

# Memorandum



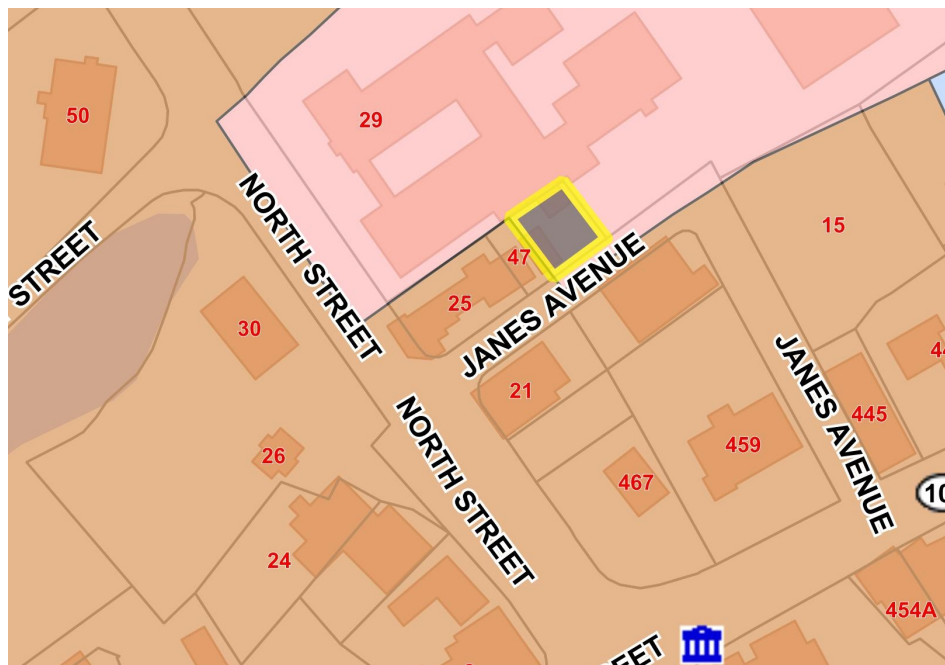
To: Gus Murby, Chair, Board of Selectmen  
cc: Kristine Trierweiler, Town Administrator  
Kristine Barton, Liaison, Warrant Committee  
From: Sarah Lemke, Chair, Planning Board  
Date: February 10, 2020  
Re: 2020 ATM Zoning Bylaw Amendments

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At their duly posted meeting on February 3, 2020, the Planning Board unanimously voted to recommend the following zoning bylaw amendments for inclusion in the 2019 Annual Town Meeting warrant. The draft articles were discussed throughout the spring and summer of 2019, published twice in in the *The Press*, and public hearings were held on January 6, 2020 and February 3, 2020, as required by MGL ch 40A §5.

## 1. JANES AVE REZONE

**Article ##.** To see if the Town of Medfield will vote to rezone parcel ID 43-030, 37 Janes Avenue from Business-Industrial (BI) to Business (B) as shown on the map titled “Proposed Rezone of 37 Janes Avenue” dated 6/3/19 which is on file with the Town Clerk and Planning Department; and to amend the Zoning Map accordingly.



*Summary: This amendment rezones one residential use parcel located in the BI zoning district to the B zoning district. The property is contiguous with B zoning. B zoning provides for the ability to apply for a special permit from the ZBA for an accessory apartment. BI does not.*

**2. ADULT-ONLY RETAIL TOBACCO STORE (VAPE STORE PROHIBITION)**

**Article ##.** To see if the Town of Medfield will vote to amend the Medfield Town Code Chapter 300 Zoning Attachment 1 Table of Use Regulations, by adding the new section as follows:

	Use	A	RE	RT	RS	RU	B	BI	IE
<b>4.</b>	<b>Commercial/Business (See Article 14)</b>								
<b><u>PROPOSE</u> D 4.10c.</b>	<b>Adult-only retail tobacco and/or vape store</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>

And further, to see if the Town of Medfield will vote to amend the Medfield Town Code Chapter 300 Article 2.1, by adding the definition in appropriate alphabetical order:

**ADULT-ONLY RETAIL TOBACCO AND/OR VAPE STORE:** An establishment whose primary purpose is to sell or offer for sale but not for resale, tobacco products and tobacco paraphernalia, and/or any electronic nicotine delivery system, such as e-cigarettes and vaping products, and in which the entry of minor persons under the minimum legal sales age is prohibited at all times, and that checks customer identification for age verification, and is required to have a valid permit for the retail sale of tobacco and nicotine products issued by the Medfield Board of Health.

*Summary: This section of the Table of Use Regulations would prohibit establishments from solely selling vape and tobacco products and paraphernalia in Medfield.*

**3. FOOD TRUCKS**

**Article ##.** To see if the Town of Medfield will vote to amend the Medfield Town Code Chapter 300 Zoning Attachment 1 Table of Use Regulations, by adding the new section as follows:

	Use	A	RE	RT	RS	RU	B	BI	IE
<b>4.</b>	<b>Commercial/Business (See Article 14)</b>								
<b><u>PROPOSE</u> D 4.2a.</b>	<b>Food Trucks / Mobile Food Vendors</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>

*Summary: This section of the Table of Use Regulations would allow the non-permanent placement of food trucks / mobile food vendors on property with permission of the property owner in certain zoning districts via a Determination of Change of Use per Section 300-14.12.A (Site Plan Approval) by the Planning Board. Determinations will be made based on review the impacts of such use, hours of operation, proposed location(s), noise, odors, traffic, circulation, parking, trash/waste, seating, access to facilities, signage, permission from property owner, etc. Special town-wide events, one-day mobile food sales in the Right-of-Way or on any town-owned property, or catering of private parties in residential zoning districts are not affected by this bylaw. Mobile food vendors may also require approvals by the Board of Selectmen and/or Board of Health.*

**4. SPECIAL PERMIT PROCESS FOR DECKS AND PORCHES INTO SETBACK**

**Article ##** To see if the Town will vote to amend the Town Code of Medfield, MA, Chapter 300, Zoning, Article 6 Area, Height and Bulk Regulations, Paragraph 6.2 Area Regulations by adding new subsection 4 as follows (shown in **bold**):

G. Only the following projections into required yards or other required open spaces are permitted:

(1) A balcony or bay window limited in total length to 1/2 the length of the building shall project not more than two feet.

(2) Open terrace, steps or stoop under four feet in height shall project not more than 1/2 of the required yard setback.

(3) Steps or stoop over four feet in height, window sill, belt course, chimney, roof eave, fire escape, fire tower, storm enclosure or similar architectural features shall not project more than two feet into the required yard setback area.

**(4) Decks, porches, or similar features are subject to the requirements of the Table of Area Regulations adopted in accordance with § 300-6.2 of the Medfield Zoning Bylaw, except that the Board of Appeals may, in Districts RE, RT, RS and RU, by special permit as specified in § 300-14.10E, allow a lesser setback not to exceed 6 feet less than the required front or rear setback for the zoning district. The proposal must also comply with all other dimensional requirements including lot coverage. Any special permit that may be granted may be conditioned that any portion of the structure within the required setback may never be fully enclosed as an expansion of the dwelling.**

*Summary: The purpose of this proposed bylaw amendment is to add a section which would allow the Board of Appeals to review and approve, on a case-by-case basis via public hearing, the encroachment of covered or uncovered decks, porches, etc., into the required front or rear setback via special permit. The current process requires a variance which has strict statutory requirements which cannot typically be lawfully applied since most deck or porch extensions are for more functional and subjective proposes.*

*Example:*

<b>Zoning District</b>	<b>Front Setback</b>	<b>Rear Setback</b>
<b>RE</b>		
existing	40'	50'
<i>proposed</i>	<i>34'</i>	<i>44'</i>
<b>RT</b>		
existing	40'	50'
<i>proposed</i>	<i>34'</i>	<i>44'</i>
<b>RS</b>		
existing	30'	40'
<i>proposed</i>	<i>24'</i>	<i>34'</i>
<b>RU</b>		
existing	20'	30'
<i>proposed</i>	<i>14'</i>	<i>24'</i>

## **5. ACCESSORY STRUCTURES**

**Article ##** To see if the Town will vote to amend the Town Code of Medfield, MA, Chapter 300, Zoning, Article 6 Area, Height and Bulk Regulations, Paragraph 6.2 Area Regulations K as follows:

In any R District, permitted accessory buildings shall conform to the following provisions: They shall be not less than 60 feet from any street lot line, except for a garage on a corner lot, which shall be set back at least the same distance as the front yard setback for the adjacent lot; and they shall be set back from side and rear lot lines at least the distance specified in the Table of Area Regulations, provided that one accessory structure that will not exceed ~~15 feet by 10 feet~~ **200 square feet**, and not exceeding 12 feet in height, shall be allowed to be located in the rear yard with a setback to the rear lot line of no less than 20 feet and side lot line of no less than 12 feet.

*Summary: The purpose of this proposed bylaw amendment is to align with the provisions of the MA State Building Code which do not require a building permit for accessory structures (i.e. sheds, barns) under 200 sf and delete the confusing specific size requirement. This amendment would require a building permit and code review for accessory structures but leave the setback requirements as-is.*