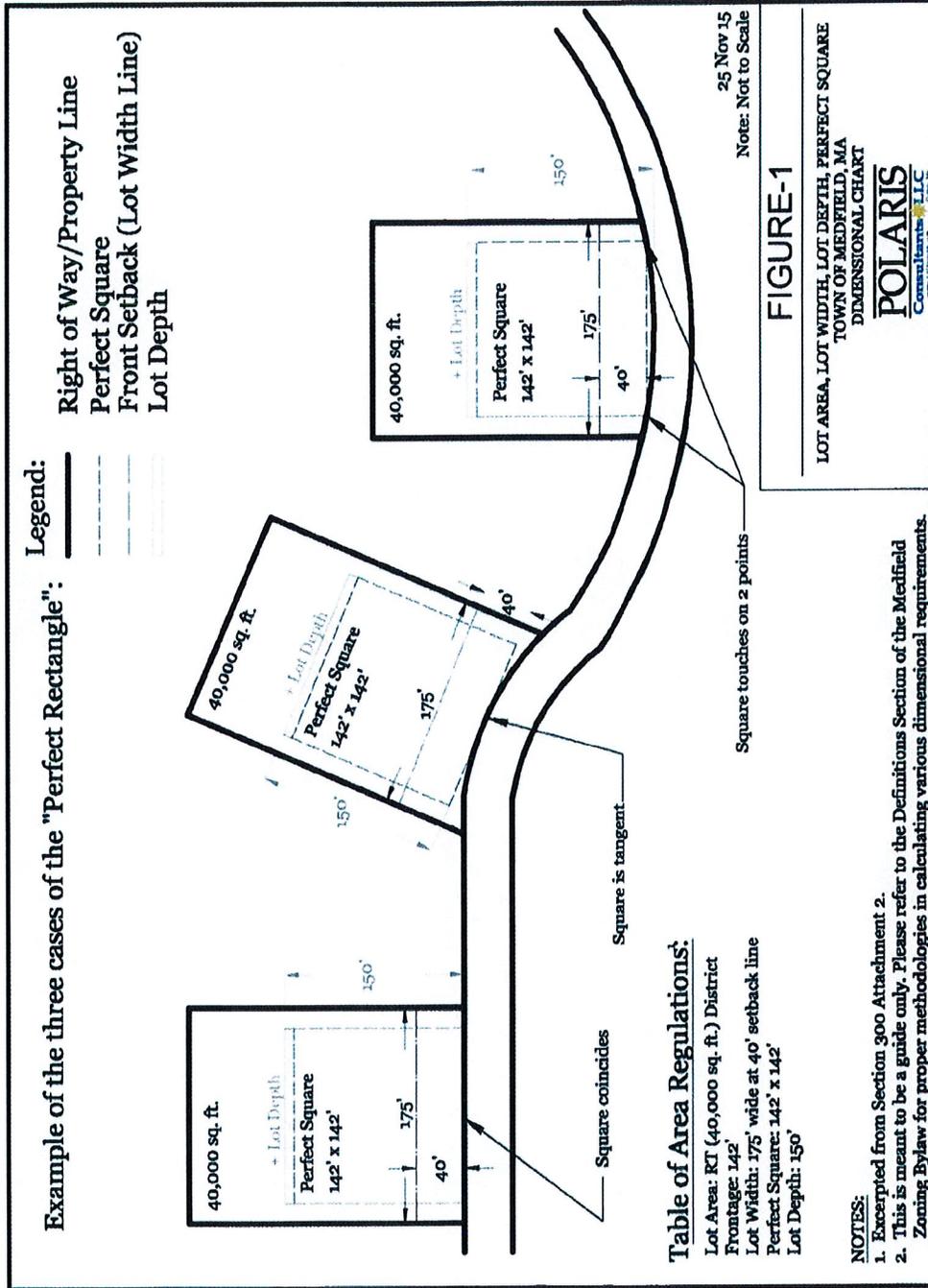
**Lot Depth** – The minimum length of any line drawn from, and perpendicular to, the front lot line that is all within the area of the lot. In the case of a curved front lot line, such line must be perpendicular to a line tangent to the front lot line at the point that will result in the minimum length of such a line all within the area of the lot.

**Perfect Square** – A square, the dimensions of which are set out in the TABLE OF AREA REGULATIONS for each zoning district, which must fit entirely within a lot and one side of which must coincide with or be tangent to or touch on two points the Front Lot Line.

**Lot Line, Side** – Any lot line not a front or rear lot line.

**Yard, Side** – An unoccupied space extending for the full length of a building between the nearest building wall and the side lot line.

# Dimensional Chart -- Definitions / Methodology

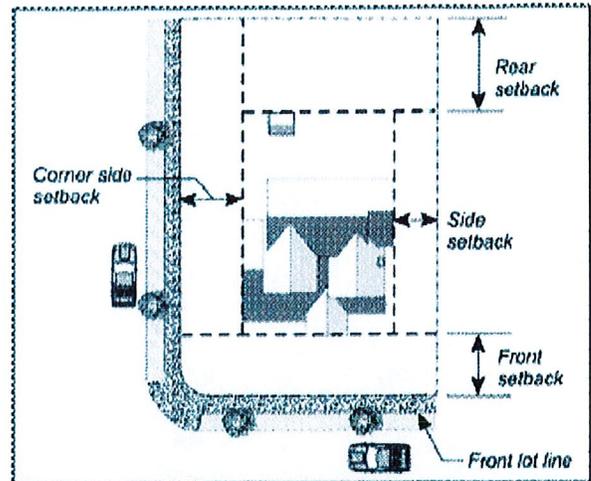


## Dimensional Chart -- Definitions / Methodology

**Lot Line, Front** – Same as Frontage. Provided, however, that on a corner lot only one street line shall be considered the front line, except in those cases where the latest deed restrictions specify another line as the front lot line. The front lot line must be located so as to be able to provide primary access to the lot.

**Yard, Front** – A space extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

**Lot Line, Rear** – The lot line opposite the front lot line, except in the case of a corner lot the owner shall have the option of choosing which of the two lot lines which are not street lines is to be considered the rear lot line.



**Figure 1 - Setbacks (for illustrative purposes only; No allowed projections into setbacks)**

**Yard, Rear** – A space, unoccupied, except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

**Floor Area, Net** – The sum of the areas of the several floors of a building, measured from the exterior faces of the walls, including basement areas. It does not include unenclosed porches, or attics not used for human occupancy or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment.

**Floor Area Ratio (F.A.R.)** – The ratio of the net floor area of the principal building to the total lot area.

**Lot, Percentage Maximum Coverage** – This is the percentage of any lot that can be covered by man-made impervious surfaces such as buildings, structures, accessory buildings and structures, non-porous paving, or any surface with a percolation rate slower than 120 minutes per inch.

**Height** – The vertical distance, not to exceed the maximum identified in the Table of Height and Bulk Regulations, between the highest point of the roof and the average elevation of the naturally existing grade (the measurements to be taken around the structure, or at the four corners) prior to any excavation, leveling, grading, or filling at the building foundation. The maximum height is exclusive of chimneys, air shafts, ventilators, vents, lightning rods or similar items which may be of the height required for proper operation or use. Building height applies to all buildings and/or structures. The building shall remain in compliance with the height requirement after final grading.

**Story** – A "story" is defined as that part of a building between any floor and the floor or roof next above. For the purposes of this Zoning Bylaw, where a building is not divided into stories, a story shall be considered fifteen (15) feet in height. A story shall be at least 50% above grade.

**TIME LINES SET FORTH IN  
MASSACHUSETTS GENERAL LAWS**

Each application for a special permit shall be filed by the petitioner with the city or town clerk and a copy of said application, including the date and time of filing certified by the city or town clerk, shall be filed forthwith by the petitioner with the special permit granting authority (*Board of Appeals*). The special permit granting authority shall hold a *public hearing*, for which notice has been given as provided in section eleven, on any application for a special permit *within sixty-five days from the date of filing* of such application; provided, however, that a city council having more than five members designated to act upon such application may appoint a committee of such council to hold the public hearing. The *decision* of the special permit granting authority shall be made *within ninety days following the date of such public hearing*. The required time limits for a public hearing and said action, may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the city or town clerk. A special permit issued by a special permit granting authority shall require a two-thirds vote of boards with more than five members, a vote of at least four members of a five member board, and a unanimous vote of a three member board.

**M.G.L. Chpt. 40A, Section 9 – regarding special permits (emphasis supplied)**

Meetings of the board shall be held at the call of the chairman or when called in such other manner as the board shall determine in its rules. The board of appeals shall hold a hearing on any appeal, application or petition within sixty-five days from the receipt of notice by the board of such appeal, application or petition. The board shall cause notice of such hearing to be published and sent to parties in interest as provided in section eleven. The chairman, or in his absence the acting chairman, may administer oaths, summon witnesses, and call for the production of papers.

The concurring vote of all members of the board of appeals consisting of three members, and a concurring vote of four members of a board consisting of five members, shall be necessary to reverse any order or decision of any administrative official under this chapter or to effect any variance in the application of any ordinance or by-law.

All hearings of the board of appeals shall be open to the public. The *decision* of the board shall be made *within one hundred days* after the date of the filing of an *appeal, application or petition, except in regard to special permits, as provided for in section nine*. The required time limits for a public hearing and said action, may be extended by written agreement between the applicant and the board of appeals.

**M.G.L. Chpt. 40A, Section 15 – regarding appeals and variances (emphasis supplied)**

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE VII** CITIES, TOWNS AND DISTRICTS**CHAPTER 40A** ZONING**Section 10** Variances

*Variance cannot be granted unless the ZBA specifically finds that all conditions have been met (see conditions 1, 2, 3 below)*

Section 10. The permit granting authority shall have the power after public hearing for which notice has been given by publication and posting as provided in section eleven and by mailing to all parties in interest to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of the applicable zoning ordinance or by-law where such permit granting authority specifically finds that<sup>1</sup> owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located,<sup>2</sup> a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant,<sup>3</sup> and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law. Except where local ordinances or by-laws shall expressly permit variances for use, no variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located; provided however, that such variances properly granted prior to January first, nineteen hundred and seventy-six but limited in time, may be extended on the same terms and conditions that were in effect for such variance upon said effective date.

*Use variance must be expressly authorized in the by-law. No such use variances are provided for in the Medfield Zoning Bylaw.*

The permit granting authority may impose conditions, safeguards and limitations both of time and of use, including the continued existence of any particular structures but excluding any condition, safeguards or limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or any owner.

*Variance not to be conditioned on continued ownership*

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse; provided, however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period. If the permit granting authority does not grant such extension within thirty days of the date of application therefor, and upon the expiration of the original one year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this section.

*Rights authorized by variance must be exercised within 1 year; extensions allowed*

# Residential Lot Coverage

Residential lot coverage is an important zoning tool to aid in controlling the size and bulk of new dwellings, expansions, and teardowns and also to manage the amount of stormwater runoff from properties that may affect adjacent properties and the Town of Medfield's stormwater system. Any increase of impervious surface may be affected, even if it is a simple patio or pool project. (Refer to Zoning Bylaw Section 300-6.3.D and [Attachment 3](#).)

|   | RU         | RS         | RT         | RE         |
|---|------------|------------|------------|------------|
| <b>Maximum Lot Coverage by Zoning District</b>                            | <b>35%</b> | <b>20%</b> | <b>15%</b> | <b>10%</b> |
| <b>Secondary Aquifer Protection Overlay (if applicable *see reverse )</b> | <b>15%</b> | <b>15%</b> | <b>15%</b> | <b>15%</b> |

*\*Aquifer Protection District (Zoning Bylaw Section 300-16): Many lots are also located in a zoning overlay district adopted to preserve and maintain the quality and quantity of the existing potential groundwater supply within the known aquifers of the Town by protecting the groundwater and groundwater recharge areas from adverse land use practices. Lots located in the Secondary Aquifer Protection Overlay shall have no more than 15% or 2,500 square feet of the lot (whichever is greater) be rendered impervious unless a system for artificial recharge of precipitation is approved. Artificial recharge systems may not permit a lot coverage that exceeds that of the underlying zoning district.*

**LOT, PERCENTAGE MAXIMUM COVERAGE - The percentage of any lot that can be covered by man-made impervious surfaces such as buildings, structures, accessory buildings and structures, nonporous paving, or any surface with a percolation rate slower than 120 minutes per inch. ([Zoning Bylaw 300-2.1](#))**

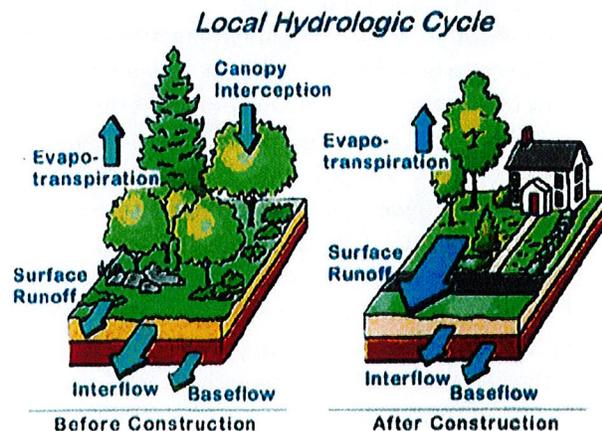
**Calculate the total area of impervious surface on the Property –** Each residential lot has a Maximum Lot Coverage, expressed as a percentage, which represents the maximum amount of impervious surface allowed on a particular lot. Maximum Lot Coverage is computed as the total amount of impervious surface on the lot divided by the total lot area. Impervious surfaces on a lot include, but are not limited to:

## Pervious

- Lawn, Sod
- Decks with at least 3/16" space between slats
- Garden, mulched areas
- Undisturbed woods, forest, meadow, pasture, farmland, wetlands, streams, brooks
- Loose, crushed, or non-compacted gravel
- Stormwater basins
- Engineered and maintained porous pavement and surfaces (Designed and construction certified by Professional Engineer. Maintained in accordance with Town approved Operations and Maintenance (O&M) plan. Submit reports to Building Department for record.)

## Impervious

- Buildings (house, garage, sheds, barns, and other accessory structures)
- Paved Surfaces, Walkways and Driveways, Parking areas
- Decks without at least 3/16" space between slats
- Recreational structures such as sports courts, swimming pools, and spas
- Compacted soil and graveled areas
- Unmaintained permeable pavers/pavement
- Materials such as bluestone, cobblestone, Belgian block, brick, pavers, stone, tile, stone dust, and similar hardscaped surfaces



# Residential Lot Coverage

| Description of impervious surfaces                      | Length* | Width* | Area*      |
|---|---------|--------|------------|
| #1  |         |        |            |
| #2  |         |        |            |
| #3  |         |        |            |
| #4  |         |        |            |
| #5  |         |        |            |
| #6  |         |        |            |
| <b>(a) Total area of all impervious surfaces (sf) =</b> |         |        | <b>(a)</b> |

\*calculate the area of irregular impervious surfaces as needed

$$\begin{array}{rcl}
 \frac{\text{Total Lot Size (sf)}}{\text{(a) Total area of all impervious surfaces (sf)}} & \times & \text{Max \%} \\
 & & < \\
 & & \text{Must be less than}
 \end{array}
 = \begin{array}{l}
 \text{(b)} \\
 \text{Max lot coverage (sf)}
 \end{array}$$

**\* Requirements for use of systems for the artificial recharge of precipitation (if applicable)** – The following shall be submitted to the Building Commissioner and the Zoning Board of Appeals, if applicable:

- A) The current certified plot plan shall show all structures, impervious surfaces, recreational facilities and hardscapes, both proposed and existing.
- B) Calculations showing the existing lot coverage, the proposed lot coverage, and the lot coverage above the maximum lot coverage. These calculations should be presented in square feet and as a percentage.
- C) The Applicant shall provide provisions to infiltrate the first 2-inches of rainfall for the entire area above the maximum lot coverage (both proposed and existing). These provisions shall be designed by a Professional Engineer registered in the Commonwealth of Massachusetts. The volume to be infiltrated shall be calculated as the entire area above the maximum lot coverage multiplied 2-inches. The Engineer shall provide a minimum of separation between the estimated seasonal high groundwater table and the bottom of the infiltration best management practice of 1-foot.
- D) The infiltration best management practice shall infiltrate all groundwater with 48-hours of the storm event.
- E) The areas to be infiltrated shall not include driveways and parking areas, without pretreatment. The plan shall show the location construction details of the infiltration best management practice. Some infiltrating techniques are considered Class V Injection Wells, as defined by 310 CMR 27.03, and are prohibited in the Primary Aquifer Zone, except by Special Permit, and are prohibited in the Zone I. The Applicant shall provide provisions to protect groundwater if these techniques are proposed in the Primary Aquifer Zone. (See Section 16 Aquifer Protection District, Medfield Zoning By-Law)
- F) Upon completion of the project, the Professional Engineer shall provide the following certification: "The Stormwater infiltration best management practice, approved by Medfield Building Permit No. \_\_\_\_\_ (and Special Permit No. \_\_\_\_\_, if applicable) has been installed in accordance with the approved plans." This certification shall be provided with an as-built drawing delivered to the Building Commissioner with a copy to the ZBA, if applicable.