

Proposed Zoning Bylaw Amendments for ATM 2023

January 9, 2023
Public Hearing

Goal: To Create a “User-Friendly” Zoning Bylaw

- Understandable for town officials, board and committee members, homeowners, applicants, and developers
- Logical order & format
- Master Plan - 2021
 - Supports Master Plan Recommendations 3.1.2, 3.1.4, 4.1.3, 4.2.1, and 4.2.3
 - Baseline zoning diagnostic and any associated reformatting prior to adopting more complicated zoning amendments.
- Zoning Diagnostic - 2022
 - Task 1. Conduct an initial review of the existing Zoning Bylaw (ZBL), focusing on: structure and format, navigability, clarity, consistency, etc
 - Task 2. Meet with Staff and members of the Planning Board and Zoning Board of Appeals, to seek comments on the existing ZBL
 - Task 3. Conduct a group interview (remote) with local developers, engineers, attorneys, etc
 - Task 4. Review Planning Board and Zoning Board of Appeals administrative rules and regulations
 - Task 5. Review a sample of recent special permit and site plan review decisions
 - Task 6. Prepare draft zoning diagnostic report
 - Task 7. Meet with Planning Board
 - Task 8. Submit final report - final report is available on the Planning Board’s webpage <http://ma-medfield.civicplus.com/240/Planning-Board>

Item 1: Article ##:

To see if the Town will vote to amend the Town of Medfield Zoning Bylaw by:

- (1) Reorganization of the Zoning Bylaw (per “crosswalk” chart below);
- (2) making certain minor substantive changes to help effectuate the goals of the Bylaw Reorganization;
- (3) making nonsubstantive, ministerial amendments to the Zoning Bylaw providing for consistency with the General Laws and internally with regard to spelling, capitalization, citation of numbers and General Laws references; and further,
- (4) to vote to amend the Town of Medfield Zoning Bylaw current Article 19: Solar Photovoltaic Facilities Overlay District (PVOD), 300-19.4 Solar Photovoltaic Overlay District and Table 19.5 and proposed Section 10.4.3 and Table 10.4.5 by adding the Medfield State Hospital Zoning District to the list of allowable zoning districts for certain ground-mounted, canopy, and rooftop solar energy systems.

List of specific changes

- **Reorganization per crosswalk**
- Section references and cross-references were updated
- Blue italics in text indicate former bylaw citation as a marker for the reader during this amendment process but will be deleted from the new version
- Definitions Section: italics to be incorporated into definition for context as needed
- Duplicate definitions for “Applicants” and “Application” and “As of Right” and “By-Right” were relocated from different individual sections so they were merged/massaged to have just one definition
- Changed “Penn Central RR” to “MA Department of Transportation” in 8.5.2.A
- Changed title from “Floodplain Definition” to “Floodplain Boundary” in 10.1.2
- New substantive change: Added MSHD to Section 10.4.3 and Table 10.4.5 for various solar energy systems

<u>PROPOSED ZONING BYLAW</u>		<u>EXISTING ZONING BYLAW</u>	
http://ma-medfield.civicplus.com/documentcenter/view/6666/medfield-zoning-bylaw-reorganization-v3-11-21-22-pdf		https://ecode360.com/27374011	
New Section	New Title	Existing Section	Existing Title
Art. 1	PURPOSE AND AUTHORITY	1	SCOPE
		1-1	Title
1.1	Purpose	1-2	Authority
1.2	Authority	1-3	Purpose
1.3	Applicability	4.1 4.2	Interpretation and Application Applicability
1.4	Amendments	15.1	Amendment
1.5	Severability	15.2	Validity
		15.3	Effective date [not needed]
New Section	New Title	Existing Section	Existing Title
2	DEFINITIONS	2	DEFINITIONS
New Section	New Title	Existing Section	Existing Title
3	DISTRICTS	3	ESTABLISHMENT OF DISTRICTS
3.1	Establishment of Districts	3-1	Division into districts
3.2	Zoning Map	3-2	Zoning Map
3.3	Interpretation of Zoning Map	3-3	Boundaries of districts

New Section	New Title	Existing Section	Existing Title
4	USE REGULATIONS	5	USE REGULATIONS
4.1	General Provisions	5.1	Applicability
4.2	Table of Uses	5.2	Permitted uses
		5.4	Table of Use Regulations
4.3	Supplemental Use Regulations	5.3	Uses subject to other regulations
4.4	Accessory Uses	5.5	Agricultural District
New Section	New Title	Existing Section	Existing Title
5	DIMENSIONAL REGULATIONS	6	AREA, HEIGHT, AND BULK REGULATIONS
5.1	General Provisions	6.1	Applicability
5.2	Table of Dimensional Regulations	6.2	Table of Area Regulations Table of Height and Bulk Regulations
5.3	Supplemental Dimensional Regulations	6.2 6.3	Area regulations Height and bulk regulations
New Section	New Title	Existing Section	Existing Title
6	NONCONFORMING USES, STRUCTURES, AND LOTS	9	Nonconforming Uses, Structures and Lots
6.1	General Provisions	9.1	Application of nonconformity
6.2	Nonconforming Uses	9.2 9.4	Extension or alteration Change
6.3	Nonconforming Structures	9.7 9.8	Moving Unsafe structures
6.4	Nonconforming Lots	9.3	Reduction or increase
6.5	Restoration; Abandonment or Non-Use	9.5 9.6	Restoration Abandonment

New Section	New Title	Existing Section	Existing Title
7	GENERAL REGULATIONS		
7.1	Off-Street Parking	Art. 8	Off-Street Parking and Loading Regulations
7.2	Signs	Art. 13	Sign Bylaw
New Section	New Title	Existing Section	Existing Title
8	SPECIAL REGULATIONS		
8.1	Open Space Residential Zoning	7	Open Space Residential Zoning
8.2	Inclusionary Zoning	14.6	Inclusionary Zoning Bylaw
8.2	Historic Properties	5.6	Historic Properties
8.3	Earth Removal	12	Rules and Regulations Governing Earth Removal Uses
8.4	Personal Wireless Communications Facilities	17	Personal Wireless Communications Facilities
8.5	Adult Uses	18	Adult Uses
New Section	New Title	Existing Section	Existing Title
9	SPECIAL DISTRICT REGULATIONS		
9.1	Agricultural District	5.6	Agricultural District
9.2	Medfield State Hospital District	20	Medfield State Hospital District

New Section	New Title	Existing Section	Existing Title
10	OVERLAY DISTRICTS		
10.1	Floodplain District	10	Floodplain District
10.2	Watershed Protection District	11	Watershed Protection District
10.3	Aquifer Protection District	16	Aquifer Protection District
10.4	Large-Scale Solar Photovoltaic Facilities Overlay District	19	Large-Scale Solar Photovoltaic Facilities Overlay District
New Section	New Title	Existing Section	Existing Title
11	ADMINISTRATION AND ENFORCEMENT	14	ADMINISTRATION AND ENFORCEMENT
11.1	Enforcement	14.1 14.7 14.8	Building Inspector and/or Zoning Enforcement Officer Violations and penalties Prosecution of violations
11.2	Compliance	14.2 14.4 14.4 14.5	Permits required Previously approved permits Certificate of use and occupancy Permit and certificate fees
11.3	Board of Appeals	14.9	Board of Appeals
		14.10	Special permits by Board of Appeals
		14.11	Variances
11.4	Planning Board	1.4	Planning Board
		14.13	Appeal periods
11.5	Special Permits	14.10 14.15 14.14 14.6	Special permits by Board of Appeals Special permits by Planning Board Duty to supply plans and specifications Special permit time limits
11.6	Site Plan Approval	14.12	Site plan approval by Planning Board
11.7	Appeals	14.13	Appeal periods

List of specific changes

- Reorganization per crosswalk (below)
- **Section references and cross-references were updated**
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4 Article 1

PURPOSE AND AUTHORITY

5

6 1.1 Purpose

7

8 This chapter shall be known and may be cited as the "Zoning Bylaw for the Town of Medfield,
9 Massachusetts," which herein is called "this Zoning Bylaw." *(former Section 300-1.1)*

10 The purpose of this Bylaw is to promote the health, safety, convenience and welfare of the
11 inhabitants of Medfield by lessening congestion in the streets; securing safety from fires, panic,
12 or other danger; providing adequate light and air; preventing the overcrowding of land; avoiding
13 undue congestion of population; facilitating the adequate provision of transportation, water,
14 sewerage, schools, parks, and other public requirements; and by other means in accordance with
15 a comprehensive Master Plan prepared during the years 1963 and 1964 and since continuously
16 updated. *(former Section 300-1.2)*

17

18 1.2 Authority

19

	Use	A	RE	RT	RS	RU	B	BI	IE
1.	Residential								
1.1.	One-family dwelling (See § 300- 14.10F <u>11.5.1.F.</u>)	YES	YES	YES	YES	YES	SP	NO	NO
1.1a.	Accessory dwelling unit in single- family dwelling (See § 300- 14.10I <u>11.5.1.I</u>)	SP	SP	SP	SP	SP	NO	NO	NO
1.2.	Two-family dwelling (Under § 300- 14.10F <u>11.5.1.F.</u>)	NO	NO	NO	NO	NO	SP	NO	NO
1.2a.	Family apartment [See definition in § 300-2. 1 and § 300- 14.10I(3) <u>11.5.1.I(3)&(4)</u>]	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 \geq 15%)	NO	NO	NO	NO	SPPB	NO	NO	NO
1.3.	Alteration of two- or multi-family dwelling [See § 300- 14.10H(2)(b) <u>11.5.1.H(2)(b)</u>]	NO	NO	NO	NO	SP	SP	NO	NO

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AREA OF INFLUENCE	<p><i>(from Aquifer Protection District Section)</i> The ground surface area which experiences drawdown by a pumping well.</p>
ARTIST LIVE/WORK DWELLING	<p><i>(from MSHD Section)</i> A residential unit in which up to 50% of the gross floor area may be used for the production, display and sale of arts and crafts made on premises by the occupant of such unit. Additionally, for the purposes of this article, this term shall also mean a building or buildings where a portion of the total space is used for residential purposes and other portions, not to exceed 50% of the gross floor area of the building or buildings are used for the production, display and sale of arts and crafts produced by the residents thereof.</p>

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<u>APPLICANT</u>	<i>(from Personal Wireless Communications Facilities Section)</i> An entity authorized by the FCC to provide personal wireless services that files an application, or is the holder of a special permit pursuant to this Article; if the applicant is not the landowner, the landowner(s) shall file as co-applicant(s).
<u>APPLICANT</u>	<i>(from MSHD Section)</i> Any person or entity having a legal or equitable interest in a proposed project or the authorized agent of any such person or entity.
<u>APPLICANT</u>	<u>Any person or entity having a legal or equitable interest in a proposed project or the authorized agent of any such person or entity. In terms of Personal Wireless Communications Facilities, an applicant is defined as an entity authorized by the FCC to provide personal wireless services that files an application, or is the holder of a special permit pursuant to this Article; if the applicant is not the landowner, the landowner(s) shall file as co-applicant(s).</u>

SR: Merged the duplicate definitions

<u>APPLICATION</u>	<i>(from Personal Wireless Communications Facilities Section)</i> A petition for a special permit for a personal wireless facility submitted by an applicant to the Board of Appeals under the auspices of this Article, and which fulfills all of the Board of Appeals filing requirements defined in this Bylaw.
<u>APPLICATION</u>	<i>(from MSHD Section)</i> A petition for plan approval filed with the plan approval authority by an applicant and inclusive of all required documentation as specified in administrative rules adopted pursuant to §§ 300-20.9 and 300-20.10 of this article.
<u>APPLICATION</u>	<u>A petition for plan approval filed with the Planning Board and/or Zoning Board of Appeals, as applicable, by an applicant and inclusive of all required documentation as specified in administrative rules adopted by said boards.</u> <i>SR: Merged and broadened the duplicate definitions</i>

**AS-OF-RIGHT AKA
BY-RIGHT**

(from MSHD Section & Large-Scale Solar Photovoltaic Facilities Overlay District (PVOD) Sections)

A use permitted without need for a special permit, variance, zoning amendment, or other form of zoning relief.

Note 1: A proposed project that requires plan approval by the plan approval authority pursuant to §§ 300-9.2.8 through 300-9.2.12 shall be considered an as-of-right proposed project. (MSHD)

Note 2: As-of-right development may be subject to site plan approval by the Planning Board pursuant to § 300-11.6 (PVOD)

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1372 8.5.2 Special permit

1373

1374 No adult use shall be allowed except by a special permit granted by the Board of Appeals. The
1375 Board of Appeals may grant a special permit for an adult use, with such conditions as it deems
1376 appropriate for the protection of public health, safety, and welfare, only in the Adult Use District,
1377 hereinafter defined, and only if the use is found by the Board of Appeals to comply with the
1378 following standards and procedures:

1379 A. Location. An adult use may only be located in the Adult Use District namely: a parcel of
1380 land located on the easterly side of North Meadows Road and shown as Lot #8 on Map 48
1381 of the Town of Medfield Official Assessors Map containing, according to said map, four
1382 acres, together with a portion of Lot 35 on said Map 48 bounded as follows:

Northerly by Massachusetts Department of Transportation right-of-way, westerly by North
Meadows Road for a distance of 200 feet, southerly by the remainder of said Lot 35, and
easterly by said Lot 8.

1383 B. Site development standards

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2250 10.1.2 District Boundary

2251

2252 A. The Floodplain District is superimposed over all districts established by this Bylaw. The
2253 Floodplain District is defined as all lands along or sloping to the Stow River and Charles
2254 River whose elevation is below 125 feet mean sea level based on the Massachusetts
2255 Geodetic Datum of 1929 (Elevation 124 based on NAVD 1988) and as shown on the
2256 Zoning Map and all the A Zone flood areas (Zone A and Zone AE) as shown on the
2257 Department of Homeland Security Flood Insurance Rate Map (FIRM) for Norfolk County,

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10.4 Solar Photovoltaic Facilities Overlay District (PVOD)

- 10.4.3 Solar Photovoltaic Overlay District subdistricts:
 - Medium-Scale Ground-Mounted Solar Photovoltaic Overlay Subdistrict
 - Small-Scale Ground-Mounted Solar Photovoltaic Overlay Subdistrict
 - Solar Parking Canopy Solar Photovoltaic Overlay Subdistrict
 - Roof-Mounted Solar Photovoltaic Overlay Subdistrict
 - Municipal Solar Photovoltaic Overlay Subdistrict
- Table 10.5

Table 10.4.5

Sub-district Name	Allowable Districts	Permitting Process	Dimensional Requirements
Large Scale Ground Mounted	IE	By-right with SPA	As Noted
Medium Scale Ground Mounted	IE, B, BI, A, <u>MSHD</u>	By-right with SPA	As Noted
Small Scale Ground Mounted	IE, B, BI, RE, RT, RS, RU, A, <u>MSHD</u>	By-right	Underlying Zoning District
Solar Parking Canopy	IE, A, <u>MSHD</u>	By-right with SPA	As Noted
	B, BI	PB-SP	
Roof-Mounted (all sizes)	IE, B, BI, RE, RT, RS, RU, A, <u>MSHD</u>	By-right	As Noted
Municipal (all sizes of Ground-Mounted, Parking Canopy, and Roof-Mounted)	IE, B, BI, RE, RT, RS, RU, A, <u>MSHD</u>	By-right with SPA	As Noted

Next Steps

1. Public Hearing #1 - January 9, 2023 (Presentation & Collect Feedback)
2. Prepare red-lined draft
3. Public Hearing #2 - February 6, 2023
4. Public Hearing #3 - March 6 , 2023 (Vote out final language for inclusion in the Town Meeting Warrant)
5. Annual Town Meeting - Monday, May 3, 2023