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Chapter 300

Zoning

DRAFT * REORGANIZATION *** DRAFT - v3 11/21/22** ~~HISTORY: Adopted by the Town of Medfield 4-5-1938, as amended through 4-29-2013. Subsequent amendments noted where applicable.]~~

Article 1 **PURPOSE AND AUTHORITY**

Scope

1.1 Purpose

§ 300-1.1 Title.

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

§ 300-1.2 Authority.

~~This Zoning Bylaw is adopted by virtue of and pursuant to the authority granted to the Town of Medfield by MGL c. 40A, as now existing or hereafter amended, herein called the "Zoning Act."~~

§ 300-1.3 Purpose.

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

§ 300-1.4 Planning Board.

~~There shall be an elected Planning Board consisting of five members according to MGL c. 41, § 81A, and one associate member to be appointed by the Planning Board.~~

1.2 Authority

~~This Zoning Bylaw is adopted by virtue of and pursuant to the authority granted to the Town of Medfield by MGL c. 40A, as now existing or hereafter amended, herein called the "Zoning Act." *(former Section 300-1.3)*~~

1.3 Applicability

The provisions of this Bylaw shall be interpreted to be the minimum requirements adopted for the promotion

of the health, safety, or the general welfare of the Town of Medfield, Massachusetts. The provisions of this Bylaw are not intended to repeal, amend, abrogate, annul or in any way impair or interfere with any lawfully adopted law, statute, ordinance, Bylaw, covenants, regulations or rules. Whenever the regulations made under the authority hereof differ from those prescribed by any law, statute, ordinance, Bylaw or other regulations, that provision which imposes the greater restriction or the higher standard shall govern. (former Section 300-4.1)

Except as herein provided, or as specifically exempted by a "shall clause" of the Zoning Act, the provisions of this Bylaw shall apply to the following: the erection, construction, reconstruction, alteration, or use of buildings and structures or use of land. (former Section 300-4.2)

1.4 Amendments

This Bylaw may be amended from time to time in accordance with the Zoning Act. During the amendment procedure, subdivision plans in process of review by the Planning Board under the Subdivision Control Law shall be subject to the provisions of the Zoning Act. (former Section 300-15.1)

1.5 Severability

The invalidity, unconstitutionality or illegality of any provision of this Bylaw or boundary shown on the Zoning Map shall not have any effect upon the validity, constitutionality or legality of any other provisions or boundary. (former Section 300-15.2)

Article 2 DEFINITIONS

Definitions

§ 300 2.1 Word usage; terms defined.

For the purpose of this Bylaw, certain terms and words shall have the meanings given herein. Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. The words "used" or "occupied" include the words "designed," "arranged," "intended" or "offered" to be used or occupied. The words "building," "structure," "lot," "land" or "premises" shall be construed as though followed by the words "or any portion thereof." The word "shall" is always mandatory and not merely directory.

Terms and words not defined herein but defined in the Commonwealth of Massachusetts State Building Code shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary, Third Edition. Uses listed in the Table of Use Regulations under the classes "Commercial/Business" and "Wholesale and Manufacturing" shall be further defined by the Standard Industrial Classification Manual published by the U.S. Bureau of the Census. **[Amended 4-28-2014 ATM by Art. 33]**

<u>ABANDONMENT</u>	<u>The discontinuance of a nonconforming use or the visible or otherwise apparent intention of an owner to discontinue a nonconforming</u>
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	<u>use of a building or premises, or the removal of the characteristic equipment or furnishing used in the performance of the nonconforming use, without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or building by a conforming use or building.</u>
<u>ACCESSORY DWELLING UNIT</u>	<u>One additional dwelling unit (see "dwelling unit" below) contained in a single-family dwelling which complies with the conditions set out in § 11.5.1.</u>
<u>ADMINISTERING AGENCY</u>	<p><i>(from MSHD Section)</i></p> <p><u>The Medfield Board of Selectmen, or such other committee or organization as may be designated by the Medfield Board of Selectmen, with the power to monitor and enforce compliance with the provisions of this article related to affordable housing, including but not limited to enforcement and oversight with respect to i) rental rates and sales prices; ii) income eligibility determinations for households applying for affordable housing; iii) marketing of affordable housing pursuant to an approved housing marketing and resident selection plan; and iv) recording of affordable housing restrictions. In a case where the administering agency cannot adequately carry out its administrative duties, upon certification of this fact by the Medfield Board of Selectmen, such duties shall devolve to and thereafter be administered by an alternative committee or organization designated by the Medfield Board of Selectmen.</u></p>
<u>AFFORDABLE HOMEOWNERSHIP UNIT</u>	<p><i>(from MSHD Section)</i></p> <p><u>A unit of affordable housing required to be sold to an eligible household.</u></p>
<u>AFFORDABLE HOUSING</u>	<p><i>(from MSHD Section)</i></p> <p><u>One or more housing units subject to an affordable housing restriction, deed rider or other restriction running with the land that requires such units to be affordable to and occupied by eligible households.</u></p>
<u>AFFORDABLE HOUSING RESTRICTION</u>	<p><i>(from MSHD Section)</i></p> <p><u>An affordable housing restriction, deed rider or other restriction running with the land affecting one or more affordable units that meets the requirements set forth in MGL c. 184, § 31 and this article.</u></p>
<u>AFFORDABLE RENTAL UNIT</u>	<p><i>(from MSHD Section)</i></p> <p><u>A unit of affordable housing required to be rented to an eligible household.</u></p>

<u>AFFORDABLE UNIT</u>	<i>(from MSHD Section)</i> Either an affordable rental unit or an affordable homeownership unit.
<u>AGRICULTURAL USE</u>	See § 300-9.1
<u>ADULT-ONLY RETAIL TOBACCO AND/OR VAPE STORE</u>	<u>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.</u>
<u>ADULT USES</u>	<p><u>ADULT USES (from Adult Uses Section)</u></p> <p><u>An establishment, a building or portion thereof, or a use of land having a substantial or significant portion of its business activity, stock-in-trade, or other matter or materials for sale, rental, distribution, or exhibition, which are distinguished or characterized by their emphasis on depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, including but not limited to the following:</u></p> <p class="list-item-l1">A. <u>ADULT BOOKSTORE</u> <u>An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, and other matter which are distinguished or characterized by their emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31;</u></p> <p class="list-item-l1">B. <u>ADULT CLUB</u> <u>An establishment having as any of its activities or entertainment a person or persons in a state of nudity or distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31;</u></p> <p class="list-item-l1">C. <u>ADULT ENTERTAINMENT ESTABLISHMENT</u> <u>An establishment offering activities or goods or providing services where employees, entertainers or patrons are engaging in nudity, sexual conduct or sexual excitement as defined in MGL c. 272, § 31;</u></p> <p class="list-item-l1">D. <u>ADULT MOTION-PICTURE THEATER</u> <u>An establishment used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL</u></p>

	<p><u>c. 272, § 31;</u></p> <p>E. ADULT PARAPHERNALIA STORE An establishment having as a substantial or significant portion of its stock-in-trade devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in MGL c. 272, § 31;</p> <p>F. ADULT VIDEO STORE An establishment having as a substantial or significant portion of its stock-in-trade videos, movies or other film materials which are distinguished or characterized by their emphasis on depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.</p>
	<p><u>SUBSTANTIAL OR SIGNIFICANT PORTION</u></p> <p><u>The term "substantial or significant portion" as used in this Article 18 shall mean any of the following:</u></p> <p>A. Twenty percent or more of the business inventory or stock of merchandise for sale, rental, distribution, or exhibition during any period of time;</p> <p>B. Twenty percent or more of the annual number of gross sales, rentals, or other business transactions; or</p> <p>C. Twenty percent or more of the annual gross business revenue.</p>
<u>ALTERATION</u>	<u>Any construction, reconstruction or other action resulting in a change in the structural parts or height, number of stories, size, use or location of a building or other structure.</u>
<u>APPLICANT</u>	<i>(from Personal Wireless Communications Facilities Section)</i> <u>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>
<u>APPLICANT</u>	<i>(from MSHD Section)</i> <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.</u>
<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</u>

	<p><u>special permit pursuant to this Article; if the applicant is not the landowner, the landowner(s) shall file as co-applicant(s).</u></p> <p><u>SR: Merged the duplicate definitions</u></p>
<u>APPLICATION</u>	<p><i>(from Personal Wireless Communications Facilities Section)</i></p> <p><u>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></p>
<u>APPLICATION</u>	<p><i>(from MSHD Section)</i></p> <p><u>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></p>
<u>APPLICATION</u>	<p><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></p> <p><u>SR: Merged and broadened the duplicate definitions</u></p>
<u>AQUIFER</u>	<p><i>(from Aquifer Protection District Section)</i></p> <p><u>A geologic formation composed of rock, sand, and/or gravel that contains significant amounts of potentially recoverable water.</u></p>
<u>AQUIFER PROTECTION DISTRICT</u>	<p><i>(from Aquifer Protection District Section)</i></p> <p><u>A district shown on the Zoning Map superimposed on all other zoning districts in the Town, consisting of groundwater protection areas, including Well Protection Districts, Primary Aquifer Zone and Secondary Aquifer Zone.</u></p> <p class="list-item-l1">A. <u>The Primary Aquifer Zone's delineation is shown on the Primary Aquifer Overlay Map dated July 10, 1987, by Amory Engineers, P.C. The Primary Aquifer Zone's delineation is derived from the following sources:</u></p> <p class="list-item-l2">(1) <u>United States Geologic Survey Atlas HA-554, Hydrology and Water Resources of the Charles River Basin;</u></p> <p class="list-item-l2">(2) <u>USGS Atlas HA-484 Hydrology and Water Resources of the Neponset Weymouth River Basins; and</u></p> <p class="list-item-l2">(3) <u>Water Supply Protection Atlas, prepared by the</u></p>

	<p><u>Massachusetts DEP.</u></p> <p><u>B. The Secondary Aquifer Zone area is shown on the Secondary Aquifer Overlay Map dated January 30, 2003, by Environmental Partners Group Inc. and has been derived from the DEP approved Zone 2 of the following well recharge areas:</u></p> <p class="list-item-l1">(1) <u>Wells WPS-1 and WPS-2 (Geosphere Environmental Management Inc.) approved 8/01;</u></p> <p class="list-item-l1">(2) <u>Wells WPS-3, WPS-4, WPS-6 (S.E.A. Consultants Inc.) approved 02/90;</u></p> <p class="list-item-l1">(3) <u>Well WPS-5 (Amory Engineers) approved 12/90; and</u></p> <p class="list-item-l1">(4) <u>Hospital WPS Well (Talkington Edson Environmental Management, LLC) approved 9/01.</u></p>
<p><u>AREA OF INFLU- ENCE</u></p>	<p><i>(from Aquifer Protection District Section)</i> <u>The ground surface area which experiences drawdown by a pumping well.</u></p>
<p><u>ARTIST LIVE/WORK DWELLING</u></p>	<p><i>(from MSHD Section)</i> <u>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.</u></p>
<p><u>ASSISTED LIVING</u></p>	<p><i>(from MSHD Section)</i> <u>Housing units and associated facilities designed for the elderly who require daily assistance but who do not require nursing home care. An assisted living housing unit consists of a room or group of rooms for one or more persons with provisions for living and sleeping for the exclusive use of the individual or household unit. Assisted living housing units may provide cooking and sanitary facilities. Associated or shared facilities may include common dining facilities with limited meals, housekeeping services, and common space for social, educational and recreational activities. Assisted living provides personal services, medical monitoring and supervision. Assisted living shall refer to certified assisted living residences only, as defined and certified under MGL Chapter 19D, and as regulated under 651 CMR 12.00</u></p>

<u>AS-OF-RIGHT AKA BY-RIGHT</u>	<p><i>(from MSHD Section & Large-Scale Solar Photovoltaic Facilities Overlay District (PVOD) Sections)</i></p> <p><u>A use permitted without need for a special permit, variance, zoning amendment, or other form of zoning relief.</u></p> <p><u>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)</u></p> <p><u>Note 2: As-of-right development may be subject to site plan approval by the Planning Board pursuant to § 300-11.6 (PVOD)</u></p>
<u>ASSOCIATE MEMBER</u>	<p><u>A registered voter appointed by the Planning Board for a one-year term ending in April of each year, who may be designated by the Chairman of the Planning Board to sit on the Board for the purposes of acting on a special permit application, on the occasion of the absence, or inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board, all as set out in MGL c. 40A, § 9.</u></p>
<u>AUTOMOTIVE GRAVEYARD OR JUNKYARD</u>	<p><u>A collection of two or more unregistered vehicles on any lot or parcel under single ownership. In order to be considered unregistered, vehicles must be of a sort which in their normal use would be required to be registered by the Registry of Motor Vehicles of the Commonwealth of Massachusetts.</u></p>
<u>BED-AND-BREAKFAST</u>	<p><u>A private owner-occupied residence with overnight accommodations for paying guests and a common breakfast area for their use, but with no cooking facilities in the guest rooms.</u></p>
<u>BEST MANAGEMENT PRACTICES (BMPs)</u>	<p><i>(from MSHD Section)</i> <u>Structural, vegetative, or managerial practices designed to treat, prevent, or reduce degradation of water quality due to stormwater runoff and snow melt.</u></p>
<u>BOARD OF APPEALS</u>	<p><u>The Board of Appeals of the Town of Medfield, Massachusetts.</u></p>
<u>BUFFERS</u>	<p><u>A landscaped strip to provide a visual barrier.</u></p>
<u>BUILDING</u>	<p><u>A combination of any materials, whether portable or fixed, having a roof, common walls, passageways, areas and serviced by common utilities and forming a structure for the shelter of persons, animals or property. For the purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.</u></p>

<u>BUILDING, ACCESSORY</u>	<u>A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.</u>
<u>COMMUNITY FACILITIES</u>	<u>Premises owned and operated by a governmental or other chartered nonprofit organization, including public housing for the elderly, but not including fraternal, sports or similar membership organizations.</u>
<u>CONTINUING CARE RETIREMENT COMMUNITY (CCRC)</u>	<u>(from MSHD Section)</u> <u>A building or group of buildings providing a continuity of residential occupancy and health care for elderly persons in the form of congregate housing. This facility includes dwelling units for independent living, assisted living facilities, memory care, or a skilled nursing care facility of a suitable size to provide treatment or care of the residents. Health services should range from health monitoring for the well-elderly, to assisted living in independent living units, to nursing home care on the same site. A CCRC may also include ancillary facilities for the further enjoyment, service, or care of the residents. The facility is restricted to persons 60 years of age or older or married couples or domestic partners where either the spouse or domestic partner is 60 years of age or older.</u>
<u>DESIGN GUIDELINES</u>	<u>(from MSHD Section)</u> <u>The standards set forth in the document entitled, "Medfield State Hospital Strategic Reuse Plan," and the Medfield State Hospital District Design Guidelines established in this bylaw. The design guidelines are applicable to all proposed projects within the MSHD. A copy of the design guidelines is on file in the office of the Town Clerk and the office of the Town Planner.</u>
<u>DETENTION POND</u>	<u>For purposes of interpreting § 300-5.1, Table of Area Regulations, "detention pond" shall mean that portion of such a facility that lies within a line represented by the highest elevation contour that completely encloses the facility.</u>
<u>DEVELOPMENT PLAN</u>	<u>(from MSHD Section)</u> <u>A plan setting forth the proposed area, location and appearance of structures, open space and landscaping for a proposed project(s) within the MSHD, including proposed uses, densities, number and configuration of affordable units, dimensions, parking, loading, and traffic circulation.</u>
<u>DHCD</u>	<u>(from MSHD Section)</u> <u>The Massachusetts Department of Housing and Community Development or any successor agency.</u>

<u>DISPOSAL</u>	<i>(from Aquifer Protection District Section)</i> The deposit, injection, dumping, spilling, leaking, incineration or placing of any substance into or on any land or water so that such substance or any constituent thereof presents a hazard to the groundwater.
<u>DRIVE-IN ESTABLISHMENT</u>	A premises in which persons while in cars are served, view, purchase, consume as appropriate: food, movies, goods, materials or equipment.
<u>DRIVEWAY, LEGAL SERVICE</u>	An open space, located on a private lot, which is built for access to a private garage or off-street parking space.
<u>DWELLING, MULTIFAMILY</u>	A residential development consisting of three or more dwelling units on one single contiguous parcel, not necessarily contained in one building.
<u>DWELLING UNIT</u>	One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.
<u>EARTH</u>	<i>(from Earth Removal Section)</i> "Earth," as used in this Article, shall include all material, fragmental or otherwise, normally composing part of the surface of the globe, excluding water.
<u>ELIGIBLE HOUSEHOLD</u>	<i>(from MSHD Section)</i> An individual or household with an annual income not greater than 80% of the area-wide median income as determined by United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.
<u>ELIGIBLE SUBSIDY</u>	<i>(from MSHD Section)</i> An affordable housing subsidy awarded to a proposed project, provided that DHCD recognizes units produced with such subsidy as eligible for listing on its Subsidized Housing Inventory.
<u>ESSENTIAL SERVICES</u>	The erection, construction, alteration or maintenance by public utilities or governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings necessary for the furnishing of adequate service by such public utilities or governmental agencies for the public health

	<u>or safety or general welfare.</u>
<u>FAMILY</u>	<u>One or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit housekeeping unit.</u>
<u>FAMILY APARTMENT</u>	<u>A dwelling unit within a single structure for use by a family member.</u>
<u>FLOOR AREA, NET</u>	<u>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.</u>
<u>FLOOR AREA RATIO (F.A.R.)</u>	<u>The ratio of the net floor area of the principal building to the total lot area.</u>
<u>FRONTAGE</u>	<u>A continuous portion of a side line 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.</u>
<u>GROUND-MOUNTED SOLAR PHOTOVOLTAIC ARRAY</u>	<p><u>(from Large-Scale Solar Photovoltaic Facilities Overlay District (PVOD) Section)</u></p> <p><u>An SES that is directly structurally mounted on the ground, including a Large-Scale Ground-Mounted Solar Photovoltaic Array, a Medium-Scale Ground-Mounted Solar Photovoltaic Array, a Small-Scale Ground-Mounted Solar Photovoltaic Array and a Solar Parking Canopy Solar Photovoltaic Array.</u></p> <p><u>LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC ARRAY</u></p> <p><u>An SES that is structurally mounted on the ground and is not roof-mounted, and has a Rated Nameplate Capacity equal to 250 kW DC or greater.</u></p> <p><u>MEDIUM-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC ARRAY</u></p> <p><u>An SES that has a Rated Nameplate Capacity of between 10 kW and 250 kW DC and is structurally mounted on the ground, not roof-mounted.</u></p> <p><u>PARKING CANOPY SOLAR PHOTOVOLTAIC ARRAY</u></p> <p><u>A roof application of a Ground-Mounted Solar Photovoltaic Array that is installed on top of a functional parking surface (striped, in</u></p>

	<p><u>use) that maintains the function of the area beneath the canopy; also known as solar carports which provide some protection or shelter to vehicles or equipment parked or stored below.</u></p>
	<p><u>SMALL-SCALE GROUND MOUNTED SOLAR PHOTO-VOLTAIC ARRAY</u></p> <p><u>A Solar Energy System that is equivalent to a rated nameplate capacity of up to 10 kW and is structurally mounted on the ground, not roof-mounted.</u></p>
<u>GROUNDWATER</u>	<p><i>(from Aquifer Protection District Section)</i></p> <p><u>The subsurface water present in aquifers and recharge areas.</u></p>
<u>HAZARDOUS MATERIAL</u>	<p><i>(from Aquifer Protection District Section)</i></p> <p><u>A substance or combination of substances, including any liquid petroleum product, that, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water in the Town of Medfield. Any substance deemed a "hazardous waste" in MGL c. 21C, as amended, shall also be deemed a hazardous material for purposes of this Bylaw.</u></p>
<u>HEIGHT</u>	<p><u>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.</u></p>
<u>HISTORIC PROPERTY</u>	<p><i>(from Historic Properties SP)</i></p> <p><u>Any property which contains a still-existing principal or significant structure (constructed or erected upon it prior to 1900).</u></p>
<u>HOME OCCUPATION</u>	<p><u>An accessory use which by custom has been carried on entirely within and only by the occupants of a dwelling unit, which use is incidental and subordinate to the dwelling use, and which does not in any manner change the residential character of the building.</u></p>
<u>HUD</u>	<p><i>(from MSHD Section)</i></p> <p><u>The United States Department of Housing and Urban Development or any successor agency.</u></p>

<u>IMPERVIOUS SURFACE</u>	<i>(from Aquifer Protection District Section)</i> Material that does not allow significant amounts of surface water to penetrate into the soil.
<u>INJECTION</u>	<i>(from Aquifer Protection District Section)</i> The placement of fluids into the ground by gravity or greater through a well or wells, including all of those described in the following regulations as amended: 310 CMR 27.03, Classes I through V, and further described in 310 CMR 27.08.
<u>LEACHABLE WASTE</u>	<i>(from Aquifer Protection District Section)</i> Waste material, including solid waste, sewage, sludge and agricultural waste, that is capable of releasing waterborne contaminants to the surrounding environment.
<u>LIVE/WORK DWELLING</u>	<i>(from MSHD Section)</i> A dwelling unit also used for a home occupation, provided: not more than one nonresident shall be employed therein; the use is carried on strictly within the dwelling unit and not within any ancillary structure; not more than 50% of the existing floor area is devoted to such use; there shall be no display of goods or wares visible from outside the dwelling unit; there shall be no advertising visible from outside the dwelling unit other than a small nonelectrical sign not to exceed one square foot in area and carrying only the name and occupation of any occupant of the dwelling unit such as physician, artisan, teacher, day nurse, lawyer, architect, engineer, clergyman, accountant, osteopath, dentist, and similar occupations or professions; the dwelling unit so occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance or in any other way; the dwelling unit shall include no features of design not customary in buildings for residential use. Such uses as clinics, barber shops, beauty parlors, tea rooms, real estate offices, tourist homes, animal hospitals, kennels and others of a similar nature shall not be considered home occupations.
<u>LOADING SPACE</u>	An off-street space used for loading or unloading and which is not less than 14 feet in width, 45 feet in length and 14 feet in height and containing not less than 1,300 square feet, including both access and maneuvering area.
<u>LODGING UNIT</u>	One or more rooms contained in a lodging house for the use of one or more individuals not living as a single housekeeping unit and not having cooking facilities. A lodging unit shall include a boarding unit, tourist house unit, or a rooming unit.

<u>LOT</u>	<u>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- 5.1. 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.</u>
<u>LOT, CORNER</u>	<u>A lot at the point of intersection and abutting on two or more intersecting streets, the angle of intersection of the street lot line, or in case of a curved street extended lot lines, being not more than 135°.</u>
<u>LOT DEPTH</u>	<u>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.</u>
<u>LOT LINE, FRONT</u>	<u>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.</u>
<u>LOT LINE, REAR</u>	<u>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 that are not street lines is to be considered the rear lot line.</u>
<u>LOT LINE, SIDE</u>	<u>Any lot line not a front or rear lot line.</u>
<u>LOT, NONCON-FORMING</u>	<u>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.</u>
<u>LOT, PERCENTAGE MAXIMUM COVER-AGE</u>	<u>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.</u>
<u>LOT, THROUGH</u>	<u>An interior lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.</u>
<u>LOT WIDTH</u>	<u>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.</u>

<u>LOW IMPACT DEVELOPMENT (LID)</u>	<p><i>(from MSHD Section)</i></p> <p>An approach to environmentally friendly land use planning. It includes a suite of landscaping and design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques capture water on site, filter it through vegetation, and let it soak into the ground where it can recharge the local water table rather than being lost as surface runoff.</p>
<u>LOW-/MID-RISE HOUSING</u>	<p><i>(from MSHD Section)</i></p> <p>A building of two or more stories with four or more units of residential housing.</p>
<u>MIXED USE</u>	<p><i>(from MSHD Section)</i></p> <p>A structure intended for use by both a) one or more non-residential uses listed in Table 1 of Article 300-9.2.4 and b) one or more residential uses listed in Table 1 of Article 300-9.2.4.</p>
<u>MEMBERSHIP CLUB</u>	<p>A nonprofit social, sports or fraternal association or organization maintaining a building or facilities which are used exclusively by members and their guests and which may or may not contain bar facilities.</p>
<u>MSHD</u>	<p><i>(from MSHD Section)</i></p> <p>The Medfield State Hospital District, which is a zoning district adopted under this article that addresses the uses and dimensional regulations for development and redevelopment on the property formerly occupied by Medfield State Hospital, now owned by the Town of Medfield at the adoption of this bylaw.</p>
<u>MSHD MAP</u>	<p><i>(from MSHD Section)</i></p> <p>The map of the area within the Town of Medfield that comprises the approximately eighty-nine-acre Medfield State Hospital District, which map is entitled "Medfield State Hospital District" and dated December 2017.</p>
<u>MUNICIPAL USE</u>	<p>The use of any building, facility, or area owned or leased and operated by the Town of Medfield for the general use and welfare of the Town, its inhabitants or businesses located within the Town.</p>
<u>OPEN DRAINAGE STRUCTURE</u>	<p>These shall include swales, ditches, or other man-made improvements designed to direct the flow of and/or carry water, which are not covered at ground level. For purposes of interpreting § 300-5.1, Table of Area Regulations, "open drainage structure" shall mean that portion of such a facility that lies within a line represented by the highest elevation contour that completely encloses the facility.</p>

	<u>or in the case where the facility flows into a detention pond, retention pond, or other area of generally lower elevation, the highest elevation contour that completely encloses the facility except at its intersection with another component of the overall drainage system or at the terminus of such drainage structure.</u>
<u>OPEN SPACE RESIDENTIAL DEVELOPMENT</u>	<u>A residential development in which the buildings and accessory uses are clustered together into one or more groups separated from adjacent property and other groups within the development by intervening open land.</u>
<u>OWNER</u>	<u>The duly authorized agent, attorney, purchaser, devisee, trustee or any person having vested or equitable interest in the use, structure or lot in question.</u>
<u>PARKING SPACE</u>	<u>An off-street space having dimensions of not less than nine feet six inches by 18 feet plus access and maneuvering space, for exclusive use as a parking stall for one motor vehicle, whether inside or outside a structure.</u>
<u>PERFECT SQUARE</u>	<u>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 on the front lot line.</u>
<u>PERSON</u>	<u>The word "person" shall include one or more individuals, a partnership, an association and a corporation.</u>
<u>PERSONAL WIRELESS ANTENNA</u>	<u>(from Personal Wireless Communications Facilities Section) A surface used to transmit and/or receive signals between a personal wireless facility and subscribers.</u>
<u>PERSONAL WIRELESS EQUIPMENT</u>	<u>(from Personal Wireless Communications Facilities Section) Apparatus employed by a provider of personal wireless services strictly to operate a personal wireless facility. Such apparatus typically includes transmission/reception electronics, network interconnection equipment, power supply equipment, and control and processing equipment.</u>
<u>PERSONAL WIRELESS FACILITY</u>	<u>(from Personal Wireless Communications Facilities Section) An arrangement of transmitting/receiving equipment, network interconnection equipment, and transmit/receive antenna(s) operated by a personal wireless service at one location that provides service to a geographic area.</u>
<u>PERSONAL WIRE-</u>	<u>(from Personal Wireless Communications Facilities Section) A structure designed to house personal wireless equipment that is</u>

<u>LESS FACILITY ACCESSORY BUILDING</u>	placed at a personal wireless tower or other personal wireless facility.
<u>PERSONAL WIRELESS SERVICE</u>	<i>(from Personal Wireless Communications Facilities Section)</i> Radio communications services specifically identified by the FCC (Federal Communications Commission) as personal wireless services. Such services include cellular services, personal communications services, and enhanced specialized mobile radio services, among others.
<u>PERSONAL WIRELESS TOWER</u>	<i>(from Personal Wireless Communications Facilities Section)</i> A self-supporting lattice structure, a monopole, or other structure erected for the primary purpose of supporting personal wireless antennas at a personal wireless facility.
<u>PLAN APPROVAL</u>	<i>(from MSHD Section)</i> A favorable decision by the plan approval authority on an application.
<u>PLAN APPROVAL AUTHORITY (PAA)</u>	<i>(from MSHD Section)</i> The Medfield Planning Board, which shall be authorized to approve a development plan to implement a proposed project.
<u>PAA RULES</u>	<i>(from MSHD Section)</i> The administrative rules relative to the application requirements and contents for plan review adopted by the plan approval authority pursuant to §§ 300-9.2.8 and 300- 9.2.9.
<u>PLAN REVIEW</u>	<i>(from MSHD Section)</i> The procedure by which a proposed project within the MSHD is made subject to review by the plan approval authority under the provisions of this article. Plan review shall be conducted pursuant to the PAA rules.
<u>PRIMARY AQUIFER ZONE</u>	<i>(from Aquifer Protection District Section)</i> An area of generally stratified glacial deposits, predominantly sand and gravel, exhibiting moderate to high permeability favorable for location of wells capable of yielding 300 gallons per minute or more, as shown on the Zoning Map.
<u>PRINCIPAL STRUCTURE</u>	<i>(from Historic Properties SP)</i> The main or primary structure, in terms of the present purpose or use of the property.

<u>PROCESS WASTE</u>	<i>(from Aquifer Protection District Section)</i> Nondomestic, nontoxic, nonhazardous, liquid or solid waste by-products associated with the manufacture or preparation of a product, including but not limited to hardware, dry goods, foodstuffs and printed material.
<u>PROPOSED PROJECT</u>	<i>(from MSHD Section)</i> A residential, mixed-use, commercial or municipal development undertaken within the MSHD in accordance with the requirements of this article and that involves the erection, extension, rehabilitation or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the applicant is required to obtain a building or use permit.
<u>RADIO COMMUNICATIONS</u>	<i>(from Personal Wireless Communications Facilities Section)</i> All forms of communication which transmit radio frequency or microwave signals.
<u>RATED NAME-PLATE CAPACITY</u>	<i>(from Large-Scale Solar Photovoltaic Facilities Overlay District (PVOD) Section)</i> The maximum rated output of electric power production of the SES in direct current (DC).
<u>RECHARGE AREA</u>	<i>(from Aquifer Protection District Section)</i> An area of porous, permeable geologic deposits, especially, but not exclusively, deposits of stratified sand and gravel ("stratified drift") through which water from any source drains into an aquifer, including any wetland or body of surface water surrounded by or adjacent to such area, together with the watershed of any such wetland or body of surface water.
<u>RECORDED</u>	Recorded in the Norfolk Registry of Deeds or registered in the Norfolk Registry District of the Land Court.
<u>RECREATIONAL STRUCTURES</u>	Swimming pools, tennis courts, basketball courts, or similar type residential accessory structures together with any fencing.
<u>RELATED EQUIPMENT OR FACILITIES</u>	<i>(from Large-Scale Solar Photovoltaic Facilities Overlay District (PVOD) Section)</i> Any equipment, building, structure, access way, landscaping or other means used to support the operation, or disguise the appearance, of a solar photovoltaic tower, antenna, or transmitting or receiving equipment of any kind.

<u>REQUIRED NUMBER OF AFFORDABLE UNITS</u>	<i>(from MSHD Section)</i> <u>15%</u> of total units in a proposed project that has 20 units or less; <u>20%</u> of total units in a proposed project that has between 21 and 49 units; and <u>25%</u> of total units in a proposed project that has 50 units or more.
<u>RESIDENTIAL AREA</u>	<u>Any area situated within a district zoned primarily for residential purposes under the Zoning Bylaw. It includes RE, RT, RS and RU.</u>
<u>RETENTION POND</u>	<u>For purposes of interpreting § 300-5.1, Table of Area Regulations, "retention pond" shall mean that portion of such a facility that lies within a line represented by the highest elevation contour that completely encloses the facility.</u>
<u>ROOF-MOUNTED SOLAR ENERGY SYSTEM</u>	<i>(from Large-Scale Solar Photovoltaic Facilities Overlay District (PVOD) Section)</i> <u>An SES that is structurally mounted to and confined to the limits of the roof of a building or structure. This is intended to serve as an accessory use to the primary use on the property and may be used to provide electricity, hot water, or space heating and cooling.</u>
<u>SANITARY WASTE</u>	<i>(from Aquifer Protection District Section)</i> <u>Wastewater arising from ordinary water use from toilets, sinks and bathing facilities, and containing such concentrations and types of pollutants as are considered normal domestic wastes.</u>
<u>SECONDARY AQUIFER ZONE</u>	<i>(from Aquifer Protection District Section)</i> <u>An area that was derived from the Massachusetts Department of Environmental Protection (DEP) Zone 2, in accordance with the Massachusetts Drinking Water Regulations (310 CMR 22.00). The area is defined under 310 CMR 22.02, as that area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield, with no recharge from precipitation). It is bounded by the groundwater divides, which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, the area shall extend upgradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).</u>
<u>SECONDARY ANTENNA; SECONDARY COMMUNICATIONS</u>	<i>(from Personal Wireless Communications Facilities Section)</i> <u>Antennas and communications services which do not qualify as per-</u>

	<u>sonal wireless and which may be supported on a secondary, subservient basis by a personal wireless tower.</u>
<u>SIGN</u>	<u>Any letters, pictorial representations, symbol, flag, emblem or animated device displayed in any manner whatsoever, which directs attention of persons off the premises on which the sign is displayed to any object, subject, place, person, activity, product, service, institution, organization or business. (For the purposes of this code, American flags and directional or traffic signs and signals erected or adopted by governments or their agencies are not included in this definition.)</u>
<u>SIGN, ACCESSORY</u>	<u>Any billboard, sign or other advertising device that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or the business transacted thereon, or advertises the property itself or any part thereof as for sale or to let, and which contains no other advertising matter.</u>
<u>SIGN, ADVERTISING</u>	<u>A sign used to direct attention to a service, sale or other activity not performed on the same premises upon which the sign is located.</u>
<u>SIGN, AWNING</u>	<u>A sign on or attached to a temporary retractable shelter that is supported entirely from the exterior wall of a building.</u>
<u>SIGN BAND</u>	<u>A special type of parallel sign. It is a horizontal band, integral to the building facade, and runs the full length of the building, exclusive of structural or other interruptions.</u>
<u>SIGN, BUSINESS</u>	<u>A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.</u>
<u>SIGN, CANOPY</u>	<u>A sign on or attached to a permanent overhanging shelter that projects from the face of the building and is supported entirely or partially by the building.</u>
<u>SIGN, FREESTANDING</u>	<u>A sign supported upon the ground and not attached to any building.</u>
<u>SIGN FRONTRAGE, BUILDING</u>	<u>The length in feet of the building side fronting on the street. Only one building side may be used as sign frontage.</u>
<u>SIGN, IDENTIFICATION</u>	<u>A sign used simply to identify the name, address and title of an individual family or firm occupying the premises upon which the sign is located.</u>
<u>SIGN, NONACCESSORY</u>	<u>Any billboard, sign or other advertising device that does not come within the foregoing definition of an accessory sign.</u>

<u>SIGN, OFF-PREMISES</u>	<u>A sign advertising activities, goods, products, services, etc., available elsewhere than within the building or on the lot where the sign is located.</u>
<u>SIGN, ON-PREMISES</u>	<u>A sign advertising activities, goods, etc., available within the building or on the lot where the sign is located.</u>
<u>SIGN, PARALLEL</u>	<u>A wall-mounted sign parallel to the building surface.</u>
<u>SIGN, PARKING</u>	<u>A sign at each vehicular entrance to a parking lot or parking garage.</u>
<u>SIGN, PROJECTING</u>	<u>A wall-mounted sign perpendicular to the building surface.</u>
<u>SIGN, TEMPORARY</u>	<u>A sign which advertises a special event, sale or service.</u>
<u>SIGN, WINDOW OR INTERIOR</u>	<u>A sign painted or applied to glass doors or windows, or installed on the interior but visible from the exterior.</u>
<u>SIGNIFICANT STRUCTURE</u>	<u>(from Historic Properties SP)</u> <u>A structure the use or purpose of which is substantial, in terms of the present purpose or use of the property, such as a carriage house, caretaker's house, barn, or similar building.</u>
<u>SINGLE FAMILY COTTAGE</u>	<u>(from MSHD Section)</u> <u>A one-story, single-family dwelling having a net floor area less than 2,200 square feet.</u>
<u>SOLAR ENERGY SYSTEM (SES)</u>	<u>(from Large-Scale Solar Photovoltaic Facilities Overlay District (PVOD) Section)</u> <u>A device whose primary purpose is the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating, which can be ground mounted or rooftop mounted. Solar Energy Systems include photovoltaic panels, mounting structures, transmission lines and any other equipment, or structure, including access ways or landscaping, used to support solar photovoltaic activities.</u>
<u>SOLID WASTE</u>	<u>(from Aquifer Protection District Section)</u> <u>Useless, unwanted or discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse.</u>
<u>SPECIAL PERMIT</u>	<u>A use of a structure or lot or any action upon a premises which may be permitted under this Bylaw only upon application to and with the approval of the Board of Appeals or the Planning Board and in accordance with the provisions of Article 11.</u>

<u>SPECIAL PERMIT GRANTING AUTHORITY</u>	<u>The Board of Selectmen for earth removal permits; the Planning Board for site plan approval for multifamily, business or industrial buildings constructed or externally enlarged and not otherwise requiring a special permit; and the Board of Appeals for all other special permits.</u>
<u>STORY</u>	<u>That part of a building between any floor and the floor or roof next above. For the purposes of this Bylaw, where a building is not divided into stories, a story shall be considered 15 feet in height. A story shall be at least 50% above grade.</u>
<u>STREET</u>	<u>A way which is dedicated or devoted to public use by legal mapping, by user, or by any other lawful procedure and includes any avenue, boulevard, parkway, road, land, public square, highway and similar public way which affords the prescribed means of principal access to an abutting lot.</u>
<u>STRUCTURE</u>	<u>A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flag pole, or swimming pool.</u>
<u>STRUCTURE, NON-CONFORMING</u>	<u>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.</u>
<u>SUBSTANTIALLY DIFFERENT USE</u>	<u>Any use which is not permitted either by right, or by special permit of the Board of Appeals, within the district in which the lot is located.</u>
<u>SUB-ZONE</u>	<u><i>(from MSHD Section)</i> A specific and defined area of land within the MSHD that is subject to specific requirements for allowable uses or dimensional requirements that may differ from the requirements for allowable uses or dimensional requirements in other specific and defined areas within the MSHD. The boundaries and the names of the sub-zones are referred to in § 300-9.2.2.</u>
<u>UNRESTRICTED UNIT</u>	<u><i>(from MSHD Section)</i> A dwelling unit that is not restricted as to rent, price or eligibility of occupants.</u>
<u>USABLE OPEN SPACE</u>	<u>Space in a yard or within a setback area on a lot that is unoccupied by buildings, unobstructed to the sky, not devoted to service driveways or off-street loading or parking spaces and available to all occupants of the building on the lot, expressed as a percentage of gross floor area.</u>

<u>USE</u>	<u>The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.</u>
<u>USE, ACCESSORY</u>	<u>A use customarily incidental and subordinate to the principal use of a structure or lot.</u>
<u>USE, NONCON-FORMING</u>	<u>A use lawfully existing at the effective date of this Bylaw or any amendment thereto which is not in conformity with all provisions of this Bylaw.</u>
<u>USE, PRINCIPAL</u>	<u>The main or primary purpose for which a structure or lot is designed, arranged, or intended or for which it may be used, occupied or maintained under this Bylaw. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary thereto and permitted under this Bylaw shall be considered an accessory use.</u>
<u>VARIANCE</u>	<u>Such departure from the terms of this Bylaw as the Board of Appeals, upon appeal in specific areas, is empowered to authorize under the terms of Article 14.</u>
<u>WATERSHED PROTECTION DISTRICT</u>	<u>See § 300- 10.2.2 A and B.</u>
<u>WELL PROTECTION DISTRICT</u>	<u>(from Aquifer Protection District Section) Land within 2,000 feet of a public well or wellpoint, as shown on the Zoning Map, unless otherwise determined by the Board of Appeals. (See § 300-10.3.2.)</u>
<u>WETLANDS</u>	<u>Fresh water wetlands, swamps, bogs, wet meadows, marshes, streams, rivers or ponds as defined in the Wetland Protection Act, MGL c. 131, § 40, as amended.</u>
<u>YARD</u>	<u>A portion of a lot, other than a court, on the same lot as the principal building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.</u>
<u>YARD, FRONT</u>	<u>A space extending for the full width of the lot between the front line of the nearest building wall and the front lot line.</u>
<u>YARD, REAR</u>	<u>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.</u>
<u>YARD, SIDE</u>	<u>An unoccupied space extending for the full length of a building between the nearest building wall and the side lot line.</u>
<u>ZONING ACT</u>	<u>Section 808 of the Acts of 1975. See MGL c. 40A and amendments thereto.</u>

<u>ZONING ENFORCEMENT OFFICER</u>	<u>The agent appointed by the Board of Selectmen charged with the enforcement of the Zoning Bylaw.</u>
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Article 3 DISTRICTS

3.1 ABANDONMENT

~~The discontinuance of a nonconforming use or the visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premises, or the removal of the characteristic equipment or furnishing used in the performance of the nonconforming use, without its replacement by similar equipment or furnishings, or the replacement of the nonconforming use or building by a conforming use or building.~~

ACCESSORY DWELLING UNIT

~~One additional dwelling unit (see "dwelling unit" below) contained in a single family dwelling which complies with the conditions set out in § 300-14.10.~~

[Amended 4-28-2014 ATM by Art. 33]

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.~~

[Added 5-17-2021 ATM by Art. 24]

AGRICULTURAL USE

~~See § 300-5.5B(2).~~

ALTERATION

~~Any construction, reconstruction or other action resulting in a change in the structural parts or height, number of stories, size, use or location of a building or other structure.~~

ASSOCIATE MEMBER

~~A registered voter appointed by the Planning Board for a one year term ending in April of each year, who may be designated by the Chairman of the Planning Board to sit on the Board for the purposes of acting on a special permit application, on the occasion of the absence, or inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board, all as set out in MGL c. 40A, § 9.~~

AUTOMOTIVE GRAVEYARD OR JUNKYARD

~~A collection of two or more unregistered vehicles on any lot or parcel under single ownership. In order to be considered unregistered, vehicles must be of a sort which in their normal use would be required to be registered by the Registry of Motor Vehicles of the Commonwealth of Massachusetts.~~

BED-AND-BREAKFAST

~~A private owner occupied residence with overnight accommodations for paying guests and a common breakfast area for their use, but with no cooking facilities in the guest rooms.~~

BOARD OF APPEALS

~~The Board of Appeals of the Town of Medfield, Massachusetts.~~

BUFFERS

~~A landscaped strip to provide a visual barrier.~~

BUILDING

~~A combination of any materials, whether portable or fixed, having a roof, common walls, passageways, areas and serviced by common utilities and forming a structure for the shelter of persons, animals or property. For the purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.~~

BUILDING, ACCESSORY

~~A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.~~

COMMUNITY FACILITIES

~~Premises owned and operated by a governmental or other chartered nonprofit organization, including public housing for the elderly, but not including fraternal, sports or similar membership organizations.~~

DETENTION POND

~~For purposes of interpreting § 300-6.2, Table of Area Regulations, "detention pond" shall mean that portion of such a facility that lies within a line represented by the highest elevation contour that completely encloses the facility.~~

DRIVE-IN ESTABLISHMENT

~~A premises in which persons while in cars are served, view, purchase, consume as appropriate: food, movies, goods, materials or equipment.~~

DRIVEWAY, LEGAL SERVICE

~~An open space, located on a private lot, which is built for access to a private garage or off street parking space.~~

[Amended 4-28-2014 ATM by Art. 33]

DWELLING, MULTIFAMILY

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

[Amended 4-24-2017 ATM by Art. 43]

DWELLING UNIT

~~One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.~~

ESSENTIAL SERVICES

~~The erection, construction, alteration or maintenance by public utilities or governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings necessary for the furnishing of adequate service by such public utilities or governmental agencies for the public health or safety or general welfare.~~

FAMILY

~~One or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit housekeeping unit.~~

FAMILY APARTMENT

~~A dwelling unit within a single structure for use by a family member.~~

FLOODPLAIN DISTRICT

~~See § 300-10.2.~~

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.~~

FRONTAGE

~~A continuous portion of a side line 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.~~

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.~~

[Amended 4-27-2015 ATM by Art. 33]

HOME OCCUPATION

~~An accessory use which by custom has been carried on entirely within and only by the occupants of a dwelling unit, which use is incidental and subordinate to the dwelling use, and which does not in any manner change the residential character of the building.~~

LOADING SPACE

~~An off street space used for loading or unloading and which is not less than 14 feet in width, 45 feet in length and 14 feet in height and containing not less than 1,300 square feet, including both access and maneuvering area.~~

LODGING UNIT

~~One or more rooms contained in a lodging house for the use of one or more individuals not living as a single housekeeping unit and not having cooking facilities. A lodging unit shall include a boarding unit, tourist house unit, or a rooming unit.~~

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, CORNER

~~A lot at the point of intersection and abutting on two or more intersecting streets, the angle of intersection of the street lot line, or in case of a curved street extended lot lines, being not more than 135°.~~

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.~~

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.~~

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 that are not street lines is to be considered the rear lot line.~~

LOT LINE, SIDE

~~Any lot line not a front or rear lot line.~~

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.~~

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.~~

LOT, THROUGH

~~An interior lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.~~

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.~~

MEMBERSHIP CLUB

~~A nonprofit social, sports or fraternal association or organization maintaining a building or facilities which are used exclusively by members and their guests and which may or may not contain bar facilities.~~

MUNICIPAL USE

~~The use of any building, facility, or area owned or leased and operated by the Town of Medfield for the general use and welfare of the Town, its inhabitants or businesses located within the Town.~~

OPEN DRAINAGE STRUCTURE

~~These shall include swales, ditches, or other man-made improvements designed to direct the flow of and/or carry water, which are not covered at ground level. For purposes of interpreting § 300-6.2, Table of Area Regulations, "open drainage structure" shall mean that portion of such a facility that lies within a line represented by the highest elevation contour that completely encloses the facility, or in the case where the facility flows into a detention pond, retention pond, or other area of generally lower elevation, the highest elevation contour that completely encloses the facility except at its intersection with another component of the overall drainage system or at the terminus of such drainage structure.~~

OPEN SPACE RESIDENTIAL DEVELOPMENT

~~A residential development in which the buildings and accessory uses are clustered together into one or more groups separated from adjacent property and other groups within the development by intervening open land.~~

OWNER

~~The duly authorized agent, attorney, purchaser, devisee, trustee or any person having vested or equitable interest in the use, structure or lot in question.~~

PARKING SPACE

~~An off street space having dimensions of not less than nine feet six inches by 18 feet plus access and maneuvering space, for exclusive use as a parking stall for one motor vehicle, whether inside or outside a structure.~~

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 on the front lot line.~~

PERSON

~~The word "person" shall include one or more individuals, a partnership, an association and a corporation.~~

RECORDED

~~Recorded in the Norfolk Registry of Deeds or registered in the Norfolk Registry District of the Land~~

Court.

RECREATIONAL STRUCTURES

~~Swimming pools, tennis courts, basketball courts, or similar type residential accessory structures together with any fencing.~~

RESIDENTIAL AREA

~~Any area situated within a district zoned primarily for residential purposes under the Zoning Bylaw. It includes RE, RT, RS and RU.~~

RETENTION POND

~~For purposes of interpreting § 300-6.2, Table of Area Regulations, "retention pond" shall mean that portion of such a facility that lies within a line represented by the highest elevation contour that completely encloses the facility.~~

SIGN

~~Any letters, pictorial representations, symbol, flag, emblem or animated device displayed in any manner whatsoever, which directs attention of persons off the premises on which the sign is displayed to any object, subject, place, person, activity, product, service, institution, organization or business. (For the purposes of this code, American flags and directional or traffic signs and signals erected or adopted by governments or their agencies are not included in this definition.)~~

SIGN, ACCESSORY

~~Any billboard, sign or other advertising device that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or the business transacted thereon, or advertises the property itself or any part thereof as for sale or to let, and which contains no other advertising matter.~~

SIGN, ADVERTISING

~~A sign used to direct attention to a service, sale or other activity not performed on the same premises upon which the sign is located.~~

SIGN, AWNING

~~A sign on or attached to a temporary retractable shelter that is supported entirely from the exterior wall of a building.~~

SIGN BAND

~~A special type of parallel sign. It is a horizontal band, integral to the building facade, and runs the full length of the building, exclusive of structural or other interruptions.~~

SIGN, BUSINESS

~~A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.~~

SIGN, CANOPY

~~A sign on or attached to a permanent overhanging shelter that projects from the face of the building and is supported entirely or partially by the building.~~

SIGN, FREESTANDING

~~A sign supported upon the ground and not attached to any building.~~

SIGN FRONTRAGE, BUILDING

~~The length in feet of the building side fronting on the street. Only one building side may be used as sign frontage.~~

SIGN, IDENTIFICATION

~~A sign used simply to identify the name, address and title of an individual family or firm occupying the premises upon which the sign is located.~~

SIGN, NONACCESSORY

~~Any billboard, sign or other advertising device that does not come within the foregoing definition of an accessory sign.~~

SIGN, OFF PREMISES

~~A sign advertising activities, goods, products, services, etc., available elsewhere than within the building or on the lot where the sign is located.~~

SIGN, ON-PREMISES

~~A sign advertising activities, goods, etc., available within the building or on the lot where the sign is located.~~

SIGN, PARALLEL

~~A wall-mounted sign parallel to the building surface.~~

SIGN, PARKING

~~A sign at each vehicular entrance to a parking lot or parking garage.~~

SIGN, PROJECTING

~~A wall-mounted sign perpendicular to the building surface.~~

SIGN, TEMPORARY

~~A sign which advertises a special event, sale or service.~~

SIGN, WINDOW OR INTERIOR

~~A sign painted or applied to glass doors or windows, or installed on the interior but visible from the exterior.~~

SPECIAL PERMIT

~~A use of a structure or lot or any action upon a premises which may be permitted under this Bylaw only upon application to and with the approval of the Board of Appeals or the Planning Board and in accordance with the provisions of Article 14.~~

SPECIAL PERMIT GRANTING AUTHORITY

~~The Board of Selectmen for earth removal permits; the Planning Board for site plan approval for multifamily, business or industrial buildings constructed or externally enlarged and not otherwise requiring a special permit; and the Board of Appeals for all other special permits.~~

STORY

~~That part of a building between any floor and the floor or roof next above. For the purposes of this Bylaw, where a building is not divided into stories, a story shall be considered 15 feet in height. A story shall be at least 50% above grade.~~

STREET

~~A way which is dedicated or devoted to public use by legal mapping, by user, or by any other lawful procedure and includes any avenue, boulevard, parkway, road, land, public square, highway and similar public way which affords the prescribed means of principal access to an abutting lot.~~

STRUCTURE

~~A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flag pole, or swimming pool.~~

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.~~

SUBSTANTIALLY DIFFERENT USE

~~Any use which is not permitted either by right, or by special permit of the Board of Appeals, within the district in which the lot is located.~~

USABLE OPEN SPACE

~~Space in a yard or within a setback area on a lot that is unoccupied by buildings, unobstructed to the sky, not devoted to service driveways or off street loading or parking spaces and available to all occupants of the building on the lot, expressed as a percentage of gross floor area.~~

USE

~~The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.~~

USE, ACCESSORY

~~A use customarily incidental and subordinate to the principal use of a structure or lot.~~

USE, NONCONFORMING

~~A use lawfully existing at the effective date of this Bylaw or any amendment thereto which is not in conformity with all provisions of this Bylaw.~~

USE, PRINCIPAL

~~The main or primary purpose for which a structure or lot is designed, arranged, or intended or for which it may be used, occupied or maintained under this Bylaw. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary thereto and permitted under this Bylaw shall be considered an accessory use.~~

VARIANCE

~~Such departure from the terms of this Bylaw as the Board of Appeals, upon appeal in specific areas, is empowered to authorize under the terms of Article 14.~~

WATERSHED PROTECTION DISTRICT

~~See § 300-11.2A and B.~~

WETLANDS

~~Fresh water wetlands, swamps, bogs, wet meadows, marshes, streams, rivers or ponds as defined in the Wetland Protection Act, MGL c. 131, § 40, as amended.~~

YARD

~~A portion of a lot, other than a court, on the same lot as the principal building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.~~

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.~~

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.~~

YARD, SIDE

~~An unoccupied space extending for the full length of a building between the nearest building wall and the side lot line.~~

ZONING ACT

~~Section 808 of the Acts of 1975. See MGL c. 40A and amendments thereto.~~

ZONING ENFORCEMENT OFFICER

~~The agent appointed by the Board of Selectmen charged with the enforcement of the Zoning Bylaw.~~

[Amended 4-28-2014 ATM by Art. 33]

Article 3
Establishment of ~~Zoning~~ Districts

~~§ 300-3.1 Division into districts.~~

~~A. The Town of Medfield, Massachusetts, is divided into eight zoning districts designated as follows:~~

Full Name	Abbreviation
Agricultural	A
Residential Estate	RE
Residential Town	RT
Residential Suburban	RS
Residential Urban	RU
Business	B
Business Industrial	BI
Industrial Extensive	IE

B. There are three overlay districts as follows:

<u>Full Name</u>	<u>Abbreviation</u>
<u>Watershed Protection</u>	<u>WP</u>
<u>Floodplain</u>	<u>FP</u>
<u>Aquifer Protection</u>	<u>AQ</u>

A. The Town of Medfield, Massachusetts, is divided into eight zoning districts designated as follows: *(former Section § 300-3.1)*

<u>Full Name</u>	<u>Abbreviation</u>
<u>Agricultural</u>	<u>A</u>
<u>Residential Estate</u>	<u>RE</u>
<u>Residential Town</u>	<u>RT</u>
<u>Residential Suburban</u>	<u>RS</u>
<u>Residential Urban</u>	<u>RU</u>
<u>Business</u>	<u>B</u>
<u>Business-Industrial</u>	<u>BI</u>
<u>Industrial-Extensive</u>	<u>IE</u>

B. There are three overlay districts as follows:

<u>Full Name</u>	<u>Abbreviation</u>
<u>Watershed Protection</u>	<u>WP</u>
<u>Floodplain</u>	<u>FP</u>
<u>Aquifer Protection</u>	<u>AQ</u>

3.2 Zoning Map.

~~The location and boundaries of the zoning districts are established and shown on a map titled "Zoning Map, Medfield, Massachusetts" dated January 30, 2003, which is a part of this Bylaw and which herein is called~~

~~the "Zoning Map." The authenticity of the Zoning Map shall be identified by the signature of the Town Clerk and the imprinted seal of the Town under the words: "This is to certify that this is the Zoning Map of the Town of Medfield, Massachusetts, referred to in the Zoning Bylaw of the Town of Medfield, Massachusetts, which was adopted by the Town Meeting commencing June 2, 2003." Any change in the location of boundaries of a zoning district by amendment of this Bylaw shall be authenticated in the same manner. The Zoning Map shall be kept on file in the office of the Planning Board. Photographic reductions of this Zoning Map may serve as copies of the Zoning Map.~~

§ 300 3.3 Boundaries of districts.

~~Where uncertainty exists with respect to the boundary of districts shown on the Zoning Map, these rules apply:~~

A. ~~Where a boundary is indicated as a street, railroad, watercourse or other body of water, it shall be construed to be the center line or middle thereof. Where such a boundary approximates a Town boundary, then it runs to the limits of the Town boundary.~~

~~The location and boundaries of the zoning districts are established and shown on a map titled "Zoning Map, Medfield, Massachusetts" dated January 30, 2003, which is a part of this Bylaw and which herein is called the "Zoning Map." The authenticity of the Zoning Map shall be identified by the signature of the Town Clerk and the imprinted seal of the Town under the words: "This is to certify that this is the Zoning Map of the Town of Medfield, Massachusetts, referred to in the Zoning Bylaw of the Town of Medfield, Massachusetts, which was adopted by the Town Meeting commencing June 2, 2003." Any change in the location of boundaries of a zoning district by amendment of this Bylaw shall be authenticated in the same manner. The Zoning Map shall be kept on file in the office of the Planning Board. Photographic reductions of this Zoning Map may serve as copies of the Zoning Map. (former Section 300-3.2)~~

3.3 Interpretation of Zoning Map

~~Where uncertainty exists with respect to the boundary of districts shown on the Zoning Map, these rules apply: (former Section 300-3.3)~~

~~Where a boundary is indicated as a street, railroad, watercourse or other body of water, it shall be construed to be the center line or middle thereof. Where such a boundary approximates a Town boundary, then it runs to the limits of the Town boundary.~~

B. ~~Where a boundary is indicated as running approximately parallel to a street, railroad, watercourse or other body of water, it shall be construed to be parallel thereto at the distance shown on the Zoning Map.~~

C. ~~Where a boundary is indicated as a specific elevation, it shall be construed as the distance above mean sea level based on the North American Vertical Datum (NAVD) of 1988.~~

D. ~~When a district boundary line divides a lot that is in one ownership of record at the time such line is adopted, a use that is permitted on one portion of the lot may be extended 30 feet into the other portion, provided the first portion includes the required lot width and depth. This allowance does not apply to Floodplain or Watershed Protection Districts described in Articles 10.1 and 10.244.~~

Article 4 USE REGULATIONS Interpretation and Application

§ 300-4.1 Interpretation.

~~The provisions of this Bylaw shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, or the general welfare of the Town of Medfield, Massachusetts. The provisions of this Bylaw are not intended to repeal, amend, abrogate, annul or in any way impair or interfere with any lawfully adopted law, statute, ordinance, Bylaw, covenants, regulations or rules. Whenever the regulations made under the authority hereof differ from those prescribed by any law, statute, ordinance, Bylaw or other regulations, that provision which imposes the greater restriction or the higher standard shall govern.~~

§ 300-4.2 Applicability.

~~Except as herein provided, or as specifically exempted by a "shall clause" of the Zoning Act, the provisions of this Bylaw shall apply to the following: the erection, construction, reconstruction, alteration, or use of buildings and structures or use of land.~~

Article 5 Use Regulations

§ 300-5.1 General Provisions Applicability of use regulations.

No building, structure, or land shall be used or occupied except for the purposes permitted in its district.
(former Section 300-15.1)

§ 300-5.2 Table of Uses

4.2.1 Permitted uses.

The permitted uses of buildings, structures or land are set forth in the Table of Use Regulations included as an attachment to this Bylaw.

4.2.2 Table of Use Regulations

The Table of Use Regulations is included as an attachment to this Bylaw.

§ 300-5.3 Supplemental Use Regulations

4.3.1 Uses subject to other regulations.

- A. Uses permitted by right or by special permit shall be subject to all provisions of this Bylaw.
- B. There shall be no use of a building, structure, or land in any district for a purpose that is injurious, dangerous, noxious, or offensive to the community by reason of the emission of odor, fumes, dust, smoke, vibration, noise or other cause. [See § 300-11.5.1.H14.10H(2)(e).]

- C. No parking for an Industrial-Extensive (IE), Business-Industrial (BI), or Business (B) District and no vehicular access to an Industrial-Extensive, Business-Industrial or Business District shall be on land that is zoned Residential. Vehicular access to an Industrial-Extensive, Business-Industrial or Business District shall be over a public way.
- D. New public ways and ways into Industrial Districts shall be constructed in accordance with the latest Land Subdivision Rules and Regulations of the Town of Medfield, Massachusetts.
- E. Existing public ways, when rebuilt, shall be constructed to conform with the latest Land Subdivision Rules and Regulations of the Town of Medfield, Massachusetts.
- F. For multifamily dwellings, all wastewater shall be disposed of by means of adequate connection to the sewage system of the Town of Medfield. The connecting system shall be installed in accordance with the definitive plan and shall conform with the rules of the Water and Sewerage Board and shall be installed under their direction.
- G. Whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit, provided the granting authority finds that the proposed accessory use does not substantially derogate from the public good.
- H. To erect or externally enlarge any multifamily, business or industrial building not requiring a special permit from the Board of Appeals, site plan approval from the Planning Board is required if the ground floor area of the construction exceeds 500 square feet.
- I. Day-care facilities for the day care of more than six children in Residential Districts shall conform with the following standards:
 - (1) That the minimum lot area be 40,000 square feet or such greater area as is required by the Table of Area Regulations;
 - (2) That the minimum yards be as follows: front yard: 30 feet; side yard: 20 feet; rear yard: 50 feet or such greater yards as are required by the Table of Area Regulations;
 - (3) That buffers meeting the specifications set out in § **300-56.2J** be provided along side and rear lot lines;
 - (4) That there be an on-site drop-off area capable of accommodating at least a number of vehicles equal to one-fourth the licensed capacity of the facility;
 - (5) That there be a separate entrance and exit for vehicles.
 - (6) A day-care facility shall not be considered a "community facility" for the purpose of § 300-**56.3A(1)** and shall be subject to the height and bulk regulation of the Table of Height and Bulk Regulations.
- J. For use of a construction trailer during the course of a building construction program, a permit may be issued for one year by the Building Inspector. No wheels, tires, or other means of keeping the construction trailer mobile shall be removed; any construction trailer shall have no skirts, porches, fences, or similar materials or equipment added which would detract from its mobility. Each construction trailer and its lot shall be subject to the requirements of the district.
- K. For use of temporary storage containers, such as PODS®, a permit may be issued for up to six months

by the Building Inspector.

§ 300-5.4 Table of Use Regulations.

The Table of Use Regulations is included as an attachment to this Bylaw.

§ 300-5.5 Agricultural District.

~~Agricultural land is an important resource to the Town of Medfield, serving the public interest through its visual, economic, traditional, ecological and food-producing benefits.~~

A. Purpose. ~~The purpose of the Agricultural District is to preserve land well suited to agriculture and to encourage commitment of such land to agricultural use.~~

B. Definition.

(1) The Agricultural District is shown on the Zoning Map.

(2) Agricultural use. ~~For the purposes of § 300-5.5, land shall be deemed to be in agricultural use:~~

(a) ~~When primarily used in raising beef cattle, dairy cattle, poultry, swine, sheep, horses, ponies, goats or bees, for the purpose of selling such animals or a product derived from them in the regular course of business, or when incidentally used in a related manner which represents a customary or necessary use in raising such animals and preparing them or the products derived therefrom for market; and/or~~

(b) ~~When primarily used in raising fruits, vegetables, grains, berries, nuts and other foods for human consumption, feed for animals, flowers, trees, forest products, and nursery or greenhouse products for the purpose of selling such products, in the regular course of business, or when used incidentally in a related manner which represents a customary and necessary use in raising such products and preparing them for market.~~

C. Use.

(1) The primary use of land in the Agricultural District shall be agricultural.

(2) The construction or placement of buildings or structures, except as provided in this § 300-5.5C(3); and the removal, excavation or dredging of loam, peat, gravel, soil, rock or other mineral substance in such a manner as to adversely affect the land's overall future agricultural potential; and other acts or uses detrimental to such retention of the land for agricultural use shall be prohibited.

(3) Construction of a single family or two family dwelling for the farmer, his or her family and his or her employees shall be allowed on a lot exceeding 10 acres in area in the Agricultural District, and shall not derogate from the purpose of the district. Such dwellings shall comply with the dimensional regulations of the RS District. The maximum area devoted to residential use on any lot shall be 30,000 square feet.
[Amended 4-28-2014 ATM by Art. 33]

(4) Construction of buildings for year round retail sales of farm products raised primarily on the premises shall be allowed in the Agricultural District. Site plan approval by the Planning Board shall be required for all such construction exceeding 500 square feet in area. The area devoted to retail sales and parking on any lot shall be a maximum of 20,000 square feet, shall meet the yard and height requirements of the RS District, and shall meet the parking requirements of Article 8 of this Zoning Bylaw. Signs shall meet Business District requirements.

(5) ~~Construction or placement of temporary (not exceeding a period of three consecutive months) structures for the retail sale of products raised primarily on the premises and for housing seasonal agricultural employees shall be permitted in the Agricultural District, and shall meet the yard and height requirements of the RS District. Signs shall meet Business District requirements.~~

(6) ~~Placement of all other agricultural structures except fences shall be a minimum of 50 feet from any adjacent zoning district, and shall meet the front yard requirement of the nearest adjacent district.~~

§ 300.5.6 Historic properties.

~~Properties containing historic structures are an important resource to the Town of Medfield, providing a direct connection with the Town's past and contributing to the Town's character.~~

A. Purpose. ~~The purpose of this Historic Properties Section is to preserve historic structures as defined herein by providing a regulatory process to enable a property owner to increase the productive use of the property.~~

B. Definitions.

HISTORIC PROPERTY

~~Any property which contains a still-existing principal or significant structure (constructed or erected upon it prior to 1900).~~

PRINCIPAL STRUCTURE

~~The main or primary structure, in terms of the present purpose or use of the property.~~

SIGNIFICANT STRUCTURE

~~A structure the use or purpose of which is substantial, in terms of the present purpose or use of the property, such as a carriage house, caretaker's house, barn, or similar building.~~

C. Specially permitted use or uses. ~~The Board of Appeals, upon application, may issue a special permit to the owner of an historic property for any use or combination of uses listed in the Table of Use Regulations; the decision whether or not to grant a special permit under this Section is entirely within the Board's discretion; the Board shall not be required to issue a special permit, even if it is able to make the required findings to support granting a permit.~~

D. Procedure.

(1) ~~Generally, the requirements set out in § 300-14.10 for special permits by the Board of Appeals shall apply to this Section.~~

(2) ~~In addition to the application requirements contained in § 300-14.10A, applicant shall submit the following:~~

(a) ~~Historic documentation, including an historic survey prepared by a qualified professional.~~

(b) ~~Plans prepared by a licensed architect or other design professional showing all proposed exterior improvements and changes; these shall include both a concept rendering and a site plan meeting the requirements of § 300-14.12.~~

(3) ~~In addition to the notice requirements contained in § 300-14.10C, the Board of Appeals shall forthwith transmit copies of the application and supporting documents to the Medfield Historical Commission for~~

~~their review and comment.~~

(4) ~~In addition to the required findings contained in § 300-14.10E, the Board of Appeals shall make the following specific findings of fact:~~

- (a) ~~The proposed use(s) represents a reasonable adaptive reuse of the historic property.~~
- (b) ~~The proposed use(s) will preserve or substantially preserve the historic nature and character of the property and the historic structures thereon.~~

(5) ~~In addition to the authorized conditions contained in § 300-14.10H, the Board of Appeals, if it decides to grant a special permit under this Section, shall impose such conditions, limitations, and safeguards as it deems necessary to preserve the historic nature and character of the property and the historic structures thereon, including a requirement that the property serve as the applicant's primary residence, and/or a requirement that applicant place a permanent historic preservation restriction, as defined in MGL c. 184, § 31, upon the property.~~

Article 5 DIMENSIONAL REGULATIONS Area, Height and Bulk Regulations

5.1 General Provisions

5.1.1 Applicability of area, height and bulk regulations.

The regulations for each district pertaining to lot area, dimensions, and residential floor space shall be as specified in this Article and set forth in the Table of Area Regulations and Table of Height and Bulk Regulations, and shall be subject to the further provisions of this Article.

5.1.2 Table of Dimensional Regulations

§ 300-6.2 Area regulations.

The Table of Area Regulations included as an attachment to this Bylaw, together with the notes therein, are part of this Bylaw.

5.2 Supplemental Dimensional Regulations

- A. Except for multifamily residential developments, planned business and industrial developments, public housing for the elderly, agricultural use, community facilities and public utilities (see Article 11~~Article 14~~), only one principal structure shall be permitted on one lot.
- B. For purposes of determining setback requirements, both yards of a corner lot that front on a street shall be considered front yards on the street on which they are located.
- C. A legal service driveway shall have a minimum width of 12 feet and a maximum width of 24 feet.
- D. For purposes of determining setback requirements, both yards of a through lot that front on a street shall be considered front yards on the street on which they are located.

E. Frontage.

- (1) Frontage shall be measured at the street line. On corner and through lots, frontage shall be measured on one street only.
- (2) Frontage for municipal water wells and water storage standpipes shall not be required.

F. Building within the following districts will be subject to the respective Zoning Bylaw Section: Open Space Residential, Article 8.1 Article 7; Floodplain District, Article 10.1; Watershed Protection District, Article 10.2 Article 11; and Aquifer Protection District, Article 10.3 Article 16.

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 § 300-5.2 of 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 § 300-11.5.1.E14.10E, allow a lesser setback not to exceed 6six 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.~~ [Amended Added 5-17-2021 ATM 2021 ATM by Art. 26]

H. In B and BI Districts, all uses shall be conducted within a completely enclosed building, except: dispensing of food, beverages or goods at a drive-in or stand; dispensing of gas, water or lubricants at a garage or gasoline service station; vegetation held for sale in a horticulture or floriculture business; permitted parking or loading; and permitted exterior signs.

I. Screening and buffers shall be required in the Industrial-Extensive (IE) District. There shall be a landscaped buffer strip along each boundary which adjoins a residential use or district. This strip shall be at least 150 feet in width and shall be portioned as follows:

- (1) The portion of such buffer strip within 100 feet of the district boundary line shall be used only for, and maintained as, a planting area for lawns, trees, shrubs, or other landscape materials to provide a visual barrier between districts.
- (2) The remaining 50 feet of space may be used for off-street parking or other permitted open uses, and shall not contain any permanent structure.

J. In a Business District, a Business-Industrial District or a lot in an RU District on which a multifamily dwelling is placed, there shall be a landscaped buffer strip along each boundary which adjoins a residential lot. The strip shall be at least 25 feet in width and shall contain a screen of plantings in the strip not less than five feet in width and six feet in height at the time of the occupancy of any lot.

Individual bushes or trees shall be planted not more than six feet on centers, and shall thereafter be maintained by the owner or occupants so as to maintain a dense screen year round. All of the plantings shall be evergreen. No building, structure, driveway, or other artificial improvements, except such fencing as the Planning Board may require, shall be placed within this buffer strip. A waiver of the required plant spacing may be granted if, in the opinion of the Planning Board based on evidence submitted by applicant, the wider spacing allows the proposed plantings to thrive and fully mature while providing a long-term healthier vegetative screen. The relief of plant spacing will allow for plantings to be concentrated in areas where a fuller vegetative screen is required or desired. A waiver on the plant spacing does not allow for a reduction in the overall plant quantity. **[Amended 4-30-2018 ATM by Art. 40]**

- K. 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 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. **[Amended 5-17-2021 ATM by Art. 27]**
- L. All IE uses shall conform to IE District regulations.
- M. All BI uses shall conform to BI District regulations.
- N. All B uses shall conform to B District regulations.
- O. All R and A uses shall conform to R and A District regulations.
- P. Setbacks in the Table of Area Regulations shall not apply to fences up to six feet in height.
- Q. Side yards for other permitted business and residential uses in the B District shall be a minimum of 12 feet on one side and six feet on the opposite side, either or both of which may be reduced to zero side yard, provided that it is adequately demonstrated in site plan review that unobstructed emergency access to the rear of the lot can be gained, that appropriate fire-stop construction is provided for the sidewalls of the structure, and that light, air, and access is not unduly obstructed from openings in the side wall of any structure on the adjacent lot. These minimums may be waived for conversion of existing structures that have nonconforming setbacks, provided that the above conditions are adequately demonstrated in site plan review. **[Amended 4-28-2014 ATM by Art. 33]**
- R. Lot frontage and width for other permitted business and residential uses in the B District shall be the width of the building plus 24 feet unless it is noted that access can be otherwise gained by means of a public way. **[Amended 4-28-2014 ATM by Art. 33]**
- S. Any permitted structure within a Business District shall have a minimum seven-foot front yard setback. The area between the building and the sidewalk shall be landscaped. The landscaped setback may be interrupted only by access walks and driveways.
- T. Recreational structures are subject to the requirements of the Table of Area Regulations, except that the Board of Appeals may, by special permit, allow a lesser setback. Fencing for recreational structures is not subject to the height limit of the "wall, fence, hedge or similar enclosure" entry in the Table of Use Regulations included as an attachment to this Bylaw.

U. Only land or that portion of land located within the Town of Medfield shall be included for purposes of determining compliance with minimum lot area and frontage requirements set out in the Table of Area Regulations; land located outside of the Town's borders shall not be included.

5§ 300-6.3 Height and bulk regulations

- - A. Any maximum height permitted in this Bylaw shall be further subject to the restrictions of the Commonwealth of Massachusetts State Building Code and shall not apply to:
 - (1) Community facility and public utility structures, provided that the side yards, rear yards and setbacks required in the district for the highest permitted principal structure shall be increased two feet in width for each foot by which the height of such structure exceeds the height permitted in the district.
 - (2) Necessary appurtenant structures such as a church spire, belfry, cupola, dome, smokestack, monument, derrick, conveyer, flag pole, communications tower, mast, antenna, aerial, airplane hangar, roof tank, building service equipment, roof structure other than a penthouse, chimney or parapet wall, or any similar appurtenance, provided that the side yards, rear yard and front setback be increased one foot horizontally for each two feet that the height of such structure exceeds the height permitted in the district.
 - (3) Special industrial structures such as a cooling tower, grain elevator, sugar refinery, gas holder or other similar structure where the industrial process requires a greater height, provided that any such structure shall not occupy more than 15% of the lot area and shall be not less than 50 feet from any lot line.
 - B. A fence, hedge, wall or other enclosure may be maintained on a corner lot, provided that it shall not, at intersecting streets, obstruct visual clearance between 3 1/2 feet and 10 feet above the grade within the triangular area formed by the intersection of the curblines and a straight line joining said curblines at points which are 25 feet measured from the intersection of the curblines. Where curbs do not exist, the lines shall be where such curb would be required if built.
 - C. A basement or cellar, to be inhabited, must have the ceiling not less than five feet above the average elevation of the land immediately surrounding the building foundation wall.
 - D. In order to minimize drainage and erosion problems as well as to discourage disturbance of natural areas, the maximum amount of impervious surface allowed shall be as indicated in the Table of Height and Bulk Regulations.
 - E. Recreational structures are subject to the requirements of the Table of Height and Bulk Regulations adopted in accordance with § 300-~~56.2~~ 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-~~11.5.1.E~~14.10E, allow a greater maximum lot coverage not to exceed 5% beyond the maximum lot coverage for the zoning district.

Article 6 NONCONFORMING USES, STRUCTURES, AND LOTS⁷

Open Space Residential Zoning

§ 300.7.1 Purpose; application process.

~~For the purpose of encouraging the preservation of open space and promoting the more efficient use of land in harmony with its natural features and within the general intent of the Zoning Bylaw, an owner or owners, or their agent, of a tract of land may, in connection with the submission of a subdivision plan for Planning Board approval under the Subdivision Control Law also make application to the Board of Appeals for a special permit excepting his or her plan from the lot size and yard dimension regulations as required in the Zoning Bylaw. In no event, however, shall such permit operate as an exception from any other provision of this Bylaw. The owner or such agent shall at the same time file a copy of the application with all accompanying plans and environmental impact statement with the Board of Health, the Water and Sewerage Board, Superintendent of Public Works, the Conservation Commission and the Planning Board, which boards shall, within 30 days from the date of receipt of such documents by them, file their written recommendations concerning said applications with the Board of Appeals. If no such recommendations are filed within 30 days, said Board of Appeals shall have been deemed to have no recommendations on the application.~~

§ 300.7.2 Conditions for granting special permit.

~~After notice and public hearing, and after due consideration of recommendations required to be filed, the Board of Appeals may grant such a permit for residential use, provided that:~~

- ~~A. It finds that the proposed plan will promote the purposes of this Article; and~~
- ~~B. Not less than 25% of the area of the tract, exclusive of land set aside for road area and parking area, shall be open land; and~~
- ~~C. The maximum number of lots permitted on a given piece of land shall be determined by reducing the total acreage of the proposed subdivision by the area of ponds as shown on the Zoning Map, but not deducting for street right of way, and by dividing the remaining area by the minimum lot area requirements of the zoning district in which the subdivision is to be located; and~~
- ~~D. The size of the tract of land shall be not less than 10 times the minimum lot size permitted in the zoning district in which the tract is located and land area of not more than 25% of open land in the tract may be wetlands, Floodplain District, Watershed Protection District, or have a greater than 20% slope; and~~
- ~~E. The entire development shall be serviced with a public water supply and a public sewer or an on-site sewage disposal system capable of processing in excess of 2,000 gallons of sewage effluent per day and to which all units in the development shall be connected and which shall be approved by the Board of Health and the Water and Sewerage Board; and~~
- ~~F. To insure the protection of existing residences, proposed lots abutting lots with existing single family dwellings shall conform to the area requirements of the adjacent zone. The Board of Appeals may substitute a requirement for a buffer zone which shall be at least 50 feet in width for the protection of the abutting lots; and~~
- ~~G. All lots adjoining existing ways shall meet all existing regulations for zoning districts in which the lots are located. Land adjoining existing ways may be used for open land, provided that its minimum dimension is 50 feet; and~~

~~H. Minimum lot size shall be 12,000 square feet in area, 80 foot frontage and a perfect square 80 feet by 80 feet, 100 foot width, 100 foot depth, 20 foot front yard, 12 foot side yards and 30 foot rear yard.~~

~~I. Only land located within the Town of Medfield shall be included in determining whether a proposed development meets the open land and minimum lot dimensional requirements of Article 7; land or that portion of land located outside of the Town's borders shall not be included.~~

§ 300.7.3 Ownership of and restrictions on open land.

~~Open land shall be:~~

~~A. Owned by a membership corporation, trust or association whose members are all the owners or occupants of the dwelling units in the tract, by the Town or otherwise as the Board of Appeals may approve; and~~

~~B. Restricted by a conservation restriction as defined in MCL c. 184, §§ 31, 32, and 33, running to the Town appropriate to retaining the open land predominantly in its natural scenic and open condition in such form as shall be approved by the Conservation Commission, the Planning Board and the Board of Selectmen. The applicant shall provide satisfactory assurance that such conservation restriction, following approvals, has been properly recorded in the appropriate Registry of Deeds or Registry District of the Land Court and the interest in land thereby created is not subject to any mortgage, security interest, lien or other monetary encumbrance of any kind other than the aforesaid conservation restriction; and~~

~~C. Further restricted by covenants in deeds to all grantees in the tract for recreational, agricultural, conservation, or park uses on which no building may be erected more than 15 feet in height and only incidental to the foregoing uses; and~~

~~D. Open to such uses by at least the owners and occupants of the dwelling units in the tract; and~~

~~E. Open to Town officials for purposes of maintaining public facilities; and~~

~~F. Subject to such further restrictions and conditions as the Board of Appeals may impose.~~

§ 300.7.4 Compliance with subdivision regulations.

~~A special permit for an open space development issued hereunder by the Board of Appeals is primarily an authorization for the use of lots which have less than the normal lot size and yard dimension. Subsequent approval by the Planning Board of such portions of the development as constitute a subdivision will be required as set forth in the Subdivision Control Law, including approval of the street and utility systems. A favorable recommendation by the Board of Appeals that the special permit be issued shall not, therefore, be deemed to either constitute subdivision approval under the Subdivision Control Law or the Subdivision Rules and Regulations or imply that such approval will be given.~~

§ 300.7.5 Conditions on approval.

~~Consistent with the general purposes of this Bylaw and the specific purposes of this Article, the Board of Appeals may recommend and may impose, as conditions to the approval of a permit hereunder, such provisions as to parking, loading, road construction and sidewalks, community service and recreational facilities, screening, and care and maintenance of open land as may be deemed advisable for the protection and well being of the occupants of dwelling units in the tract and of the inhabitants of the Town.~~

§ 300.7.6 Further subdivision prohibited.

~~No lot shown on a plan for which a permit is granted under this Article may be further subdivided, and a~~

~~notation to this effect shall be shown upon the subdivision plan recorded with the Registry of Deeds or Registry District of the Land Court.~~

Article 8

Off-Street Parking and Loading Regulations

~~§ 300-8.1 Table of Off-Street Parking Standards.~~

~~In any district, if a structure is constructed or enlarged, or an existing use is enlarged or changed, or the dimensions of a lot are changed, off street parking and loading spaces shall be provided in accordance with the following Table of Off Street Parking Standards:~~

~~Table of Off Street Parking Standards~~

Use	Number of Parking Spaces Per Unit
Dwelling	2 per unit
Accessory dwelling unit in an R District	1 per bedroom
Dwelling in a B District	1.5 per unit
Lodging house, motel or hotel	1.5 per rental unit, plus 1 for each 20 square feet of floor area available for meetings or functions, plus 1 for each 2 employees
Retail, service, finance, insurance, or real estate establishment	1 per each 120 square feet of floor space open to the public, plus 1 for each 2 employees
Medical offices and clinics	5 for each doctor having office space therein
Other professional offices	2 for each person working in the office
	Minimum 3 spaces per office
Wholesale establishment	1 per each 500 square feet of floor space
Manufacturing or industrial establishment	1 per each 1,000 square feet of floor space
Auditorium, gymnasium, stadium, theater, church or other place of assemblage	1 for each 4 seats or each 8 feet of bench therein, to be based on the maximum seating capacity
Public housing for elderly	1/4 per unit
School or college	2 per classroom in an elementary and junior high school and 4 per classroom in a senior high school, plus spaces as required above for auditorium or

Table of Off Street Parking Standards

<u>Use</u>	<u>Number of Parking Spaces Per Unit</u>
Community facility (Town building, recreation, etc.) or public utility establishment	gymnasium, whichever has the larger capacity
Restaurants, night clubs or eating places	1 per 300 square feet or fraction thereof of space, plus space for spectators as required in auditorium, gymnasium, etc., above
Bowling alley	1 for each 3 seats or stools, plus 1 for each 2 employees, plus 4 for each two linear feet of "takeout service" counter
Barber shop, beauty parlor	7 for each bowling lane
Self service dry cleaners and self service laundries	2 for each chair installed, and 1 for each 2 operators
Gasoline and service stations	1 for each 2 machines installed, including dryers
Hospitals, extended care facilities or homes	3 for each service bay
Day care facility for children	2 per bed at design capacity
Bed and breakfast	1 for each full time employee and each full time position shared by part time employees, plus 1 for each 300 square feet of classroom space
	1 for each guest bedroom, plus 2 for owner occupant

§ 300-8.2 General Provisions

- A.** ~~Accessory parking or loading spaces that are maintained in any district in connection with an existing use on the effective date of this Bylaw shall hereafter be maintained so long as the use continues, unless an equivalent number of parking or loading spaces is constructed elsewhere conforming to the requirements of these regulations.~~
- B.** ~~When units or measurements that determine the number of required parking or loading spaces result in a requirement of a fractional space, a fraction over 1/2 shall require one parking or loading space.~~
- C.** ~~The required parking spaces shall be provided either on the same premises with the parking generator, or on any premises associated therewith. The walking distance between the farthest point of the parking area and the main pedestrian entrance to the building or use in question shall not exceed 500 feet, except that in the case of parking space for employees only, the distance may be increased to 800 feet. Such walking distance shall be only over land owned or controlled by the parking generator or over a public way. When the required parking spaces are not immediately adjacent to the parking generator,~~

~~directional signs to the parking spaces must be posted. Such signs shall conform with Article 13. Accessory uses must be in the same district by special permit or in a district in which the principal use would be permitted by right.~~

- ~~D. Where required parking spaces are provided away from the lot on which the use or structure they are intended to serve is located, such spaces shall be in the same possession, either by deed or lease, as the property occupied by the use or structure to which the parking spaces are accessory. If both the structure and the parking area are leased, the period of time of the parking area lease shall be the same as the structure lease.~~
- ~~E. The loading spaces required for the uses listed in the above table shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Bylaw.~~
- ~~F. No accessory off street parking shall be permitted within the required front yard or side yard in any R District; however, access driveways may be located within the required front yard area. [Amended 4-28-2014ATM by Art. 33]~~
- ~~G. For any use not enumerated in this Section, off street parking spaces shall be one space for each employee plus one space for each 50 square feet of floor area. The Board of Appeals may make exceptions to this Section by means of a special permit which will be granted only after an affirmative finding that the proposed parking will be adequate, and such a special permit must be applied for in conformance with Article 14.~~
- ~~H. Where differing uses occur on a single parcel of land, the number of off street parking spaces to be provided shall be the sum of the requirements for each use.~~
- ~~I. All parking and loading spaces required under this Bylaw and drainage for same shall be reviewed and approved by the Planning Board and inspected by the Zoning Enforcement Officer. No certificate of occupancy shall be granted until said parking and loading facilities have been approved by the Planning Board. [Amended 4-28-2014ATM by Art. 33]~~

§ 300-8.3 Parking and loading space standards.

- ~~A. All parking or loading areas (see definition in § 300-2.1) are subject to the following: [Amended 4-28-2014ATM by Art. 33]~~
 - ~~(1) There shall be no vehicle parking or loading spaces within five feet of any front, side or rear lot line.~~
 - ~~(2) There shall be no vehicle repair facilities within parking areas.~~
 - ~~(3) There shall be no storage of material or equipment within parking areas.~~
 - ~~(4) Parking and loading spaces shall be so arranged as not to permit backing of automobiles onto any street.~~
 - ~~(5) The area and access driveways in any B, BI and IE Zoning Districts and RU lots containing three or more units shall be surfaced with bituminous asphalt, concrete, brick, cobblestones or pavers and shall be constructed so that there shall be no puddling of surface water.~~
- ~~B. All parking or loading areas containing over five spaces, including automobile service and drive in establishments, shall be subject to the following additional requirements:~~
 - ~~(1) The area shall be effectively screened on each side which adjoins or faces the side or rear lot line of a lot~~

~~situated in any R District. The screening shall consist of that required for buffers as specified in Article 6, § 300-6.2I and J. The screening shall be set back from each street no more than the main building wall minimum setback.~~

- ~~(2) A substantial bumper of masonry, steel, heavy timber or concrete curb stop shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks.~~
- ~~(3) Any fixture used to illuminate a parking or loading area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.~~
- ~~(4) Any repair or service facility for use by vehicles such as gas, oil or water shall be at least 25 feet from any lot line.~~
- ~~(5) No portion of any entrance or exit driveway shall be within 150 feet of the point of intersection of the center lines of two or more intersecting streets. (No more than two driveways shall serve any one area.)~~
- ~~(6) For any site having one means of access or egress, the width of the driveway shall not be less than 24 feet. For any site having a separate entrance or exit, the driveway shall not exceed 20 feet in width, except for a suitable curvature at the entrance.~~
- ~~(7) Each parking space shall be marked with a three inch wide (minimum) solid painted line on each side and along the full depth. Paint shall be white or yellow traffic paint as specified for pavement markings in Standard Specifications for Highways and Bridges for the Commonwealth of Massachusetts Department of Transportation. [Amended 4-28-2014 ATM by Art. 33]~~

§ 300-8.4 Downtown Parking District.

- ~~A. There is hereby created a Downtown Parking District consisting of Main Street from South Street to Route 27 (Spring Street and North Meadow Road), North Street from Main Street to Green Street and Janes Avenue.~~
- ~~B. Uses established and existing within said district on January 1, 1998, shall maintain whatever off street parking they had as of that date, but shall otherwise be exempt from the parking requirements of Article 8.~~
- ~~C. Changes of use, as long as they are permitted in the underlying district, shall be permitted without regard to said parking requirements upon issuance of a special permit by the Board of Appeals. In determining whether to issue the special permit, the Board of Appeals shall consider the impact of the proposed use, as contrasted with prior uses, and if it determines that the proposed use will not significantly increase the demand for parking from that of prior uses, the Board of Appeals may issue the special permit.~~
- ~~D. Expansion of existing uses or changes which increase parking demand and which cannot meet said parking requirements may be permitted by the Board of Appeals if the Board of Appeals issues a special permit therefor. In determining whether to issue a special permit, the Board of Appeals shall consider the impact of the proposed new use and the increased parking on the area. If it determines that, despite the impact of the increased parking on the area, the new use is in the public interest, it may issue the special permit. The Board of Appeals may impose such conditions as it deems necessary to protect public safety and convenience.~~

Article 9
Nonconforming Uses, Structures and Lots

§ 300.9.1 Application of nonconformity.

- A. The provisions of this Article shall apply to all districts as established in this Bylaw and as amended.
- B. Construction or operations under a building or special permit shall conform to any subsequent amendment of the Bylaw unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as reasonable.
- C. Change, extension or alteration of nonconforming structures. **[Added 4-27-2015 ATM by Art. 32]**
 - (1) The Building Commissioner may permit a proposed extension, alteration, or change to a preexisting nonconforming single- or two-family dwelling, if he or she determines that there will be no increase to the nonconforming nature of said structure. A proposed extension, alteration, or change shall be deemed not to increase the nonconforming nature of said structure if:
 - (a) The structure is located on a lot with insufficient area, frontage, width, depth, or perfect square but the proposed extension, alteration, or change complies with all other current requirements of the Table of Area Regulations and the Table of Height and Bulk Regulations.
 - (b) The structure already encroaches upon one or more required yard or setback areas, but the proposed extension, alteration, or change will comply with the appropriate setbacks for the proposal and all other current setback, yard and building height requirements that the original lot complied with.
 - (2) Any proposed extension, alteration, or change to a preexisting nonconforming single-, or two-family dwelling that the Building Commissioner determines will increase the nonconforming nature of such structure shall require the granting of a special permit from the Board of Appeals. The Board of Appeals may grant a special permit if it determines that such extension, alteration, or change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.
 - (3) Other preexisting nonconforming structures may be extended, altered or changed upon the granting of a special permit from the Board of Appeals if the Board of Appeals finds that such extension, alteration or change will not be substantially more detrimental to the neighborhood than the existing nonconforming building or structure.

6.2 Nonconforming Uses

§ 300.9.2 Extension and alteration.

- A. A nonconforming use shall not be extended except for agriculture, horticulture or floriculture.
- B. A nonconforming lot that has no structure shall not be extended except for agriculture, horticulture or floriculture.
- C. A nonconforming principal use of a structure shall not be extended.
- D. A conforming principal use of a nonconforming structure may be extended throughout the existing structure.
- E. A nonconforming accessory use of a portion of a conforming structure or conforming accessory use of a

portion of a nonconforming structure may be extended up to a maximum of 40% of the floor area of the existing structure.

F. A nonconforming structure located in any R District may be altered and the use, if conforming, may be extended throughout the altered portion, provided: any conforming use shall not be made nonconforming, and the alteration shall not cause the structure to violate the maximum floor area ratio and yard regulations of the zoning district in which it is located.

§ 300-9.3 Reduction or increase.

~~A. A nonconforming lot or open space on a lot (yards, setbacks, courts, usable open space, or floor area ratio) shall not be changed so as to be in greater nonconformity.~~

~~B. Any nonconforming off street parking or loading area already containing fewer than the required number of spaces to serve their intended use shall not be made more nonconforming.~~

§ 300-9.4 Change.

A. A nonconforming use of a structure may not be changed to another nonconforming use.

~~HB.~~ A nonconforming lot, use or structure which has come into conformity shall not again be changed to a nonconforming lot, use or structure. **[Amended 4-28-2014 ATM by Art. 33]**

~~IC.~~ A conforming lot, structure, or use shall not be enlarged, reduced or changed in any manner so as to become nonconforming. A conforming lot shall not be divided so as to leave preexisting structures on a nonconforming lot or to render their use nonconforming.

6.3 Nonconforming Structures

§ 300-9.5 Restoration.

~~A. Any reconstruction of a nonconforming structure shall require a variance except when that reconstruction is in the same configuration as the preexisting structure.~~

~~B. Any conforming structure damaged more than 50% by fire or other casualty located on a nonconforming lot may be restored or rebuilt. No such restoration or rebuilding shall be permitted which changes the use or structure to a nonconforming use or structure. The rebuilding or restoration of such conforming structure will not require a new variance.~~

§ 300-9.6 Abandonment.

~~If the nonconforming use, except for agriculture, horticulture or floriculture, of a structure or lot has been abandoned for a continuous period of two years or more, the lot or structure shall not be used again except for a conforming use.~~

§ 300-9.7 Moving.

A nonconforming structure shall not be moved to any other location on its lot or any other lot unless every portion of such structure and the use thereof shall become conforming and the change will be in accordance with the area and yard regulations of this Bylaw.

§ 300-9.8 Unsafe structures.

[Amended 4-28-2014 ATM by Art. 33]

Any nonconforming structure determined by the Zoning Enforcement Officer to be unsafe may be restored to

a safe condition, provided that the restoration shall not place it in greater nonconformity. If the cost to restore any nonconformity exceeds 50% of its physical replacement value, it shall be reconstructed only as a conforming structure unless a new variance is secured.

6.4 Nonconforming Lots

- A. A nonconforming lot or open space on a lot (yards, setbacks, courts, usable open space, or floor area ratio) shall not be changed so as to be in greater nonconformity.
- B. Any nonconforming off-street parking or loading area already containing fewer than the required number of spaces to serve their intended use shall not be made more nonconforming.

6.5 Restoration; Abandonment or Non-Use

- A. Any reconstruction of a nonconforming structure shall require a variance except when that reconstruction is in the same configuration as the preexisting structure.
- B. Any conforming structure damaged more than 50% by fire or other casualty located on a nonconforming lot may be restored or rebuilt. No such restoration or rebuilding shall be permitted which changes the use or structure to a nonconforming use or structure. The rebuilding or restoration of such conforming structure will not require a new variance.

If the nonconforming use, except for agriculture, horticulture or floriculture, of a structure or lot has been abandoned for a continuous period of two years or more, the lot or structure shall not be used again except for a conforming use.

Article 7 GENERAL REGULATIONS **Floodplain District**

§ 300-10.1 Purpose.

The purpose of this Article is to promote:

- A. The health and safety of the occupants of lands subject to seasonal or periodic flooding in the Charles and Stop Rivers Floodplain District.
- B. The preservation of the natural flood control characteristics and the water storage capacity of the Floodplain District.
- C. The safety and purity of water; control and containment of sewage; safety of gas, electric, fuel and other utilities from breaking, leaking, short circuiting, grounding, igniting, electrocuting or any other dangers due to flooding.

§ 300-10.2 Definition.

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

~~Norfolk County, dated July 17, 2012, Community #250242, panel numbers: 25021C0153E, 25021C0154E, 25021C0158E, 25021C0159E, 25021C0162E, 25021C0164E, 25021C0166E, 25021C0167E, 25021C0168E, and 25021C0169, as amended.~~

~~B. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.~~

§ 300-10.3 Permitted uses.

~~A. Land in the Floodplain District may be used for any purpose otherwise permitted in the underlying district except that:~~

~~(1) No building permit shall be issued nor any building, wall, dam or other structure shall be erected, constructed, altered, enlarged or otherwise created or moved for any purpose unless a special permit is issued by the Board of Appeals.~~

~~(2) Dumping, filling, excavating or transferring of any earth or fill material within the district is prohibited unless a special permit is issued by the Board of Appeals.~~

~~(3) No ponds or pools shall be created or other changes in watercourses allowed, whether for swimming, fishing or other recreational uses, agricultural uses, scenic features or drainage improvements or any other uses, unless a special permit is issued by the Board of Appeals.~~

~~B. Dams and water control devices.~~

~~(1) Proper operation and maintenance of existing dams and other water control devices are permitted uses under this Article. This includes the temporary alteration of the water level for emergency or maintenance purposes and the removal of any and all flashboards of a privately owned dam in order to lower the water level.~~

~~(2) No new dams or other water control devices shall be created unless a special permit is issued by the Board of Appeals.~~

~~C. Maintenance of municipal facilities, such as waterworks, pumping stations, existing public ways and parks, shall not be subject to a special permit under this Article.~~

§ 300-10.4 Application for special permit.

~~A. Any person desiring a special permit for any use set out in § 300-10.3A above within the Floodplain District shall submit an application to the Board of Appeals, in accordance with the provisions of MGL c. 40A, as amended. The application shall be accompanied by plans of any construction and of the premises on which it is to be situated. All plans shall show existing and proposed finished ground contour at two foot intervals. Contours shall be delineated within 200 feet of the proposed construction.~~

[Amended 4-28-2014 ATM by Art. 33]

~~B. Copies of the application for special permit to the Board of Appeals with accompanying plans shall also be sent to the Building Inspector, Board of Health, Conservation Commission and Planning Board for their recommendations to the Board of Appeals, as to their approval, disapproval or appropriate recommendations.~~

~~C. All such plans shall be certified by a registered land surveyor or a registered professional civil engineer.~~

~~D. Prior to submitting an application for special permit, the applicant shall have obtained an order of conditions or determination of nonapplicability, as appropriate, from the Medfield Conservation Commission; a copy of the Commission's decision shall be included with the application.~~

7.1 Off-Street Parking

7.1.1 Table of Off-Street Parking Standards

In any district, if a structure is constructed or enlarged, or an existing use is enlarged or changed, or the dimensions of a lot are changed, off-street parking and loading spaces shall be provided in accordance with the following Table of Off-Street Parking Standards:

Table of Off-Street Parking Standards

<u>Use</u>	<u>Number of Parking Spaces Per Unit</u>
<u>Dwelling</u>	<u>2 per unit</u>
<u>Accessory dwelling unit in an R District</u>	<u>1 per bedroom</u>
<u>Dwelling in a B District</u>	<u>1.5 per unit</u>
<u>Lodging house, motel or hotel</u>	<u>1.5 per rental unit, plus 1 for each 20 square feet of floor area available for meetings or functions, plus 1 for each 2 employees</u>
<u>Retail, service, finance, insurance, or real estate establishment</u>	<u>1 per each 120 square feet of floor space open to the public, plus 1 for each 2 employees</u>
<u>Medical offices and clinics</u>	<u>5 for each doctor having office space therein</u>
<u>Other professional offices</u>	<u>2 for each person working in the office</u>
	<u>Minimum 3 spaces per office</u>
<u>Wholesale establishment</u>	<u>1 per each 500 square feet of floor space</u>
<u>Manufacturing or industrial establishment</u>	<u>1 per each 1,000 square feet of floor space</u>
<u>Auditorium, gymnasium, stadium, theater, church or other place of assemblage</u>	<u>1 for each 4 seats or each 8 feet of bench therein, to be based on the maximum seating capacity</u>
<u>Public housing for elderly</u>	<u>1/4 per unit</u>

Table of Off-Street Parking Standards

<u>Use</u>	<u>Number of Parking Spaces Per Unit</u>
<u>School or college</u>	<u>2 per classroom in an elementary and junior high school and 4 per classroom in a senior high school, plus spaces as required above for auditorium or gymnasium, whichever has the larger capacity</u>
<u>Community facility (Town building, recreation, etc.) or public utility establishment</u>	<u>1 per 300 square feet or fraction thereof of space, plus space for spectators as required in auditorium, gymnasium, etc., above</u>
<u>Restaurants, night clubs or eating places</u>	<u>1 for each 3 seats or stools, plus 1 for each 2 employees, plus 4 for each two linear feet of "takeout service" counter</u>
<u>Bowling alley</u>	<u>7 for each bowling lane</u>
<u>Barber shop, beauty parlor</u>	<u>2 for each chair installed, and 1 for each 2 operators</u>
<u>Self-service dry cleaners and self-service laundries</u>	<u>1 for each 2 machines installed, including dryers</u>
<u>Gasoline and service stations</u>	<u>3 for each service bay</u>
<u>Hospitals, extended-care facilities or homes</u>	<u>2 per bed at design capacity</u>
<u>Day-care facility for children</u>	<u>1 for each full-time employee and each full-time position shared by part-time employees, plus 1 for each 300 square feet of classroom space</u>
<u>Bed-and-breakfast</u>	<u>1 for each guest bedroom, plus 2 for owner-occupant</u>

7.1.2 General parking and loading regulations

- A. Accessory parking or loading spaces that are maintained in any district in connection with an existing use on the effective date of this Bylaw shall hereafter be maintained so long as the use continues, unless an equivalent number of parking or loading spaces is constructed elsewhere conforming to the requirements of these regulations.
- B. When units or measurements that determine the number of required parking or loading spaces result in a requirement of a fractional space, a fraction over 1/2 shall require one parking or loading space.

C. The required parking spaces shall be provided either on the same premises with the parking generator, or on any premises associated therewith. The walking distance between the farthest point of the parking area and the main pedestrian entrance to the building or use in question shall not exceed 500 feet, except that in the case of parking space for employees only, the distance may be increased to 800 feet. Such walking distance shall be only over land owned or controlled by the parking generator or over a public way. When the required parking spaces are not immediately adjacent to the parking generator, directional signs to the parking spaces must be posted. Such signs shall conform with Article 7.2. Accessory uses must be in the same district by special permit or in a district in which the principal use would be permitted by right.

D. Where required parking spaces are provided away from the lot on which the use or structure they are intended to serve is located, such spaces shall be in the same possession, either by deed or lease, as the property occupied by the use or structure to which the parking spaces are accessory. If both the structure and the parking area are leased, the period of time of the parking area lease shall be the same as the structure lease.

E. The loading spaces required for the uses listed in the above table shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Bylaw.

F. No accessory off-street parking shall be permitted within the required front yard or side yard in any R District; however, access driveways may be located within the required front yard area.

G. For any use not enumerated in this Section, off-street parking spaces shall be one space for each employee plus one space for each 50 square feet of floor area. The Board of Appeals may make exceptions to this Section by means of a special permit which will be granted only after an affirmative finding that the proposed parking will be adequate, and such a special permit must be applied for in conformance with Article 11.

H. Where differing uses occur on a single parcel of land, the number of off-street parking spaces to be provided shall be the sum of the requirements for each use.

I. All parking and loading spaces required under this Bylaw and drainage for same shall be reviewed and approved by the Planning Board and inspected by the Zoning Enforcement Officer. No certificate of occupancy shall be granted until said parking and loading facilities have been approved by the Planning Board.

7.1.3 Parking and loading space standards

A. All parking or loading areas (see definition in § 300-2) are subject to the following:

- (1) There shall be no vehicle parking or loading spaces within five feet of any front, side or rear lot line.
- (2) There shall be no vehicle repair facilities within parking areas.
- (3) There shall be no storage of material or equipment within parking areas.
- (4) Parking and loading spaces shall be so arranged as not to permit backing of automobiles onto any street.
- (5) The area and access driveways in any B, BI and IE Zoning Districts and RU lots containing three or more units shall be surfaced with bituminous asphalt, concrete, brick, cobblestones or pavers and shall

be constructed so that there shall be no puddling of surface water.

B. All parking or loading areas containing over five spaces, including automobile service and drive-in establishments, shall be subject to the following additional requirements:

- (1) The area shall be effectively screened on each side which adjoins or faces the side or rear lot line of a lot situated in any R District. The screening shall consist of that required for buffers as specified in Article 5, § 300- 5.2.I and J. The screening shall be set back from each street no more than the main building wall minimum setback.
- (2) A substantial bumper of masonry, steel, heavy timber or concrete curb stop shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks.
- (3) Any fixture used to illuminate a parking or loading area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.
- (4) Any repair or service facility for use by vehicles such as gas, oil or water shall be at least 25 feet from any lot line.
- (5) No portion of any entrance or exit driveway shall be within 150 feet of the point of intersection of the center lines of two or more intersecting streets. (No more than two driveways shall serve any one area.)
- (6) For any site having one means of access or egress, the width of the driveway shall not be less than 24 feet. For any site having a separate entrance or exit, the driveway shall not exceed 20 feet in width, except for a suitable curvature at the entrance.
- (7) Each parking space shall be marked with a three-inch-wide (minimum) solid painted line on each side and along the full depth. Paint shall be white or yellow traffic paint as specified for pavement markings in Standard Specifications for Highways and Bridges for the Commonwealth of Massachusetts Department of Transportation.

§ 300-7.1.4 Downtown Parking District**10.5 Issuance of special permits.**

A. The Board of Appeals, after holding a public hearing, shall issue a permit under this Article if it finds that the use of the premises will not endanger the health or safety of the occupants thereof or of other land in the Floodplain District. In deciding applications for a special permit under this Article, but without limiting the generality of the foregoing, the Board of Appeals shall find affirmatively:

- (1) That the basement floor elevation for any structure having sustained living occupancy shall be at least 125 feet above the mean sea level (NGVD 1929), and the top of the foundation wall shall be at least 132 feet above mean sea level (NGVD).
- (2) That structures be so designed and secured that during flooding:
 - (a) The foundation would not be undermined.
 - (b) The structure will not be floated, battered off nor swept away.
- (3) That safe vehicular and pedestrian access to, over and from the premises is provided on ways having all elevations no less than 125 feet above mean sea level (NGVD 1929), unless data indicated a higher ground.
- (4) That because of the location, elevation or for other reasons, there will be no danger of pollution to

~~public or on site water facilities.~~

- ~~(5) That sewage, gas, electricity, fuel, and other utilities will be adequately protected from all hazards which may arise as a result of a severe flood.~~
- ~~(6) That the methods of drainage are adequate.~~
- ~~(7) That other land in the Floodplain District is nevertheless protected against diminution of value as a result of the proposed use of the premises.~~
- ~~(8) No new construction, improvement of existing structures, filling or other land development shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point in the Town.~~
- ~~(9) The proposed project, and its construction, will be consistent with the Conservation Commission's decision.~~

~~B. If any land included in the Floodplain District is found by the Board of Appeals not to be in fact subject to seasonal or periodic flooding, the Board of Appeals may grant a special permit for the use of such land for any purpose permitted in the underlying district.~~

~~C. No building permit shall be issued until the Board of Health has issued a permit under this Article approving the proposed sanitary and storm drainage system or has allowed 45 days to elapse after receipt of the application.~~

~~D. No certificate of occupancy shall be issued until the Board of Appeals, the Building Inspector, the Board of Health, the Conservation Commission and the Planning Board have received a certified plan showing the foundation and floor elevations, grading of the premises, elevations of the complete structure and all elevations of the various elements that make up the sewage disposal system, and it is determined by each board and the Building Inspector that all requirements of all permits are satisfied or 45 days have elapsed after the receipt of such plan by the Building Inspector and each board and notification of the Building Inspector and each board by the applicant for the completion of the work.~~

~~E. In consideration of any of the items under this § 300-10.5, Issuance of special permits, the Board of Health and the Board of Appeals shall consider the minimum groundwater level in the Floodplain District to be 123 feet above mean sea level, unless data indicate a higher groundwater level.~~

§ 300-10.6 Limits of authority.

~~Nothing contained in this Article 10 shall limit the authority of the Board of Health with respect to premises in the Floodplain District or limit the applicability of the Commonwealth of Massachusetts State Building Code to any structure in the Floodplain District.~~

§ 300-10.7 Obligation of applicant.

~~The furnishing of all plans and specifications necessary to all boards and authorities as required by this Article shall be the obligation of the applicant. Each board or authority shall immediately return to such applicant a dated receipt in duplicate, describing the documents received. Such receipt shall be *prima facie* evidence of delivery and date of delivery. A copy of each receipt shall be presented to the Board of Appeals at least two weeks before the date set for the hearing of the application.~~

Article 11

Watershed Protection District

§ 300 11.1 Purpose.

~~The purpose of this Article is:~~

- ~~A. To preserve and protect the streams and other watercourses in the Town of Medfield and their adjoining lands.~~
- ~~B. To protect the health and safety of persons and property against the hazards of flooding and contamination.~~
- ~~C. To preserve and maintain the groundwater table for water supply purposes.~~
- ~~D. To protect the community against the detrimental use and development of lands adjoining such watercourses.~~
- ~~E. To conserve the watershed areas of the Town of Medfield for the health, safety and welfare of the public.~~

§ 300 11.2 Location.

- ~~A. The Watershed Protection District is superimposed over any other district established by this Bylaw. The Watershed Protection District is defined as all land area along the streams and brooks for a horizontal distance of at least 25 feet from the normal high water line and from adjacent low, marshy areas. The names of the brooks included within the district are as follows: Great Pond Brook, Mill Brook, North Brook, Saw Mill Brook, Sewall Brook, Nantasket Brook, Turtle Brook, Vine Brook, Winter Brook, Brooks "A" through "J," inclusive, and all other brooks in the Town of Medfield.~~
- ~~B. The Watershed Protection District shall include all land that lies within a horizontal distance of 25 feet from the normal high water line of the following major water bodies: Baker's Pond, Cemetery Pond, Chickering Lake, Danielson Pond, Echo Lake, Flynn's Pond, Hinkley Pond, Holt's Pond, Jewell's Pond, June Pond, Kingsbury Pond, Little Chickering Lake, Notch Pond, Parker's Pond, and all other ponds that are in the Town of Medfield.~~

§ 300 11.3 Permitted uses.

- ~~A. Land in the Watershed Protection District may be used for any purpose otherwise permitted in the underlying district except that:~~
 - ~~(1) No building permit shall be issued nor any building wall, dam or other structure shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a special permit is issued by the Board of Appeals.~~
 - ~~(2) Dumping, filling, excavating or transferring of any earth material within the district is prohibited unless a special permit is issued by the Board of Appeals.~~
 - ~~(3) No ponds or pools shall be created or other changes in watercourses allowed, whether for swimming, fishing, or other recreational uses, agricultural uses, scenic features or drainage improvements or any other uses, unless a special permit is issued by the Board of Appeals.~~
- ~~B. Dams and water control devices.~~
 - ~~(1) Proper operation and maintenance of existing dams and other water control devices are permitted uses.~~

~~under this Article. This includes the temporary alteration of the water level for emergency or maintenance purposes and the removal of any and all flashboards of a privately owned dam in order to lower the water level.~~

~~(2) No new dams or other water control devices shall be created unless a special permit is issued by the Board of Appeals.~~

~~C. Maintenance of municipal facilities, such as waterworks, pumping stations, existing public ways and parks, shall not be subject to a special permit under this Article.~~

§ 300-11.4 Application for special permit.

~~A. Any person desiring a special permit for any use set out in § 300-11.3A above within the Watershed Protection District shall submit an application to the Board of Appeals, in accordance with the provisions of MCL c. 40A, as amended. The application shall be accompanied by plans of any construction and of the premises on which it is to be situated. All plans shall show existing and proposed finished ground contours at two foot intervals. Contours shall be delineated within 200 feet of the proposed construction. [Amended 4-28-2014 ATM by Art. 33]~~

~~B. Copies of the application for special permit to the Board of Appeals with accompanying plans shall also be sent to the Building Inspector, Board of Health, Conservation Commission and Planning Board for their recommendations to the Board of Appeals, as to their approval, disapproval or appropriate recommendations.~~

~~C. All such plans shall be certified by a registered land surveyor or a registered professional civil engineer.~~

~~D. Prior to submitting an application for special permit, the applicant shall have obtained an order of conditions or determination of nonapplicability, as appropriate, from the Medfield Conservation Commission; a copy of the Commission's decision shall be included with the application.~~

§ 300-11.5 Issuance of special permits.

~~A. The Board of Appeals, after holding a public hearing, shall issue a special permit under this Article only if it finds that the use of the premises will not endanger the health or safety of the occupants thereof or of other land in the Watershed Protection District. In deciding upon applications for a special permit under this Article, but without limiting the generality of the foregoing, the Board of Appeals shall find affirmatively:~~

~~(1) That the basement floor elevation for any proposed structure in a Watershed Protection District having sustained living occupancy shall be at least two feet above the elevation of the surrounding Watershed Protection District and that the top of the foundation wall shall be at least nine feet above the elevation of the surrounding Watershed Protection District.~~

~~(2) That structures be so designed and secured that during flooding:~~

~~(a) The foundation would not be undermined.~~

~~(b) The structure will not be floated, battered off nor swept away.~~

~~(3) That safe vehicular and pedestrian access to, over and from the premises is provided on ways having all elevations no less than two feet above the elevation of the surrounding Watershed Protection District.~~

~~(4) That because of the location, elevation or for other reasons, there will be no danger of pollution to~~

~~public or on site water facilities.~~

- (5) ~~That sewage, gas, electricity, fuel, and other utilities will be adequately protected from all hazards which may arise as a result of a severe flood.~~
- (6) ~~That the methods of drainage are adequate.~~
- (7) ~~That other land in the Watershed Protection District is nevertheless protected against diminution of value as a result of the proposed use of the premises.~~
- (8) ~~The proposed project, and its construction, will be consistent with the Conservation Commission's decision.~~

B. ~~No building permit shall be issued until the Board of Health has issued a permit under this Article approving the proposed sanitary and storm drainage system or has allowed 45 days to elapse after receipt of the application.~~

C. ~~No certificate of occupancy shall be issued until the Board of Appeals, the Building Inspector, the Board of Health, the Conservation Commission and the Planning Board have received a certified plan showing the foundation and floor elevations, grading of the premises, elevations of the completed structure and all elevations, of the various elements that make up the sewage disposal system, and it is determined by each board and the Building Inspector that all requirements of all permits are satisfied or 45 days have elapsed after the receipt of such plan by the Building Inspector and each board and notification of the Building Inspector and each board by the applicant for the completion of the work.~~

D. ~~In consideration of any of the items under this § 300-11.5, Issuance of special permits, the Board of Health and the Board of Appeals shall consider the minimum groundwater level in the Watershed Protection District to be two feet below the natural elevations of the ground at the location of the proposed construction, unless data indicate a higher ground water level.~~

§ 300-11.6 Water bodies.

~~All water bodies encircled by the Watershed Protection District are hereby included within said district.~~

§ 300-11.7 Limits of authority.

~~Nothing contained in this Article 11 shall limit the authority of the Board of Health with respect to premises in the Watershed Protection District or limit the applicability of the Commonwealth of Massachusetts State Building Code to any structure in the Watershed Protection District.~~

§ 300-11.8 Obligation of applicant.

~~The furnishing of all plans and specifications necessary to all boards and authorities as required by this Article shall be the obligation of the applicant. Each board or authority shall immediately return to such applicant a dated receipt in duplicate describing the documents received. Such receipt shall be prima facie evidence of delivery and date of delivery. A copy of each receipt shall be presented to the Board of Appeals at least two weeks before the date set for the hearing of the application.~~

Article 12

Rules and Regulations Governing Earth Removal Uses

§ 300-12.1 Permit required.

A. ~~The removal of earth from all zoning districts of the Town of Medfield shall be permitted only after special permission of the Board of Selectmen and under these rules and regulations. The Board of~~

~~Selectmen shall grant no such permit except in conjunction with the construction of subdivision streets approved by the Planning Board; public works or other municipal projects approved by a public authority; or private land development where the Selectmen find that no reasonable alternative contour plan is practicable, and, in that event, that minimal disruption of the natural contours of the site may be permitted. Furthermore, the Board of Selectmen shall grant no such permit as would, in their opinion, adversely affect the scheme of growth laid down in the Zoning Bylaw or elsewhere, or the economic status of the Town, or tend to impair the beauty of the Town, or of the district most immediately affected, or result in health or other hazards.~~

~~B. If any earth shall be removed without obtaining a special permit or otherwise in violation of this Article, the Selectmen may order the restoration of the property involved in accordance with the provisions of this Article. Such an order of restoration will not constitute a waiver of any other fines or penalties for such violations.~~

§ 300-12.2 Application.

~~A. All applications for approval or endorsement for the removal of earth in the Town of Medfield shall be made in accordance with the rules and regulations hereinafter set forth.~~

~~B. Before an applicant can obtain a permit for the purpose of removing earth in the Town of Medfield, he shall present to the Board of Selectmen an original and five copies of a plan made by a registered engineer or registered land surveyor, which shall show in detail the following information:~~

~~(1) All property where earth is to be removed, with the boundaries shown in detail.~~

~~(2) All buildings on said property and buildings within 100 feet of said property lines.~~

~~(3) All adjacent roads, their elevations, and established grades.~~

~~(4) All adjacent waterways, brooks, swamps and their elevations.~~

~~(5) Contour lines for the entire property at two foot intervals and showing existing and proposed elevations.~~

~~(6) Any and all easements existing and proposed, public or private.~~

~~(7) Any and all benchmarks.~~

~~(8) All land shall be divided into five acre grids.~~

§ 300-12.3 Site plan.

~~The plan shall be drawn to a scale of one inch equals 40 feet. All profiles shall be drawn to a scale of one inch equals eight feet. The Board of Selectmen, after study, may make such corrections and revisions as it deems advisable in the public interest.~~

§ 300-12.4 General requirements.

~~In approving the plan, the Board of Selectmen will require that the land shall be suitable for the removal of earth without danger to health and life and that proper steps are taken so as not to hinder or endanger traffic on public ways. The Board of Selectmen may require, at its discretion, that police control of the traffic be provided by the applicant at his or her expense. Only when the Selectmen find affirmatively that no public hazard or nuisance will result will they approve a plan for the removal of earth where intentions are shown for excavation below the level of an adjacent already existing public way.~~

§ 300-12.5 Procedure.

- A. ~~The Board of Selectmen will act upon application for approval of earth removal only when proper plans have been submitted with all information that is required clearly shown.~~
- B. ~~Before approval is granted, a public hearing shall be held by the Board of Selectmen, notices of which shall be sent by certified or registered mail with return receipt to mortgagees, if any, of the applicant's property and to all owners of property as appearing on the most recent tax list, any part of which lies within 100 feet of the property of the applicant.~~

§ 300-12.6 Publication and notices.

- A. ~~The applicant shall arrange and pay for such publications and notices and shall deliver a list of said mortgagees, property owners, return receipts, and a copy of the paper containing the notice of the hearing to the Clerk of the Board of Selectmen at least 24 hours prior to the hearing.~~
- B. ~~The notice shall appear in a paper of general circulation within the Town, once in each of two successive weeks, the first publication at least 14 days before the day of the hearing.~~
- C. ~~The word "applicant" as used in these rules and regulations shall mean the owner of the property or his or her legal representative or persons authorized by the owner.~~
- D. ~~Corporations shall file with the Board of Selectmen a list of their officers and designate their authority to sign legal documents.~~

§ 300-12.7 Bond.

- A. ~~Before approval of any plan, and in order to insure the fulfillment of the following requirements, the Board of Selectmen will require a proper bond, or deposits of money, or negotiable securities on a scale of not less than \$10,000 per acre, for which restoration could be required, the exact amount to be set by the Board of Selectmen.~~
- B. ~~Said bond or security shall be held by the Town of Medfield until all requirements of the specifications have been complied with. The Board of Selectmen shall be the agent to enforce compliance with these rules and regulations, and upon satisfactory completion will release the security.~~
- C. ~~No applicant will be allowed to work more than one five acre grid at any one time.~~

§ 300-12.8 Specifications.

~~All work shall be done in accordance with the following specifications:~~

- A. ~~Trees are to be cut (not bulldozed).~~
- B. ~~All trees and brush are to be chipped on the site, unless removed for commercial purposes. Stumps are to be either chipped on the site or removed in accordance with DEP regulations.~~
- C. ~~All loam and subsoil must be bulldozed into piles for future respreading, except that loam and subsoil lying below proposed impervious surfaces on a site may be removed in accordance with the provisions of this Article 12.~~
- D. ~~Earth may be removed only to contours as specified by the Board of Selectmen. In earth removal areas, ledge shall not be left exposed above the approved grade, and boulders, when encountered, shall be buried at least such that their tops are four feet below the approved grade, and in the event that ledge is encountered prior to reaching the approved grade, a revision of the approved grade plan must be~~

~~immediately obtained.~~

- ~~E. After the earth has been removed from the first five acre grid, and before proceeding to the next five acre grid, excavation shall be graded to the approved grade and all loam and subsoil shall then be respread over the excavation, except in such areas as are required in subsequent operations.~~
- ~~F. Rye grass shall be seeded on this reloamed area at the rate of 200 pounds per acre.~~
- ~~G. Fingerling fir, white pine or other approved trees shall be planted over the entire area, five to six feet on centers.~~
- ~~H. Upon completion and approval by the Board of Selectmen of the five acre grid, the security may be released in part or in whole or it may be advanced to the next grid.~~

§ 300-12.9 Removal of earth not intended for business.

- ~~A. Noncommercial removal of earth for the improvement of a person's property in an area not exceeding one acre will be allowed on a weekly permit upon such conditions and terms as specified by the Board of Selectmen. This type of permit must be renewed every seven days at a time and place set by the Board of Selectmen.~~
- ~~B. If a violation of the terms of an earth removal permit occurs, the Selectmen shall forthwith revoke the permit and not renew it until the violation has been corrected to the satisfaction of the Board of Selectmen.~~
- ~~C. These rules and regulations governing earth removal uses in the Town of Medfield shall not apply to operations that were in progress and operated on land owned by the applicant prior to April 9, 1938, except that the final grade of the land shall be approved by the Board of Selectmen immediately upon the approval of this Bylaw.~~
- ~~D. The Board of Selectmen may delegate authority to inspect the earth removal operations under these rules and regulations.~~
- ~~E. The Board of Selectmen shall reserve the right to limit the days and hours of operation and may require antidust treatment in those areas that, in the Board of Selectmen's opinion, require such treatment.~~
- ~~F. The Board of Selectmen may also require additional surety to cover the cost of damage to existing Town roadways or cleanup requirements caused by the earth removal operation.~~

§ 300-12.10 Definition of earth.

~~"Earth," as used in this Article, shall include all material, fragmental or otherwise, normally composing part of the surface of the globe, excluding water.~~

§ 300-12.11 Violations and enforcement.

- ~~A. Removal of earth without a valid earth removal permit or in excess of the amount specified in a permit or otherwise in violation of any stated condition of a permit shall be punishable by fine as follows: \$100 per cubic yard, each cubic yard constituting a separate violation.~~
- ~~B. The enforcement officer for this Earth Removal Bylaw shall be the Chief of Police and any police officer, and the Building Inspector. An applicant may appeal an enforcement officer's determination as to the existence of a violation or the amount of a fine by requesting a hearing before the Board of Selectmen. [Amended 4-28-2014 ATM by Art. 33]~~

~~C. The Board of Selectmen, in addition to any other remedies available to the Town, shall have the right to withhold consideration or approval of an applicant's request for additional earth removal while any fine levied under Subsection A remains unpaid.~~

- A. There is hereby created a Downtown Parking District consisting of Main Street from South Street to Route 27 (Spring Street and North Meadow Road), North Street from Main Street to Green Street and Janes Avenue.
- B. Uses established and existing within said district on January 1, 1998, shall maintain whatever off-street parking they had as of that date, but shall otherwise be exempt from the parking requirements of this Article.
- C. Changes of use, as long as they are permitted in the underlying district, shall be permitted without regard to said parking requirements upon issuance of a special permit by the Board of Appeals. In determining whether to issue the special permit, the Board of Appeals shall consider the impact of the proposed use, as contrasted with prior uses, and if it determines that the proposed use will not significantly increase the demand for parking from that of prior uses, the Board of Appeals may issue the special permit.
- D. Expansion of existing uses or changes which increase parking demand and which cannot meet said parking requirements may be permitted by the Board of Appeals if the Board of Appeals issues a special permit therefor. In determining whether to issue a special permit, the Board of Appeals shall consider the impact of the proposed new use and the increased parking on the area. If it determines that, despite the impact of the increased parking on the area, the new use is in the public interest, it may issue the special permit. The Board of Appeals may impose such conditions as it deems necessary to protect public safety and convenience.

7.2 Signs

7.2 Article 13 **Sign Bylaw**

§ 300-13.1 Administration.

(See 11§ 300-14.2.1 also.)

- A. No sign, except noncommercial signs less than one square foot or specifically enumerated in § 300-~~7.2~~13.4, Required signs, and § 300-~~7.2.5~~Temporary~~13.5~~Temporary signs, shall be erected without a permit issued by the Building Inspector, application for which shall be accompanied by such scale drawings, photographs, and other information as the Building Inspector may require. The applicant must be the owner of the property or have the written permission of the owner.
- B. It shall be the duty of the Building Inspector and/or the Zoning Enforcement Officer to administer and enforce the provisions of this Sign Bylaw. **[Amended 4-28-2014 ATM by Art. 33]**
- C. A Sign Advisory Board shall be appointed by the Planning Board and shall be composed of three residents at large and two business persons. The Sign Advisory Board shall have the following responsibilities:
 - (1) To review and recommend action on all sign permit applications.

- (2) To review periodically the existing Sign Bylaw and advise the Planning Board as to desirable modifications.
- (3) To provide assistance and advice to applicants requesting sign permits.
- (4) To bring violations of the Sign Bylaw to the attention of the Zoning Enforcement Officer. **[Amended 4-28-2014ATM by Art. 33]**

D. Fees for sign permits shall be fixed every three years by the Board of Selectmen.

E. Owners of signs found to be in violation shall be subject to a fine of \$25 per day until such sign is in conformity with this Bylaw.

7.2§ 300-13.2 Signing districts.

The Town of Medfield is divided into three sign districts, following zoning classifications.

- A. Business districts: those areas of Town zoned Business (B) and Business-Industrial (BI) and those areas used for retail sales in the Agricultural District.
- B. Industrial-Extensive (IE): those areas of the Town zoned (IE) Industrial-Extensive. **[Amended 4-28-2014ATM by Art. 33]**
- C. Residential: all other areas of the Town not included above.

§ 300-7.213.3 Prohibited signs and signing limitations.

- A. Off-premises signs are prohibited, except temporary signs used to advertise special events whose proceeds are used for charity, schools or nonprofit organizations, provided an approved sign permit is obtained at least three days before the posting of the sign. There shall be no fee for the permit and the Building Inspector is authorized to issue the permit without the Sign Advisory Board's approval.
- B. No sign or light shall move, flash, or make noise. (Indicators of time and temperature may move.)
- C. Any imitation of official traffic signs or signals and the use of such words as STOP, LOOK, DANGER, GO SLOW, CAUTION, or WARNING is prohibited.
- D. Signs near traffic signals or intersections shall not obscure visibility or create confusion when viewed from a vehicle stopped at or approaching a signal or intersection.
- E. Colored lights for sign or building illumination are prohibited in residential areas. This requirement does not apply to holiday signs or lights. **[Amended 4-28-2014ATM by Art. 33]**
- F. A permanent window sign may not exceed one-third of the total glass area of the window in which it is mounted. Permanent window signs must be included in calculating the total area of signage for that building side.
- G. A freestanding or projecting sign may only include lettering and symbols to indicate the name of the business, trademark or logo, telephone number, and hours of operation. Freestanding directory signs for multiple-occupancy buildings may only display the name and kind of business for each occupancy. No freestanding or projecting sign may have more than two sides, excluding frames and supports.

- H. There shall be no more than two different types of permanent signs employed per building, regardless of the number of occupancies. Each occupant shall be restricted to no more than two signs. There shall be no more than one freestanding sign per building.
- I. The registered trademark of a specific product may occupy no more than one-quarter of the area of the sign face upon which it appears unless the specific product is at least 50% of the business by dollar volume.
- J. Off-street parking facilities for 10 or more cars may be identified by a sign displaying the letter "P" and a directional arrow indicating an entrance or exit. Such a sign may not exceed two square feet in sign area. Such signs are not counted in computing total sign area.
- K. One entrance or exit sign of no more than three square feet per side shall be allowed for each entrance or exit from a parking area. These signs shall not be counted in computing the total sign area or in calculating the number of freestanding signs. Such sign(s) shall conform to the U.S. Department of Transportation Manual on Uniform Traffic Control Devices.
- L. Backlighted (internally illuminated) informational signs or structures with translucent faces are not allowed. Signs may be illuminated by an external light fixture (white in color) or halo-lighted (no "day-glo" colors). Lamps or tubes shall not be visible to the motoring public from a public way. Sign graphics may not be translucent.
- M. One "OPEN" flag shall be permitted per retail business. The flag shall not exceed three feet by five feet. The flag is to fly from a pole mounted to the building. The flag must be removed when the business is not open.

7.2§ 300-13.4 Required signs.

[Amended 4-28-2014 ATM by Art. 33]

A sign permit is not required for the following types of required signs:

- A. Building identification numbers conforming to the requirements of Chapter **110**, Building Construction, Article **II**, of the Bylaws.
- B. In a nonresidential zone, a construction sign is required identifying the parties involved and the nature of the construction project, on the premises where the construction is located. In a residential zone it is optional. Sign area may not be greater than 16 square feet. The sign must not be installed more than 14 days before construction commences and must be removed 14 days after any portion of any structure is occupied or after any portion of the last structure in a multiple-building construction project is occupied.

7.2§ 300-13.5 Temporary signs.

- A. Temporary window signs are allowed without a permit in Business Districts for no more than 30 days for advertising special sales or events. They may cover no more than one-third of the total area of exterior street side windows. Their area is not included in calculating allowable permanent sign area.
- B. Temporary outdoor signs may be allowed by permit in Business Districts for no more than 30 days to advertise special sales or events. Their area is not included in calculating allowable permanent sign area, but the area of such a sign shall not exceed six square feet per side.

- C. Temporary signs are allowed without permit in Residential and Business Districts, including but not limited to real estate signs, contractor and subcontractor and temporary services, limited to one unlighted sign of up to eight square feet pertaining to the sale, rental or lease of the premises, or to the services being performed on the premises on which the sign is placed. Such signs shall be removed within 14 days after final sale, lease or rental, or cessation of services on the premises.
- D. Real estate signs are allowed without permit in Industrial-Extensive Districts, limited to one unlighted sign of up to 25 square feet pertaining to the sale, rental or lease of the premises on which the sign is placed. Such signs and their supports shall be removed by the realtor within 14 days after final sale, rental or lease.

7.2§ 300-13.6 Nonconforming signs.

When the replacement of an existing nonconforming sign or the placement of a new sign on a multi-tenant building would violate the allowable sign area, a permit may be issued allowing such sign. However, the sign surface area allowed for the replacement or new sign shall be based on the proportion of floor area occupied by each tenant.

7.2§ 300-13.7 Location of signs.

- A. A parallel sign shall project no more than 12 inches from the building surface. No awning, canopy or projecting sign shall project more than five feet from the building face or come within three feet of the public way reserved for vehicular traffic.
- B. The bottom of a projecting sign shall be at least 10 feet above ground level. The bottom of any awning or canopy sign shall not be lower than the awning or canopy to which it is attached.
- C. The top of a freestanding sign shall extend no higher than 15 feet above ground level, and the bottom shall not interfere with vehicular or pedestrian traffic.
- D. No parallel sign or any portion thereof shall be allowed above the bottom of the sills of second story windows of the building on which it is mounted.
- E. No sign or support for a sign may extend above the cornice line of the building to which it is attached.
- F. In a Business (B), Business-Industrial (BI), or Industrial-Extensive (IE) District, no freestanding sign shall be located nearer any property line than the permitted setback distance for a building on the same lot.

7.2§ 300-13.8 Sign surface area.

- A. The area of a sign is defined as the entire area within a single rectangle enclosing the extreme limits of lettering, decorative structures, logos, representations, emblems or other figures, together with any material or color forming an integral part of the sign or used to differentiate the sign from the building on which it is mounted. Structural members bearing no sign copy and outside of the area defined above are not included in calculating sign area. In applying the maximum height and width limitations prescribed in this Bylaw for signs, any intermediary removable surface to which a sign is affixed shall be deemed to be a part of the sign. **[Amended 4-28-2014 ATM by Art. 33]**
- (1) For a sign, either freestanding or attached, the area shall be considered to include all lettering, wording,

and the accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

- (2) For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording, and accompanying designs of symbols together with any backing of a different color from the finish material of the building face.
- (3) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters and symbols.

B. For two-sided freestanding or projecting signs, both sides are included in calculating sign area, whether used for copy or not.

C. In a Residential District, there shall be no signs except the following:

- (1) On a lot occupied by a dwelling, there shall not be more than one sign pertaining to the use thereof or bearing the name and occupation of any occupant or occupants, and no such sign shall exceed one square foot in area.
- (2) For premises used for permitted home occupations, there shall be no exterior signs other than a sign not to exceed one square foot in area per side, carrying only the name and occupation of the occupant as allowed in the Table of Use Regulations included as an attachment to this Bylaw and/or § 300-14.
11.5.1.H4OH(2)(de).
- (3) In a Residential-Urban District, a multifamily dwelling complex containing 10 or more units shall be allowed one sign not to exceed eight square feet in area per side. This sign shall contain only the name and address of the complex.

D. In the case of single-story, multi-tenant structures within the Business, Business-Industrial and Industrial-Extensive Districts, the allowable sign area shall be allotted based on the proportion of floor area occupied by each tenant.

E. In a Business Districts, maximum sign area allowed is calculated according to a formula based on the building sign frontage or as otherwise indicated.

- (1) For one-story buildings, or multi-story, single-tenant buildings, with building sign frontage not more than 25 feet: maximum sign area equals five times the square root of the building sign frontage.
- (2) For one-story buildings, or multi-story, single-tenant buildings with sign frontage more than 25 feet: maximum sign area equals 10 times the square root of the building sign frontage.
- (3) For all multi-story, multi-tenant buildings: maximum sign area shall equal 10 times the square root of the building sign frontage, plus an additional area equal to a maximum of five times the square root of the upper story sign frontage.

F. In an Industrial-Extensive District, maximum sign area allowed is calculated according to a formula based on the building sign frontage or as otherwise indicated.

- (1) Maximum sign area equals five times the square root of the building sign frontage.

(2) In the case where no building sign frontage exists, the maximum sign area allowed is 32 square feet, advertising only those activities conducted on the premises.

G. In all zoning districts, the following sign area exceptions are allowed, in addition to the maximum sign area:

- (1) Historic markers and commemorative tablets up to five square feet in area when made a permanent and integral part of the building.
- (2) Signs up to two square feet in area, used for identifying nonprofit organizations, rest rooms, telephones, and other public facilities, are allowed for the purposes of identification.
- (3) A bed-and-breakfast use shall be allowed a two-square-foot sign.

7.2§ 300-13.9 Obsolete signs.

A sign (and its supports) which ceases to advertise a bona fide business conducted or product sold on any premises shall be removed within 30 days after written notification from the Building CommissionerInspector.

7.2§ 300-13.10 Alteration, repair, and replacement of signs.

- A. No sign shall be reconstructed, extended, changed structurally, repaired or replaced except in accordance with this Bylaw and then only if a new permit is issued following the requirements of this Article 7.213. A sign which is deemed unsafe by the Building Inspector shall be removed by its owner.
- B. A sign which does not conform with this Article 7.213 may be repaired, provided that the cost of repair does not exceed 50% of the replacement cost of the entire sign, provided that such sign as repaired is not more nonconforming than the existing sign. Notwithstanding the foregoing, an electric time and temperature sign which is an integral part of a nonconforming sign may be repaired or replaced with no restrictions on the cost of the repair or replacement, provided that such sign as repaired or replaced is not more nonconforming than the existing sign. A nonconforming sign may not be maintained if the use of the property is changed.

Article 8 SPECIAL REGULATIONS
Administration and Enforcement

8§ 300-14.1 Building Inspector and/or Zoning Enforcement Officer.
[Amended 4-28-2014 ATM by Art. 33]

~~It shall be the duty of the Board of Selectmen, which may appoint agents, the Building Inspector and Zoning Enforcement Officer, to administer and enforce the provisions of this Bylaw.~~

§ 300-14.2 Permits required.

~~It shall be unlawful for any owner or person to erect, construct, reconstruct, or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot without applying for and receiving from the Building Inspector or Board of Selectmen the required permit. For purposes of administration, the application procedure involving a permit for a structure or use may be made~~

at the same time and combined with the permit required under the State Building Code. In addition to the plot plans and drawings required by the Commonwealth of Massachusetts State Building Code (prepared and certified to by a professional engineer and/or land surveyor), plans and information for signs and off street parking and loading shall also be filed with the Building Inspector. An application for a permit in the Floodplain or Watershed Protection Districts shown on the Zoning Map shall meet all requirements of Articles 10 and 11.

§ 300 14.3 Previously approved permits.

Construction or operations under a building or special permit shall conform to any subsequent amendment of the Bylaw unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

§ 300 14.4 Certificate of use and occupancy required.

It shall be unlawful to use or occupy any structure or lot for which a permit is required herein until the owner applies for and receives from the Building Inspector a certificate of use and occupancy. Nothing herein shall negate the necessity of a use and occupancy permit required under the State Building Code.

§ 300 14.5 Permit and certificate fees.

Fees shall be established by the Board of Selectmen.

§ 300 14.6 Special permit time limits.

The recipient of a special permit shall apply for a building permit within two years of the date of authorization by the special permit granting authority or the special permit will become null and void. Any work for which any permit has been issued by the Building Inspector shall be actively prosecuted within 90 days and completed within one year of the date of the issuance of the special permit. Any special permit issued for a project which is actively prosecuted for one year may be extended up to an additional year at the discretion of the Board of Selectmen.

§ 300 14.7 Violations and penalties.

[Amended 4-28-2014 ATM by Art. 33]

A. The Building Inspectors or Zoning Enforcement Officers shall serve a notice of "violation and order" to any owner or person responsible for any violation of the provisions of the Bylaw or violation of any approved plan, information or certificate issued under the provisions of this Bylaw. Such order shall direct the discontinuance of the unlawful action, use or condition and the abatement of violation within a time to be specified by the Building Inspector or Zoning Enforcement Officer. Any owner who has been served with a notice and who ceases any work or other activity shall not leave any structure or lot in a condition that is a hazard or menace to the public safety, health or general welfare. The Building Inspector shall have the power to require that premises be put in safe condition or such condition that he directs to bring them into conformity with this Bylaw.

B. Except as set forth in § 300 13.1E for violations of the Sign Bylaw, violation of any of the provisions of this Bylaw shall be fined not more than \$300 for each offense. Each day that such violation continues shall constitute a separate offense.

§ 300 14.8 Prosecution of violations.

If the notice of "violation and order" is not complied with promptly, the Building Inspector or Zoning Enforcement Officer shall request the Board of Selectmen to institute the appropriate action or proceeding at law or in equity to restrain and correct the violation.

§ 300-14.9 Board of Appeals.

There shall be a Board of Appeals of three members and three associate members appointed as provided in MCL c. 40A, as amended, which shall act on all matters within its jurisdiction under this Bylaw in the manner prescribed in said Section, subject always to the rule that it shall give due consideration to promoting the public health, safety, convenience, and welfare, and conserving property values; that it shall permit no building or use injurious, noxious, offensive or detrimental to a neighborhood; special permits may be issued only for uses which are in harmony with the general purpose and interest of this Bylaw and shall be subject to general or specific provisions set forth herein; and that it shall prescribe appropriate conditions, safeguards and limitations on time or use.

§ 300-14.10 Special permits by Board of Appeals.

Certain uses, structures or conditions are designated as "SP" in the Table of Use Regulations included as an attachment to this Bylaw. These uses require a special permit from the Board of Appeals, which may be obtained only by use of the following procedure. Special permits required by Article 7, Open Space Residential Zoning, Article 10, Floodplain District, and Article 11, Watershed Protection District, shall be exempt from the provisions of this Section and shall be governed by the provisions of Articles 7, 10 and 11.

8.1.1 Purpose;A. Form of application. [Amended 4-28-2014 ATM by Art. 33]

- (1) Any person desiring to apply for a special permit 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 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) A plot plan showing the boundary lines of the premises and the locations of structures thereon.
 - (g) Plans showing any proposed construction, alterations or renovations of the premises for which the special permit 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) A summary of applicant's reasons for seeking the special permit.
- (2) The Board of Appeals 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 Inspector, the Board of Health and the Planning Board, as required by Subsection A, it shall be deemed lack of their opposition thereto.~~

~~C. Hearing. The Board of Appeals 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 Board of Appeals as required by the Zoning Act.~~

~~D. The Board of Appeals 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 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: [Amended 4-29-2019 ATM by Art. 24]~~

- ~~(1) Overall design is consistent and compatible with the neighborhood, including as to factors of building orientation, scale, and massing.~~
- ~~(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.~~
- ~~(3) Drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.~~
- ~~(4) The proposed use will not have any significant adverse effect upon properties in the neighborhood, including property values.~~
- ~~(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.~~
- ~~(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. Single family dwelling and two family dwelling as a secondary use in conjunction with a principal use in the B District not otherwise requiring a special permit, shall be permitted subject to the following special conditions: [Amended 4-28-2014 ATM by Art. 33]~~

- ~~(1) A special permit will be required.~~

~~(2) The principal use to which the residential use is "secondary" must occupy all of the street and ground floor (with the exception of the area for stairs or elevator necessary to gain access to the upper floor residential use). This will not preclude that the business use may occupy all or part of any floor above the street or ground floor.~~

~~(3) Residential off street parking must be provided (See § 300-process~~

For the purpose of encouraging the preservation of open space and promoting the more efficient use of land in harmony with its natural features and within the general intent of the Zoning Bylaw, an owner or owners, or their agent, of a tract of land may, in connection with the submission of a subdivision plan for Planning Board approval under the Subdivision Control Law also make application to the Board of Appeals for a special permit excepting his or her plan from the lot size and yard dimension regulations as required in the Zoning Bylaw. In no event, however, shall such permit operate as an exception from any other provision of this Bylaw. The owner or such agent shall at the same time file a copy of the application with all accompanying plans and environmental impact statement with the Board of Health, the Water and Sewerage Board, Superintendent of Public Works, the Conservation Commission and the Planning Board, which boards shall, within 30 days from the date of receipt of such documents by them, file their written recommendations concerning said applications with the Board of Appeals. If no such recommendations are filed within 30 days, said Board of Appeals shall have been deemed to have no recommendations on the application.

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~~(4) The residential use will be protected from offensive noise, vibration, electromagnetic interference, dust and other particulate matter, odorous matter, heat, glare, and other objectionable influences.~~

~~(5) The area of the lot will not be less than 10,000 square feet.~~

G. Signs

~~(1) Upon proper application pursuant to Article 13, and after a public hearing following the procedure required by Subsection C, the Board of Appeals may grant a special permit to allow a sign to be erected that would otherwise not be permitted, if the Board concludes that a special permit is warranted by the application and the evidence produced at the public hearing and if the Board makes the following specific findings of fact:~~

~~(a) The proposed sign will not have an adverse effect upon property values in the neighborhood.~~

~~(b) The proposed sign is architecturally and aesthetically consistent with the other signs and structures in the area.~~

~~(c) The proposed sign will not create any hazard to public safety or health in the neighborhood.~~

~~(d) The proposed sign does not create a nuisance.~~

~~(2) In no case shall a special permit be granted for a sign specifically prohibited in any subsection of § 300-13.3.~~

H. Conditions

~~.2 Conditions for(1) If the Board of Appeals elects to grant a special permit pursuant to this § 300-14.10, it~~

~~may impose conditions upon the granting thereof at its discretion. No building permit shall be granted for construction authorized by a special permit granted hereunder until plans have been submitted to the Building Inspector which specify in detail the manner of compliance with any conditions set by the Board of Appeals.~~

(2) ~~The Board shall also impose the conditions specified below on the following uses:~~

- (a) ~~For the use of a travel trailer or mobile home located in any district, provided: any travel trailer or mobile home shall not be used for more than six months; no wheels, tires or other means of keeping the travel trailer or mobile home mobile shall be removed; any travel trailer or mobile home shall have a current state motor vehicle license; and no skirts, porches, fences or similar materials or equipment shall be added to any travel trailer or mobile home which would detract from its mobility. Each travel trailer or mobile home and its lot shall be subject to the requirements of the district.~~
- (b) ~~For the conversion to or location of a lodging house in the RU District, provided: it shall be limited to not more than five persons; it shall be located in the principal building; official residence shall be maintained therein by the owner of the premises; it shall be used for non-transients only.~~
- (c) ~~For bed and breakfast use, there shall be no more than four rooms used as guest rooms for no more than six short term paying guests; parking shall be provided as required by § 300-8.1; and signs shall conform to § 300-13.8G(3). [Amended 4-28-2014 ATM by Art. 33]~~
- (d) ~~For the use of a single family dwelling in any R District for a home occupation, provided: not more than one nonresident shall be employed therein; the use is carried on strictly within the principal building; not more than 40% of the existing floor area, not to exceed 500 square feet, is devoted to such use; that there shall be no display of goods or wares visible from the street; there shall be no advertising on the premises other than a small nonelectrical sign not to exceed one square foot in area and carrying only the name and occupation of any occupant of the premises such as physician, artisan, teacher, day nurse, lawyer, architect, engineer, clergyman, accountant, osteopath, dentist, and similar occupations or professions; the buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance or in any other way; the building shall include no features of design not customary in buildings for residential use. Such uses as clinics, barber shops, beauty parlors, tea rooms, real estate offices, tourist homes, animal hospitals, kennels and others of a similar nature shall not be considered home occupations. [Amended 4-28-2014 ATM by Art. 33]~~
- (e) ~~For the planned business or industrial development of land for any permitted use in a B or BI District subject to the floor area ratio more than the maximum permitted in the Table of Area Regulations and less than the parking requirements contained in Article 8, provided: the tract in single or consolidated ownership at the time of application shall be at least three acres in size; a development plan shall be presented for the entire tract; the development shall be served by one common parking area, exit and entrance; the maximum floor area ratio shall not exceed 0.50; the parking space requirements shall not be reduced by 10% or more of the normal application requirements of the B or BI District.~~
- (f) ~~For the manufacturing or other industrial use of any lot in any I District, provided: the proposed use shall not emit any smoke of a shade darker than No. 2 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines; no air pollution particle concentrations shall exceed 0.3 grain per cubic foot; all inflammable or radioactive liquids shall be stored underground; the discharge of wastes shall be into a public sewer or the system subject to written approval of the Massachusetts Department of Public Health; vibration shall not exceed the safe range of Table 7, U.S. Bureau of Mines, Bulletin No. 442; there shall be no unusual or objectionable odor; no direct or sky reflected glare shall be permitted; and~~

~~all materials shall be stored within a completely enclosed building.~~

(g) ~~For the use of land or the erection and use of any building or other structure in any district for a principal or accessory use where the provisions for a Bylaw cannot reasonably be interpreted to provide anywhere in this Bylaw for such use, provided: the Board determines in each instance such use shall be essential to the general welfare of the Town; they shall be permitted only in a district where uses similar to the use shall be permitted; the use shall be subject to all provisions prescribed in this Bylaw for the district in which the similar use is provided for as a permitted use.~~

(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.~~

(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.~~

I. ~~Accessory dwelling unit in single family dwelling; provisions applicable to a special permit for an accessory dwelling unit in a single family dwelling only.~~ **[Amended 4-28-2014 ATM by Art. 33]**

(1) ~~The purpose of permitting an accessory dwelling unit in a single family dwelling, in accordance with the conditions set forth below, is to encourage preservation and maintenance of the larger older houses in Medfield and to increase the supply of affordable housing without significantly changing the character of existing residential areas.~~

(2) ~~If it makes the findings set out in Subsection E(1) through (10) and subject to such conditions as the Board of Appeals shall elect to impose pursuant to Subsection F, the Board of Appeals shall issue a permit for an accessory dwelling unit in a single family dwelling unit if it makes the following findings and subjects the permit to the conditions required by this Section:~~

- (a) ~~The house was in existence prior to 1938.~~
- (b) ~~The house has a minimum of 2,000 square feet of existing floor area.~~
- (c) ~~The house meets the lot area requirement for a single family dwelling in its district.~~
- (d) ~~An addition to the house of up to 10% of the existing floor area shall be allowed in the rear or side yard, provided the addition is architecturally consistent with the existing house.~~

(e) Except as regards item (d) above, the exterior of the house shall not be altered except for restoration consistent with the existing architecture and exits required by law, which exits shall be in the rear or at the side of the house.

(f) The accessory unit shall have a minimum floor area of 500 square feet, plus 100 square feet for each bedroom over one.

(g) The accessory unit shall have a bathroom and a kitchen or kitchenette.

(h) Off street parking shall be provided as required in § 300-8.1, in addition to spaces required for the existing dwelling.

(i) The owner of the house must occupy the house or the accessory unit, except for bona fide temporary absences of up to one year.

(j) The special permit shall be a personal permit restricted to the individual owner applicant and shall terminate when said owner applicant ceases to own the dwelling.

(k) In the event of a change of ownership of a house for which a special permit has been issued for an accessory unit, the new owner or holder of a purchase and sale agreement with the owner may apply for a renewal of the special permit.

(3) This Section has been included in the Bylaw in order to permit family apartments in residential districts, and, in the Business District, to provide housing for family members within the home of another member of their family when situations such as the age, physical condition or financial circumstances of a member of the family of a person occupying what would otherwise be a single family dwelling make it necessary or desirable for the establishment of separate living quarters within that dwelling for said family member. The Board of Appeals may grant a special permit for a family apartment as defined in § 300-2.1 if it finds that the use is aesthetically consistent with other structures in the neighborhood and that said use is consistent with the purpose of this Section as set forth above.

(4) Said special permit may be issued subject to such conditions as the Board of Appeals may deem appropriate and shall terminate upon the happening of any of the following events:

(a) Sale of the property.

(b) Death of those persons occupying the family apartment;

(c) Permanent change of domicile of all of the persons occupying the family apartment from said family apartment to some other location either within or without the Town of Medfield.

§ 300-14.11 Variances.

The Board of Appeals shall have the power to grant variances in accordance with provisions of MGL c. 40A. Applications for a variance shall conform with the requirements of § 300-14.10A.

§ 300-14.12 Site plan approval by Planning Board.

The purpose of site plan approval is to ensure that plans for the design and layout of certain permitted developments conform to all the Town's Bylaws and regulations, by requiring that the plans be approved and signed by the Planning Board before a building permit may be issued by the Building Inspector.

A. No building, except a single family dwelling, shall be constructed or expanded in ground area, no

~~residential use shall be changed to a nonresidential use, and no nonresidential use shall be changed to another, substantially different, nonresidential use except in conformance with this § 300 **14.12**. For the purposes of the preceding sentence, it shall be the Planning Board which makes the determination whether a proposed nonresidential use is substantially different from the existing nonresidential use. A one time only construction contained within a total ground floor area not exceeding 500 square feet is exempt from the provisions of this subsection. The Planning Board shall adopt and from time to time shall amend rules and fee schedules relative to the issuance of site plan approval and shall file a copy of said rules and fee schedules in the office of the Town Clerk.~~ **[Amended 4-28-2014 ATM by Art. 33]**

B. Hearing. The Planning Board shall, at the expense of the applicant, give notice of a public hearing as required by the Zoning Act of Massachusetts General Laws 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 of Massachusetts General Laws.

C. Site plan approval shall be granted upon determination by the Planning Board that the plan conforms to the following standards. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to ensure such conformance. To the extent feasible, new building construction or other site alteration shall be designed, after considering the qualities of the specific location, the proposed land use and buildings, grading, egress points, and other aspects of the development, so as to meet these objectives:

(1) For multifamily site plans for which more than one structure is proposed, placement of structures on the site is appropriate to the site and compatible with its surroundings. To achieve this finding the Board shall review the proposal for: **[Amended 4-29-2019 ATM by Art. 23]**

(a) There shall be no more than two garage bays (or two interior parking spaces as defined by the Zoning Bylaw) per unit and they should be oriented so that they are in character with the streetscape and surrounding properties.

(b) Each dwelling unit should have access to private yard, patio, or other private outdoor space.

(c) Negative visual impacts of the development, if any, are screened from adjacent properties and nearby streets by landscaping or other site planning techniques. The Planning Board, in its discretion, may require additional screened buffer zone for the privacy of directly abutting properties. Screening can include use of existing trees and plants, new vegetation, fencing, or a combination of these options.

(d) Each parking space or driveway serving a multifamily 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.

(e) Adequate provisions for snow removal or on site storage should also be demonstrated.

(f) The access, egress, and internal circulation are designed to provide a network of pedestrian friendly streetscapes.

(g) The dwellings are sited and oriented in a complementary relationship to: each other, the common open space, and the adjacent properties.

(2) The proposed use will not result in a public hazard due to substantially increased vehicular traffic or due to inadequacy of the structure or configuration of the road(s) directly serving the site.

(3) The proposed use will not create any danger of pollution to public or private water facilities.

(4) The methods of drainage at the site are adequate and meet the standards of the Subdivision Rules and Regulations of the Town of Medfield.

(5) No excessive noise, light or odor shall be emitted.

(6) The site plan and proposed use(s) conform to all requirements of the Zoning Bylaw of the Town of Medfield.

D. No building permit shall be granted for construction authorized by approval granted hereunder until plans have been submitted to the Building Inspector which specify in detail the manner of compliance with any conditions set by the Planning Board.

E. Lapse. Site plan approval shall lapse after one year from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

F. Appeal periods. Appeals shall be conducted in accordance with applicable law.

§ 300-14.13 Appeal periods.

A. Any appeal to the Board of Appeals to any order or decision relative to this Bylaw shall be made in conformance with the conditions set out by the Zoning Act. All such appeals shall be conducted in accordance with the Zoning Act.

B. Any person aggrieved by a decision of the Board of Appeals or the Planning Board or the Board of Selectmen may petition the court within the period of time set forth in the Zoning Act. [Amended 4-28-2014 ATM by Art. 33]

§ 300-14.14 Duty to supply plans and specifications.

The furnishing of all plans and specifications necessary to all boards and authorities as required by this Article shall be the obligation of the applicant. Each board or authority shall immediately return to such applicant a dated receipt in duplicate describing the documents received. Such receipt shall be prima facie evidence of delivery and date of delivery. A copy of each receipt shall be presented to the Board of Appeals or the Planning Board at least two weeks before the date set for the hearing of the application.

§ 300-14.15 Special permits by Planning Board.

[Added 4-24-2017 ATM by Art. 42]

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 consistent and compatible with the neighborhood, including as to factors of building orientation, scale, and massing.

- (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.~~
- (3) ~~Drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.~~
- (4) ~~The proposed use will not have any significant adverse effect upon properties in the neighborhood, including property values.~~
- (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.~~
- (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) ~~The common party wall shall connect 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).~~
- (2) ~~There shall be no more than two garage bays (or two interior parking spaces as defined by the Zoning Bylaw) per unit and they should be oriented so that they are in character with the surrounding properties.~~
- (3) ~~Each dwelling unit has access to private yard, patio, or other private outdoor space.~~
- (4) ~~The Planning Board, in its discretion, may require additional screened buffer zone for the privacy of adjacent properties. Screening can include use of existing trees and plants, new vegetation, fencing, or a combination of these options.~~
- (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.~~
- (6) ~~Adequate provisions for snow removal or on site storage should also be demonstrated.~~

~~G. Multifamily dwelling developments shall be permitted subject to the following special criteria: **[Added 4-30-2018 ATM by Art. 41]**~~

- (1) ~~The development of multiple dwellings does not detract from the livability, scale, character or economic value of existing residential neighborhoods.~~
- (2) ~~There shall be no more than two garage bays (or two interior parking spaces as defined by the Zoning Bylaw) per unit and they should be oriented so that they are in character with the streetscape and surrounding properties.~~
- (3) ~~Each dwelling unit should have access to private yard, patio, or other private outdoor space.~~
- (4) ~~Negative visual impacts of the development, if any, are screened from adjacent properties and nearby streets by landscaping or other site planning techniques. The Planning Board, in its discretion, may require additional screened buffer zone for the privacy of directly abutting properties. Screening can include use of existing trees and plants, new vegetation, fencing, or a combination of these options.~~
- (5) ~~Each parking space or driveway serving a multifamily 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.~~
- (6) ~~Adequate provisions for snow removal or on site storage should also be demonstrated.~~
- (7) ~~The access, egress, and internal circulation are designed to provide a network of pedestrian friendly streetscapes.~~
- (8) ~~The dwellings are sited and oriented in a complementary relationship to: each other, the common open space, and the adjacent properties with respect to scale, mass, setback, proportions and materials.~~

~~H. Historic preservation incentive for two family dwellings in the RU Zoning District.~~

- (1) ~~A special permit pursuant to § 300-14.15A through F for a proposed project that preserves a structure that has received a determination from the Medfield Historical Commission that the structure is a "historically significant structure" (as defined by Town Code § 150-13, as the same may be amended from time to time) may allow a lot coverage of up to 30% upon finding the property complies with the following criteria:~~
 - (a) ~~As to the existing historic structure, the project:~~
 - (i) ~~Preserves the primary part of the existing historic structure, particularly that portion which is visible from the street, integral to the historic character of the property and important for its relationship to neighboring structures.~~
 - (ii) ~~Preserves the historic structure's existing scale, massing, height, setback, orientation, roofline, materials, and architectural details.~~
 - (iii) ~~Maintains the size, type and spacing of existing windows and doors.~~
 - (iv) ~~Maintains any historic outbuildings on the property whenever possible.~~
 - (b) ~~It shall be a prerequisite to requesting such increased lot coverage that the applicant shall have submitted to Medfield Historical Commission information relating to the historical features of the structure to enable the Commission to make a determination as to whether such structure is a "historically significant structure." Where such increased lot coverage is sought, a copy of the Commission's determination must be included in the applicant's application for a special permit pursuant to § 300-14.15A through F.~~

~~(2) As to new construction directly related to an existing historic structure, the new construction respects and reflects the scale, massing, roof forms, materials, windows, doors, and other architectural details of the related historic structure.~~

~~I. 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 (6) 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 Subsections E, F, and G of this Section. [Amended 4-30-2018 ATM by Art. 41]~~

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

special permit

After notice and public hearing, and after due consideration of recommendations required to be filed, the Board of Appeals may grant such a permit for residential use, provided that:

- A. It finds that the proposed plan will promote the purposes of this Article; and
- B. Not less than 25% of the area of the tract, exclusive of land set aside for road area and parking area, shall be open land; and
- C. The maximum number of lots permitted on a given piece of land shall be determined by reducing the total acreage of the proposed subdivision by the area of ponds as shown on the Zoning Map, but not deducting for street right-of-way, and by dividing the remaining area by the minimum lot area requirements of the zoning district in which the subdivision is to be located; and
- D. The size of the tract of land shall be not less than 10 times the minimum lot size permitted in the zoning district in which the tract is located and land area of not more than 25% of open land in the tract may be wetlands, Floodplain District, Watershed Protection District, or have a greater than 20% slope; and
- E. The entire development shall be serviced with a public water supply and a public sewer or an on-site sewage disposal system capable of processing in excess of 2,000 gallons of sewage effluent per day and to which all units in the development shall be connected and which shall be approved by the Board of Health and the Water and Sewerage Board; and
- F. To insure the protection of existing residences, proposed lots abutting lots with existing single-family dwellings shall conform to the area requirements of the adjacent zone. The Board of Appeals may substitute a requirement for a buffer zone which shall be at least 50 feet in width for the protection of the abutting lots; and
- G. All lots adjoining existing ways shall meet all existing regulations for zoning districts in which the lots are located. Land adjoining existing ways may be used for open land, provided that its minimum dimension is 50 feet; and
- H. Minimum lot size shall be 12,000 square feet in area, 80-foot frontage and a perfect square 80 feet by 80 feet, 100-foot width, 100-foot depth, 20-foot front yard, 12-foot side yards and 30-foot rear yard.

I. Only land located within the Town of Medfield shall be included in determining whether a proposed development meets the open land and minimum lot dimensional requirements of Article 8.1; land or that portion of land located outside of the Town's borders shall not be included.

8.1.3 Ownership of and restrictions on open land

Open land shall be:

- A. Owned by a membership corporation, trust or association whose members are all the owners or occupants of the dwelling units in the tract, by the Town or otherwise as the Board of Appeals may approve; and
- B. Restricted by a conservation restriction as defined in MGL c. 184, §§ 31, 32, and 33, running to the Town appropriate to retaining the open land predominantly in its natural scenic and open condition in such form as shall be approved by the Conservation Commission, the Planning Board and the Board of Selectmen. The applicant shall provide satisfactory assurance that such conservation restriction, following approvals, has been properly recorded in the appropriate Registry of Deeds or Registry District of the Land Court and the interest in land thereby created is not subject to any mortgage, security interest, lien or other monetary encumbrance of any kind other than the aforesaid conservation restriction; and
- C. Further restricted by covenants in deeds to all grantees in the tract for recreational, agricultural, conservation, or park uses on which no building may be erected more than 15 feet in height and only incidental to the foregoing uses; and
- D. Open to such uses by at least the owners and occupants of the dwelling units in the tract; and
- E. Open to Town officials for purposes of maintaining public facilities; and
- F. Subject to such further restrictions and conditions as the Board of Appeals may impose.

8.1.4 Compliance with subdivision regulations

A special permit for an open space development issued hereunder by the Board of Appeals is primarily an authorization for the use of lots which have less than the normal lot size and yard dimension. Subsequent approval by the Planning Board of such portions of the development as constitute a subdivision will be required as set forth in the Subdivision Control Law, including approval of the street and utility systems. A favorable recommendation by the Board of Appeals that the special permit be issued shall not, therefore, be deemed to either constitute subdivision approval under the Subdivision Control Law or the Subdivision Rules and Regulations or imply that such approval will be given.

8.1.5 Conditions on approval

Consistent with the general purposes of this Bylaw and the specific purposes of this Article, the Board of Appeals may recommend and may impose, as conditions to the approval of a permit hereunder, such provisions as to parking, loading, road construction and sidewalks, community service and recreational facilities, screening, and care and maintenance of open land as may be deemed advisable for the protection and well being of the occupants of dwelling units in the tract and of the inhabitants of the Town.

8.1.6 Further subdivision prohibited

No lot shown on a plan for which a permit is granted under this Article may be further subdivided, and a notation to this effect shall be shown upon the subdivision plan recorded with the Registry of Deeds or Registry District of the Land Court.

8.2 § 300-14.16 Inclusionary Zoning Bylaw.

[Added 4-24-2017 ATM by Art. 46]

Purpose and intent. The purpose of this Bylaw is to encourage development of new housing that is affordable to low- and moderate-income households. At minimum, affordable housing produced through this regulation should be in compliance with the requirements set forth in MGL c. 40B, §§ 20 through 24 (as the same may be amended from time to time), and other affordable housing programs developed by state, county and local governments. It is intended that the affordable housing units that result from this Bylaw/ordinance be considered as local action units, in compliance with the requirements for the same as specified by the Department of Housing and Community Development (DHCD) or successor state agency or regulations.

A. Applicability. [Amended 4-29-2019 ATM by Art. 23]

- (1) In all zoning districts, the inclusionary zoning provisions of this section shall apply to the following uses:
 - (a) Any project requiring a special permit under Chapter 300, Zoning, Attachment 1, Table of Use Regulations, Section 1.4, or site plan approval under Chapter 300, Zoning, Attachment 1, Table of Use Regulations, Section 1.4.a, that results in a net increase of six or more dwelling units, as measured over a ten-year time period, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space.
- B. Special permit. The development of any project set forth in Subsection A (above) shall require the grant of a special permit from the Planning Board. A special permit shall be granted if the proposal meets the requirements of this Bylaw. The application procedure for the special permit shall be as defined in § 300-11.5.214.15 of the Town's Zoning Bylaw.
- C. Mandatory provision of affordable units.
 - (1) As a condition of approval for a special permit, the applicant shall contribute to the local stock of affordable unit by providing at least the number of affordable housing units specified below, which affordable housing units must be eligible for inclusion on the Subsidized Housing Inventory. A fractional unit of 0.5 or more shall be rounded up to the next whole unit.

Table of Affordable Units Requirements*

Total Units in Project	Affordable Units
6 to 20	15%

Table of Affordable Units Requirements*

Total Units in Project	Affordable Units
21 to 49	20%
50+	25%

NOTES:

* The construction of affordable units shall be commensurate with the construction of market rate units. Should projects be constructed in phases, each phase shall contain the same proportion of affordable units to market rate units as the overall development.

- (2) As a condition of approval for a special permit, at least 20% of the total number of bedrooms within a development shall be located within affordable units. A fractional bedroom count of 0.5 or more shall be rounded up to the next whole unit.
- (3) As a condition for the granting of a special permit, all affordable housing units shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the Planning Board. The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development, including but not limited to Provisions Applicable to Affordable Housing Units; Maximum Incomes and Selling Prices: Initial Sale; Preservation of Affordability; Restrictions on Resale; and shall ensure that affordable units can be counted toward the Town's subsidized housing inventory. The special permit shall not take effect until the restriction, the regulatory agreement and the special permit are recorded at the Registry of Deeds and a copy provided to the Planning Board and the Inspector of Buildings.
- D. Deed restrictions. All developments with affordable units shall provide deed restrictions on the units in perpetuity. The deed restriction shall be consistent with riders prepared by DHCD, and shall grant the Town the right of first refusal to purchase any ownership units in the event that a qualified purchaser cannot be located. In addition, no certificate of occupancy permit shall be granted for any development containing affordable units prior to the recording of the deed restriction at the Registry of Deeds.
- E. Local preference. To the maximum extent permitted by law, including the regulations of DHCD, any special permit granted hereunder shall include a condition that a preference for Medfield residents, Town of Medfield employees, employees of Medfield businesses, and families of students attending Medfield schools shall be included as part of the lottery and marketing plan for the affordable units.
- F. Fees. The applicant shall be responsible for all consultant fees, including engineering, architectural, legal, housing consultant and planning fees, incurred by the Planning Board in connection with the application, review of relevant plans and documents, and ensuring that the affordable units are included on the Town's SHI.
- G. Conflict with other Bylaws. The provisions of this Bylaw shall be considered supplemental of existing zoning Bylaws. To the extent that a conflict exists between this Bylaw and others, the more restrictive Bylaw/ordinance, or provisions therein, shall apply.

8.2 Historic Properties

Properties containing historic structures are an important resource to the Town of Medfield, providing a direct connection with the Town's past and contributing to the Town's character.

- A. Purpose. The purpose of this Historic Properties Section is to preserve historic structures as defined herein by providing a regulatory process to enable a property owner to increase the productive use of the property.
- D. Specially permitted use or uses. The Board of Appeals, upon application, may issue a special permit to the owner of an historic property for any use or combination of uses listed in the Table of Use Regulations; the decision whether or not to grant a special permit under this Section is entirely within the Board's discretion; the Board shall not be required to issue a special permit, even if it is able to make the required findings to support granting a permit.

E. Procedure.

(1) Generally, the requirements set out in Article 15 Amendment, Validity and Effective Date

§ 300-15.1 Amendment.

This Bylaw may be amended from time to time in accordance with the Zoning Act. During the amendment procedure, subdivision plans in process of review by the Planning Board under the Subdivision Control Law shall be subject to the provisions of the Zoning Act.

§ 300-15.2 Validity.

The invalidity, unconstitutionality or illegality of any provision of this Bylaw or boundary shown on the Zoning Map shall not have any effect upon the validity, constitutionality or legality of any other provisions or boundary.

§ 300-15.3 Effective date.

This Bylaw shall take effect upon the date resulting from the procedure provided for in MGL c. 40A.

Article 16 Aquifer Protection District

§ 300-16.1 Purpose.

The purpose of the Aquifer Protection District is to preserve and maintain the quality and quantity of the existing and potential groundwater supply within the known aquifers of the Town by protecting the groundwater and groundwater recharge areas from adverse land use practices.

11. § 300-16.2 Definitions.

The following definitions apply to specialized words and terms associated with this district:

AQUIFER

A geologic formation composed of rock, sand, and/or gravel that contains significant amounts of potentially recoverable water.

AQUIFER PROTECTION DISTRICT

~~A district shown on the Zoning Map superimposed on all other zoning districts in the Town, consisting of groundwater protection areas, including Well Protection Districts, Primary Aquifer Zone and Secondary Aquifer Zone.~~

~~A. The Primary Aquifer Zone's delineation is shown on the Primary Aquifer Overlay Map dated July 10, 1987, by Amory Engineers, P.C. The Primary Aquifer Zone's delineation is derived from the following sources:~~

- ~~(1) United States Geologic Survey Atlas HA 554, Hydrology and Water Resources of the Charles River Basin;~~
- ~~(2) USGS Atlas HA 484 Hydrology and Water Resources of the Neponset Weymouth River Basins; and~~
- ~~(3) Water Supply Protection Atlas, prepared by the Massachusetts DEP.~~

~~B. The Secondary Aquifer Zone area is shown on the Secondary Aquifer Overlay Map dated January 30, 2003, by Environmental Partners Group Inc. and has been derived from the DEP approved Zone 2 of the following well recharge areas:~~

- ~~(1) Wells WPS 1 and WPS 2 (Geosphere Environmental Management Inc.) approved 8/01;~~
- ~~(2) Wells WPS 3, WPS 4, WPS 6 (S.E.A. Consultants Inc.) approved 02/90;~~
- ~~(3) Well WPS 5.1 (Amory Engineers) approved 12/90; and~~
- ~~(4) Hospital WPS Well (Talkington Edson Environmental Management, LLC) approved 9/01.~~

AREA OF INFLUENCE

~~The ground surface area which experiences drawdown by a pumping well.~~

DISPOSAL

~~The deposit, injection, dumping, spilling, leaking, incineration or placing of any substance into or on any land or water so that such substance or any constituent thereof presents a hazard to the groundwater.~~

GROUNDWATER

~~The subsurface water present in aquifers and recharge areas.~~

HAZARDOUS MATERIAL

~~A substance or combination of substances, including any liquid petroleum product, that, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water in the Town of Medfield. Any substance deemed a "hazardous waste" in MGL c. 21C, as amended, shall also be deemed a hazardous material for purposes of this Bylaw.~~

IMPERVIOUS SURFACE

~~Material that does not allow significant amounts of surface water to penetrate into the soil.~~

INJECTION

~~The placement of fluids into the ground by gravity or greater through a well or wells, including all of those described in the following regulations as amended: 310 CMR 27.03, Classes I through V, and~~

further described in 310 CMR 27.08.

LEACHABLE WASTE

~~Waste material, including solid waste, sewage, sludge and agricultural waste, that is capable of releasing waterborne contaminants to the surrounding environment.~~

PRIMARY AQUIFER ZONE

~~An area of generally stratified glacial deposits, predominantly sand and gravel, exhibiting moderate to high permeability favorable for location of wells capable of yielding 300 gallons per minute or more, as shown on the Zoning Map.~~

PROCESS WASTE

~~Nondomestic, nontoxic, nonhazardous, liquid or solid waste by products associated with the manufacture or preparation of a product, including but not limited to hardware, dry goods, foodstuffs and printed material.~~

RECHARGE AREA

~~An area of porous, permeable geologic deposits, especially, but not exclusively, deposits of stratified sand and gravel ("stratified drift") through which water from any source drains into an aquifer, including any wetland or body of surface water surrounded by or adjacent to such area, together with the watershed of any such wetland or body of surface water.~~

SANITARY WASTE

~~Wastewater arising from ordinary water use from toilets, sinks and bathing facilities, and containing such concentrations and types of pollutants as are considered normal domestic wastes.~~

SECONDARY AQUIFER ZONE

~~An area that was derived from the Massachusetts Department of Environmental Protection (DEP) Zone 2, in accordance with the Massachusetts Drinking Water Regulations (310 CMR 22.00). The area is defined under 310 CMR 22.02, as that area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield, with no recharge from precipitation). It is bounded by the groundwater divides, which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, the area shall extend upgradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).~~

SOLID WASTE

~~Useless, unwanted or discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse.~~

WELL PROTECTION DISTRICT

~~Land within 2,000 feet of a public well or wellpoint, as shown on the Zoning Map, unless otherwise determined by the Board of Appeals. (See § 300-16.3A.)~~

§ 300-16.3 Establishment of Aquifer Protection District.

~~For the purposes of this Bylaw, there is hereby established within the Town of Medfield an Aquifer Protection District consisting of Well Protection Districts (Zone 1), Primary Aquifer Zone and Secondary Aquifer Zone (Zone 2) as delineated on the Zoning Map.~~

A. Determination of location in Well Protection District. Any owner of, or other party interested in, land within 2,000 feet of a public well may apply to the Board of Appeals for a determination that the land is not located within the area of influence of the well. If such a determination is made, the land is deemed not to be in the Well Protection District. At the request of the owner, the Town may engage a qualified professional geologist, hydrogeologist or engineer trained and experienced in hydrogeology to assist in determination of the location of the applicant's property in relation to the area of influence. The Town may charge the applicant for all or part of the cost of the investigation.

B. Determination of location in Primary and/or Secondary Aquifer Zones. Where the boundaries of the Primary and/or Secondary Aquifer Zones as delineated are in doubt or in dispute, the burden of proof shall be upon the owner of, or other party interested in, the land in question to show where they should properly be located. At the request of the owner, the Town may engage a qualified professional geologist, hydrogeologist or engineer trained and experienced in hydrogeology to assist in determination of the location of the applicant's property in relation to the Primary and/or Secondary Aquifer Zones. The Town may charge the applicant for all or part of the cost of the investigation.

§ 300-16.4 Establishment of use regulations.

The Aquifer Protection District is superimposed over all other districts established by this Bylaw. Only those uses specifically allowed by these use regulations and also allowed in the underlying district by other provisions of this Bylaw are permitted in the Aquifer Protection District.

§ 300-16.5 Uses in Well Protection District (Zone 1).

A. Permitted uses in Zone 1. The following uses are permitted in the Well Protection District, provided that all necessary permits, orders and approvals required by local, state and federal law also are obtained:

- (1) Conservation of soil, water, plants and wildlife;
- (2) Outdoor recreation, including boating, fishing, nature study and hunting where otherwise legally permitted;
- (3) Foot, bicycle and horse paths and bridges;
- (4) Normal operation and maintenance of existing water bodies, dams, splashboards and other water control, supply and conservation devices;
- (5) Any residential construction connected to the Town sewer system, provided that no construction shall be permitted within 400 feet of a public well or wellpoint;
- (6) Construction of a single family dwelling on a lot of more than 80,000 square feet by special permit from the Board of Appeals (see § 300-16.8), provided that no construction shall be permitted within 400 feet of a public well or wellpoint; **[Amended 4-28-2014 ATM by Art. 33]**
- (7) Nonintensive farming, gardening, nursery, conservation, forestry, harvesting and grazing uses, provided that hazardous materials are not used except in quantities normally associated with household use;
- (8) Necessary public utilities or facilities if designed so as to prevent contamination of groundwater.

B. Prohibited uses in Zone 1. The following uses are prohibited in the Well Protection District:

- (1) Any use prohibited in the Primary or Secondary Aquifer Zones;

- (2) ~~Underground storage tanks, septic tanks except as permitted by Subsection A(6), and pipelines and injection wells;~~
- (3) ~~Storage of liquid petroleum products of any kind except those normally associated with operating a residence, and except for storage of fuel in a freestanding container within a building for the heating of that building;~~
- (4) ~~Storage of hazardous materials;~~
- (5) ~~Disposal of leachable wastes;~~
- (6) ~~Disposal of solid waste other than brush, leaves and grass clippings, or stumps;~~
- (7) ~~Storage of road salt or other deicing chemicals;~~
- (8) ~~Industrial and commercial uses;~~
- (9) ~~Outdoor storage of fertilizers, herbicides and pesticides, and outdoor uncovered storage of manure;~~
- (10) ~~Animal feedlots;~~
- (11) ~~Use of hazardous material in cleaning septic systems;~~
- (12) ~~Disposal of septage waste;~~
- (13) ~~Any other use which involves as a principal or accessory activity the manufacture, storage, use, handling, transportation or disposal of hazardous materials except in quantities normally associated with operating a single family dwelling. [Amended 4-28-2014 ATM by Art. 33]~~

§ 300-16.6 Uses in Primary Aquifer Zone.

A. Permitted uses in Primary Aquifer Zone. All uses permitted in a Well Protection District, and the following uses, are permitted in a Primary Aquifer Zone, provided that all necessary permits, orders and approvals required by local, state and federal law also are obtained:

- (1) ~~Commercial uses, limited to retail, shopping and business or professional offices on lots of less than 40,000 square feet;~~
- (2) ~~Industrial and commercial uses other than as set out in Subsection A(1), by special permit from the Board of Appeals (see § 300-16.8);~~
- (3) ~~Residential development of single family dwellings on lots of at least 40,000 square feet in area;~~
- (4) ~~Any residential development permitted in the underlying district which is connected to the Town sewer system.~~

B. Prohibited uses in Primary Aquifer Zone. The following uses are prohibited in a Primary Aquifer Zone:

- (1) ~~Underground storage of hazardous materials;~~
- (2) ~~Injection wells of any kind, as defined by 310 CMR 27.03, except by special permit from the Board of Appeals;~~

- (3) ~~On-site disposal of hazardous materials;~~
- (4) ~~Disposal of leachable wastes other than from a residential septic system or the Medfield sewer system;~~
- (5) ~~Storage of hazardous materials as defined in MGL c. 21E, unless in a freestanding container within a building or above ground with adequate secondary containment adequate to contain a spill the size of the container's total storage capacity;~~
- (6) ~~Storage of deicing chemicals unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;~~
- (7) ~~Disposal of snow that contains deicing chemicals and that has been brought in from outside the district;~~
- (8) ~~Industrial uses that discharge water containing process waste on site;~~
- (9) ~~Automotive and boat service, washing and repair shops;~~
- (10) ~~Junk and salvage yards;~~
- (11) ~~Dry cleaning establishments;~~
- (12) ~~Metal plating or etching;~~
- (13) ~~Chemical and bacteriological laboratories;~~
- (14) ~~Landfilling of sludge and septage and storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;~~
- (15) ~~Landfills and open dumps as defined in 310 CMR 19.006;~~
- (16) ~~Treatment or disposal works for non-sanitary wastewaters which discharge to the ground and that are subject to 314 CMR 5.00, except the following:
 - (a) ~~The replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;~~
 - (b) ~~Treatment works approved by the DEP designed for the treatment of contaminated ground or surface waters;~~~~
- (17) ~~Facilities that generate, treat, store, or dispose of hazardous waste subject to MGL c. 21C and 310 CMR 30.000 as amended, except for:
 - (a) ~~Very small quantity generators as defined under 310 CMR 30.000.~~
 - (b) ~~Household hazardous waste centers and events under 310 CMR 30.390.~~
 - (c) ~~Waste oil retention facilities required by MGL c. 21, § 52A.~~~~
- (18) ~~Storage of commercial fertilizers, as defined in MGL c. 128, § 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;~~
- (19) ~~Storage of animal manure unless covered or contained in accordance with the specifications of the United States Natural Resources Conservation Service; **[Amended 4-28-2014 ATM by Art. 33]**~~

(20) Storage of liquid hazardous materials, as defined in MGL c. 21E, unless in a freestanding container within a building or above ground with adequate secondary containment adequate to contain a spill the size of the container's total storage capacity;

(21) Storage of liquid petroleum products, except the following:

(a) (i) Normal household use, outdoor maintenance, and heating of a structure; (ii) waste oil retention facilities required by statute, rule, or regulation; (iii) emergency generators required by statute, rule, or regulation; (iv) treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters, provided that such storage, listed in items (i) through (iv) above, is in freestanding containers within buildings or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity.

(b) The removal of soil, loam, sand, gravel or any other mineral substances within four feet of the historical high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey), unless the substances removed are redeposited within 15 days of removal on site to achieve a final grading greater than four feet above the historical high water mark, and except for excavations for the construction of building foundations or the installation of utility works.

§ 300-16.7 Uses in Secondary Aquifer Zone (Zone 2).

A. Permitted uses over the Zone 2 area. All proposed uses permitted in a Well Protection District and the Primary Aquifer Zone are permitted in the Zone 2 area, provided that all necessary permits, orders and approvals required by local, state and federal law also are obtained.

B. Prohibited uses in the Zone 2 area are governed by the Massachusetts drinking water regulations [310 CMR 22.21(2)]. Therefore, prohibited proposed uses include the following:

(1) Landfills and open dumps, as defined in 310 CMR 19.006;

(2) Landfills receiving only wastewater residuals and/or septage (wastewater residuals "monofills");

(3) Automobile graveyards and junkyards, as defined in MGL c. 140B, § 1;

(4) Stockpiling and disposal of snow and ice removed from highways and streets located outside of Zone 2 that contains sodium chloride, chemically treated abrasives or other chemicals used for snow and ice removal;

(5) Petroleum, fuel oil, and heating oil bulk stations and terminals, including but not limited to those listed under the U.S. Office of Management and Budget Standard Industrial Classification (SIC) Codes 5171 (not including liquefied petroleum gas) and 5983;

(6) Treatment and disposal works subject to 314 CMR 5.00 for wastewater other than sanitary sewage. This prohibition includes, but is not limited to, treatment or disposal works related to activities under the SIC Codes set forth in 310 CMR 15.004(6) (Title V), except the following:

(a) The replacement and repair of an existing system(s) that will not result in a design capacity greater than the capacity of the existing system(s); and

(b) Treatment works approved by the DEP, designed for the treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.50(3) or 5.50(13); and

(e) ~~Publicly owned treatment works (POTWs).~~

(7) ~~Facilities that generate, treat, store or dispose of hazardous waste that are subject to MGL c. 21C and 310 CMR 30.000, except for the following:~~

(a) ~~Very small quantity generators, as defined by 310 CMR 30.000;~~

(b) ~~Household hazardous waste collection centers or events pursuant to 310 CMR 30.390;~~

(c) ~~Waste oil retention facilities required by MGL c. 21, § 52A; and~~

(d) ~~Treatment works approved by DEP designed in accordance with 314 CMR 5.00.~~

(8) ~~The siting of the following land uses, unless designed in accordance with the performance standards specified below and in 310 CMR 22.21(2)(b):~~

(a) ~~Storage of sludge and septage, as defined in 310 CMR 32.05, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;~~

(b) ~~Storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;~~

(c) ~~Storage of commercial fertilizers, as defined in MGL c. 128, § 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;~~

(d) ~~Storage of animal manures, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;~~

(e) ~~Storage of liquid hazardous waste materials as defined in MGL c. 21E, and/or liquid petroleum products unless such storage is:~~

(i) ~~Above ground level;~~

(ii) ~~On an impervious surface; and~~

(iii) ~~Either:~~

[a] ~~In a container(s) or aboveground tank(s) within a building; or~~

[b] ~~Outdoors in covered containers or an aboveground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity, or 110% of the largest container's storage capacity, whichever is greater.~~

However, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storage of gasoline, provided that the replacement is performed in a manner consistent with state and local requirements.

(f) ~~Removal of soil, loam, sand, gravel or any other mineral substances within four feet of an historical high groundwater table elevation (as determined by the U.S.G.S.), unless the substances removed are either redeposited within 45 days of removal on site to achieve a final grading greater than four feet above the historical high water mark (except for excavations for the construction of building foundations or the~~

~~installation of utility works, or wetlands restoration work conducted in accordance with a valid order of conditions issued pursuant to MGL c. 131, § 40) or conducted in accordance with other applicable local rules and regulations; and~~

~~(g) The land use that results in the rendering impervious of more than 15% or 2,500 square feet of any lot or parcel, whichever is greater, unless a system for artificial recharge of precipitation is approved that will not result in the degradation of groundwater quality.~~

§ 300 16.8 Uses by special permits by the permit from Board of Appeals shall apply to this Section.

~~A. In addition to those uses otherwise permitted by this Article, and not otherwise prohibited by this Bylaw, the following uses may be permitted in the Aquifer Protection District by special permit from the Board of Appeals in accordance with Article 14 and any additional conditions specified hereunder:~~

~~(1) Construction of a single family dwelling in Zone 1 with on site septic system on a lot of more than 80,000 square feet. [Amended 4-28-2014 ATM by Art. 33]~~

~~(2) Commercial and industrial uses, provided that:~~

~~(a) No more than 40% of the lot is rendered impervious and provided that if the use will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater, then a system for groundwater recharge must be provided which does not degrade groundwater quality;~~

~~(b) Roof, parking and drive runoff is recharged on site to the maximum extent practicable as determined by the Board of Appeals;~~

~~(c) The runoff from the parking and drive areas shall be discharged to petroleum trap catch basins with appropriate sumps prior to recharge;~~

~~(d) There shall be no manufacturing, storage, handling, use or transportation of hazardous wastes as defined in MCL c. 21C, as amended; and~~

~~(e) Hazardous material other than hazardous waste may be stored, handled, used or transported only upon conditions imposed by the Board of Appeals to safeguard the underground water supply.~~

~~(3) The application of fertilizers for uses that are nondomestic and noncommercial, provided that:~~

~~(a) Such application shall be made in such a manner as to minimize adverse impacts to surface water and groundwater due to nutrient transport and deposition or sedimentation.~~

~~(4) Injection wells.~~

~~B. Additional requirements.~~

~~(24) In addition to the requirements of Article 14, each application under this Article shall include the following information:~~

~~(a) A complete list of all chemicals, pesticides, fuels, and other hazardous materials to be used, handled or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect all storage containers/facilities from vandalism, corrosion and leakage, and to provide for control of spills.~~

~~(b) A description of hazardous wastes to be generated, indicating storage and disposal methods.~~

(e) ~~Evidence of approval by the Massachusetts DEP of any industrial waste treatment or disposal system or any wastewater treatment system where such approval is required.~~

(2) ~~In addition to the requirements of Article 14, the Board of Appeals shall refer copies of the application to the Conservation Commission, the Water and Sewerage Board, the Building Inspector and the Hazardous Waste Committee, if any, which shall review, either jointly or separately, the application and shall submit their recommendations to the Board of Appeals. Failure to make recommendations within 35 days of the referral of the application shall be deemed lack of opposition.~~

application requirements contained in § 300-11.5.1.A, applicant shall submit the following:

(a) Historic documentation, including an historic survey prepared by a qualified professional.

(b) Plans prepared by a licensed architect or other design professional showing all proposed exterior improvements and changes; these shall include both a concept rendering and a site plan meeting the requirements of § 300-11.6.

(3) In addition to the notice requirements contained in § 300-11.5.1.C, the Board of Appeals shall forthwith transmit copies of the application and supporting documents to the Medfield Historical Commission for their review and comment.

(4) ~~(3) In addition to the required findings contained in § 300-11.5.1.E, the Board of Appeals shall make the following specific findings of fact:~~

(a) The proposed use(s) represents a reasonable adaptive reuse of the historic property.

(b) The proposed use(s) will preserve or substantially preserve the historic nature and character of the property and the historic structures thereon.

(5) ~~In addition to the authorized conditions contained in § 300-11.5.1.H, the Board of Appeals, if it decides to grant required under Article 14, prior to issuing a special permit under this Section, shall impose such conditions, limitations, and safeguards as it deems necessary to preserve the historic nature and character of the property and the historic structures thereon, including a requirement that the property serve as the applicant's primary residence, and/or a requirement that applicant place a permanent historic preservation restriction, as defined in MGL c. 184, § 31, upon the property. Article 16, the Board of Appeals shall also find that the proposed use:~~

(a) ~~Is in harmony with the purpose and intent of this Bylaw and will promote the purposes of the Aquifer Protection District;~~

(b) ~~Is appropriate to the natural topography, soils and other characteristics of the site to be developed; and~~

(c) ~~Will not, during construction or thereafter, have an adverse environmental impact on a primary aquifer or recharge area.~~

8.3 Earth Removal

A. The removal of earth from all zoning districts of the Town of Medfield shall be permitted only after special permission of the Board of Selectmen and under these rules and regulations. The Board of

Selectmen shall grant no such permit except in conjunction with the construction of subdivision streets approved by the Planning Board; public works or other municipal projects approved by a public authority; or private land development where the Selectmen find that no reasonable alternative contour plan is practicable, and, in that event, that minimal disruption of the natural contours of the site may be permitted. Furthermore, the Board of Selectmen shall grant no such permit as would, in their opinion, adversely affect the scheme of growth laid down in the Zoning Bylaw or elsewhere, or the economic status of the Town, or tend to impair the beauty of the Town, or of the district most immediately affected, or result in health or other hazards.

B. If any earth shall be removed without obtaining a special permit or otherwise in violation of this Article, the Selectmen may order the restoration of the property involved in accordance with the provisions of this Article. Such an order of restoration will not constitute a waiver of any other fines or penalties for such violations.

8.3.1 Application

A. All applications for approval or endorsement for the removal of earth in the Town of Medfield shall be made in accordance with the rules and regulations hereinafter set forth.

B. Before an applicant can obtain a permit for the purpose of removing earth in the Town of Medfield, he shall present to the Board of Selectmen an original and five copies of a plan made by a registered engineer or registered land surveyor, which shall show in detail the following information:

- (1) All property where earth is to be removed, with the boundaries shown in detail.
- (2) All buildings on said property and buildings within 100 feet of said property lines.
- (3) All adjacent roads, their elevations, and established grades.
- (4) All adjacent waterways, brooks, swamps and their elevations.
- (5) Contour lines for the entire property at two-foot intervals and showing existing and proposed elevations.
- (6) Any and all easements existing and proposed, public or private.
- (7) Any and all benchmarks.
- (8) All land shall be divided into five-acre grids.

8.3.2 Site plan

The plan shall be drawn to a scale of one inch equals 40 feet. All profiles shall be drawn to a scale of one inch equals eight feet. The Board of Selectmen, after study, may make such corrections and revisions as it deems advisable in the public interest.

8.3.3 General requirements

In approving the plan, the Board of Selectmen will require that the land shall be suitable for the removal of earth without danger to health and life and that proper steps are taken so as not to hinder or endanger traffic on public ways. The Board of Selectmen may require, at its discretion, that police control of the traffic be

provided by the applicant at his or her expense. Only when the Selectmen find affirmatively that no public hazard or nuisance will result will they approve a plan for the removal of earth where intentions are shown for excavation below the level of an adjacent already-existing public way.

8.3.4 Procedure

- A. The Board of Selectmen will act upon application for approval of earth removal only when proper plans have been submitted with all information that is required clearly shown.
- B. Before approval is granted, a public hearing shall be held by the Board of Selectmen, notices of which shall be sent by certified or registered mail with return receipt to mortgagees, if any, of the applicant's property and to all owners of property as appearing on the most recent tax list, any part of which lies within 100 feet of the property of the applicant.

8.3.5 Publication and notices

- A. The applicant shall arrange and pay for such publications and notices and shall deliver a list of said mortgagees, property owners, return receipts, and a copy of the paper containing the notice of the hearing to the Clerk of the Board of Selectmen at least 24 hours prior to the hearing.
- B. The notice shall appear in a paper of general circulation within the Town, once in each of two successive weeks, the first publication at least 14 days before the day of the hearing.
- C. The word "applicant" as used in these rules and regulations shall mean the owner of the property or his or her legal representative or persons authorized by the owner.
- D. Corporations shall file with the Board of Selectmen a list of their officers and designate their authority to sign legal documents.

8.3.6 Bond

- A. Before approval of any plan, and in order to insure the fulfillment of the following requirements, the Board of Selectmen will require a proper bond, or deposits of money, or negotiable securities on a scale of not less than \$10,000 per acre, for which restoration could be required, the exact amount to be set by the Board of Selectmen.
- B. Said bond or security shall be held by the Town of Medfield until all requirements of the specifications have been complied with. The Board of Selectmen shall be the agent to enforce compliance with these rules and regulations, and upon satisfactory completion will release the security.
- C. No applicant will be allowed to work more than one five-acre grid at any one time.

8.3.7 Specifications

All work shall be done in accordance with the following specifications:

- A. Trees are to be cut (not bulldozed).
- B. All trees and brush are to be chipped on the site, unless removed for commercial purposes. Stumps are

to be either chipped on the site or removed in accordance with DEP regulations.

- C. All loam and subsoil must be bulldozed into piles for future respreading, except that loam and subsoil lying below proposed impervious surfaces on a site may be removed in accordance with the provisions of this Article 8.3.
- D. Earth may be removed only to contours as specified by the Board of Selectmen. In earth removal areas, ledge shall not be left exposed above the approved grade, and boulders, when encountered, shall be buried at least such that their tops are four feet below the approved grade, and in the event that ledge is encountered prior to reaching the approved grade, a revision of the approved grade plan must be immediately obtained.
- E. After the earth has been removed from the first five-acre grid, and before proceeding to the next five-acre grid, excavation shall be graded to the approved grade and all loam and subsoil shall then be respread over the excavation, except in such areas as are required in subsequent operations.
- F. Rye grass shall be seeded on this reloamed area at the rate of 200 pounds per acre.
- G. Fingerling fir, white pine or other approved trees shall be planted over the entire area, five to six feet on centers.
- H. Upon completion and approval by the Board of Selectmen of the five-acre grid, the security may be released in part or in whole or it may be advanced to the next grid.

8.3.8 Removal of earth not intended for business

- A. Noncommercial removal of earth for the improvement of a person's property in an area not exceeding one acre will be allowed on a weekly permit upon such conditions and terms as specified by the Board of Selectmen. This type of permit must be renewed every seven days at a time and place set by the Board of Selectmen.
- B. If a violation of the terms of an earth removal permit occurs, the Selectmen shall forthwith revoke the permit and not renew it until the violation has been corrected to the satisfaction of the Board of Selectmen.
- C. These rules and regulations governing earth removal uses in the Town of Medfield shall not apply to operations that were in progress and operated on land owned by the applicant prior to April 9, 1938, except that the final grade of the land shall be approved by the Board of Selectmen immediately upon the approval of this Bylaw.
- D. The Board of Selectmen may delegate authority to inspect the earth removal operations under these rules and regulations.
- E. The Board of Selectmen shall reserve the right to limit the days and hours of operation and may require antidust treatment in those areas that, in the Board of Selectmen's opinion, require such treatment.
- F. The Board of Selectmen may also require additional surety to cover the cost of damage to existing Town roadways or cleanup requirements caused by the earth removal operation.

8.3.9 Violations and enforcement

- A. Removal of earth without a valid earth removal permit or in excess of the amount specified in a permit or otherwise in violation of any stated condition of a permit shall be punishable by fine as follows: \$100 per cubic yard, each cubic yard constituting a separate violation.**
- B. The enforcement officer for this Earth Removal Bylaw shall be the Chief of Police and any police officer, and the Building Inspector. An applicant may appeal an enforcement officer's determination as to the existence of a violation or the amount of a fine by requesting a hearing before the Board of Selectmen.**
- C. The Board of Selectmen, in addition to any other remedies available to the Town, shall have the right to withhold consideration or approval of an applicant's request for additional earth removal while any fine levied under Subsection A remains unpaid.**

8.4 Article 17

Personal Wireless Communications Facilities

8.4§ 300-17.1 Purpose.

The purpose of these regulations is to promote the health, safety, convenience, and welfare of the inhabitants of Medfield, more specifically to minimize negative visual impacts and preserve natural vistas by providing for controlled placement and operation of certain radio communications facilities and towers within the Town. Placement is controlled by establishing a limited number of permitted locations, minimizing the number and overall height of towers, encouraging shared use of structures, and limiting new construction to that necessary to provide personal wireless services.

8.4§ 300-17.2 Definitions.

~~As used in this Article, the following terms shall have the meanings indicated:~~

APPLICANT

~~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).~~

APPLICATION

~~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.~~

PERSONAL WIRELESS ANTENNA

~~A surface used to transmit and/or receive signals between a personal wireless facility and subscribers.~~

PERSONAL WIRELESS EQUIPMENT

~~Apparatus employed by a provider of personal wireless services strictly to operate a personal wireless facility. Such apparatus typically includes transmission/reception electronics, network interconnection equipment, power supply equipment, and control and processing equipment.~~

PERSONAL WIRELESS FACILITY

~~An arrangement of transmitting/receiving equipment, network interconnection equipment, and transmit/receive antenna(s) operated by a personal wireless service at one location that provides service to a geographic area.~~

PERSONAL WIRELESS FACILITY ACCESSORY BUILDING

~~A structure designed to house personal wireless equipment that is placed at a personal wireless tower or other personal wireless facility.~~

PERSONAL WIRELESS SERVICE

~~Radio communications services specifically identified by the FCC (Federal Communications Commission) as personal wireless services. Such services include cellular services, personal communications services, and enhanced specialized mobile radio services, among others.~~

PERSONAL WIRELESS TOWER

~~A self supporting lattice structure, a monopole, or other structure erected for the primary purpose of supporting personal wireless antennas at a personal wireless facility.~~

RADIO COMMUNICATIONS

~~All forms of communication which transmit radio frequency or microwave signals.~~

SECONDARY ANTENNA; SECONDARY COMMUNICATIONS

~~Antennas and communications services which do not qualify as personal wireless and which may be supported on a secondary, subservient basis by a personal wireless tower.~~

§ 300-17.3 Location:

- A. Personal wireless facilities shall be permitted in the IE Zoning District east of Route 27 to West Mill Street and west of Route 27, north of the railroad tracks on Town-owned land; the BI District at Medfield State Hospital; and on the Town of Medfield water tower property at Mt. Nebo, only after compliance with all the provisions of this Article.
- B. A personal wireless tower shall be permitted in the IE District east of Route 27 to West Mill Street and west of Route 27, north of the railroad tracks on Town-owned land; and at Medfield State Hospital in an area extending 150 feet north from the rear of the present "R" building, only after compliance with all the provisions of this Article. Secondary antennas may be installed on a personal wireless tower under the provisions of this Article.
- C. Personal wireless equipment in the areas identified in Subsections A and B may be housed in or on preexisting structures, personal wireless facility accessory buildings, or weather-resistant outdoor equipment enclosures. Personal wireless antennas may be installed on preexisting structures at these locations or on personal wireless towers built for the purpose. Secondary antennas may be installed on a personal wireless tower under the provisions of this Article.
- D. No personal wireless tower in the IE District may be constructed within 2,500 feet of another Personal wireless tower. In the event of conflicting applications, the Board of Appeals shall make a judgment as to which proposed personal wireless tower, if any, is most suitable.
- E. Personal wireless towers may not be built for any purpose other than to provide for personal wireless services.

- F. Personal wireless antennas may be installed on preexisting electric transmission towers presently located on a Boston Edison utility easement in the southeast quadrant of Town, provided that they do not exceed the present height of the utility tower by more than 30 feet, and only after compliance with all provisions of this Article. Personal wireless equipment may be sited on the utility easement to support the operation of such antennas.
- G. Personal wireless facilities shall be permitted outside of the areas identified in Subsections **A**, **B** and **F** only if an applicant demonstrates that such facilities are necessary to prevent an effective prohibition of the provision of personal wireless services. Applicants for facilities outside of the areas identified in Subsections **A**, **B** and **F** must demonstrate that they have made maximum practicable utilization of the areas identified in Subsections **A**, **B** and **F** to serve all or portions of the area that the proposed facility is intended to serve.
- H. Applicants for personal wireless facilities outside the areas identified in Subsections **A**, **B** and **F** shall demonstrate that their proposal is the most favored way that is practicable to facilitate the provision of personal wireless service, according to the following order of priority, from most favored to least:
 - (1) Regarding facilities.
 - (a) Fully concealed personal wireless facilities.
 - (b) Camouflaged personal wireless facilities.
 - (2) Regarding location.
 - (a) Collocations in or on preexisting personal wireless facilities.
 - (b) Collocations in or on preexisting structures with no preexisting personal wireless facility.
 - (c) New location for personal wireless facility and associated personal wireless tower.

8§ 300-17.4.3 General requirements.

- A. No personal wireless facility or personal wireless tower shall be erected or installed except in compliance with the provisions of this Article. In all cases, a special permit is required from the Board of Appeals. Section **300- 5.2.A6.2A** shall not apply to these applications. Any proposed addition of a personal wireless service provider to a preexisting personal wireless facility or personal wireless tower, proposed increase in the height of a tower, or in the number of antennas, or any construction or replacement of a personal wireless tower or personal wireless facility accessory building shall be subject to a new application for a special permit.
- B. Applicants for a new or modified personal wireless tower must make a showing satisfactory to the Board of Appeals that preexisting structures and preexisting personal wireless towers are not capable of providing adequate service to those personal wireless service carriers planning to use the tower.
- C. Unless otherwise restricted in this Section, personal wireless towers may be self-supporting monopoles, lattice towers, or other styles of support structure and shall meet with the approval of the Board of Appeals, subject to this Section and to the requirement that no guy wires shall be used.
- D. Personal wireless towers and personal wireless facilities shall be suitably screened from view to the maximum extent possible and/or be designed and placed in a manner that is compatible with

surrounding land uses. All towers shall be of a design that minimizes the negative visual and environmental impacts on the Town, as determined by the Board of Appeals.

- E. Personal wireless towers shall be designed and constructed to support the antennas of multiple personal wireless facilities. An applicant for a special permit to construct a personal wireless tower shall certify to the Town that it will reasonably and in good faith make the tower available to other personal wireless services. Each installation of a personal wireless facility shall require a special permit.
- F. Secondary communications and secondary antennas may be installed at a personal wireless tower such that they may be moved or removed to accommodate the maximum number of additional personal wireless antennas possible. The personal wireless tower special permit holder shall apply to the Board of Appeals for a special permit for such secondary installations, as if they were personal wireless facilities.
- G. Personal wireless towers shall be removed within one year after cessation of use by all personal wireless services, whether or not there are one or more secondary antennas on the tower. Personal wireless antennas shall be removed within one year after cessation of use. As a condition of the special permit, the Board of Appeals may require a surety bond or other security satisfactory to the Board to fund removal of any and all components of a personal wireless facility that is unused for more than one year, or is no longer under a valid permit. If an applicant fails to comply with this requirement, the Town may enforce by entering the property and removing the ceased facility, which expenses shall be paid to the Town by the applicant or landowner within 30 days of notice by the Town. If such expenses are not paid in full, the Town may impose a lien on the property. In addition, the applicant or landowner shall be liable for all expenses the Town incurs in obtaining judicial enforcement of this subsection.
- H. Continuation of the special permit for a personal wireless tower or personal wireless facility is subject to inspection and reporting requirements established by the Inspector of Buildings.
- I. It shall be a requirement of any special permit issued under this Section that at any reasonable time or interval the Board of Appeals may require the applicant to demonstrate that the emissions of its personal wireless facility are in compliance with applicable federal and/or state safety requirements. Such demonstration shall be performed at applicant's expense by a qualified engineer appointed or approved by the Town.
- J. In the event that the applicant's personal wireless facility is not in compliance with applicable state and federal emissions exposure requirements, the personal wireless facility operator shall immediately inform the Town about the noncompliance, and remedies being implemented to correct it. The Town reserves the right to require the personal wireless facility to cease operations until the noncompliance is resolved.
- K. Applicants shall demonstrate to the Board of Appeals' satisfaction that a proposed personal wireless facility will be compliant with any applicable noise regulations of the Federal EPA (Environmental Protection Agency) and Massachusetts DEP (Department of Environmental Protection). Applicants shall maintain compliance for the duration of the facility's operation. Compliance shall be determined by evaluating all noise sources from the site of the personal wireless facility(ies). In the event of noncompliance, the Town reserves the right to require the personal wireless facility to cease operations until the noncompliance is resolved.

8.4.4§ 300-17.5 Application process.

All applications for personal wireless towers or personal wireless facilities shall be made and filed in accordance with the requirements of the Board of Appeals. In addition to filing requirements detailed in

§ 300-11.5.1.A**14.10A** of this Bylaw, the following are required to be filed with an application:

- A. A locus plan, which in printed form is of an appropriate scale, showing elevation contours, all property lines, structures, and landscape features within 500 feet of the property line, the proposed tower and/or accessory building, access way, and fencing.
- B. Design drawings showing the elevation and plan views of the proposed personal wireless facility and a photograph or rendition of outdoor views of the proposed personal wireless tower, personal wireless antennas or the enclosure(s) within which the antennas are concealed, personal wireless equipment or fenced area, and/or personal wireless facility accessory building; photographs of the proposed location from the property lines. The Board of Appeals may request an applicant to demonstrate the visual impact of proposed installations by providing, at applicant's expense, one or more of the following:
 - (1) Sight-line drawings to specific locations identified by the Board of Appeals;
 - (2) A visual demonstration of visibility in which a balloon, crane or other representative object shall be placed at the height of the proposed tower and at an alternative location on or off the proposed site as determined by the Board of Appeals; the date, time and location of such test shall be advertised, at the expense of the applicant;
 - (3) Photographic simulations based on the results of a visual demonstration and prepared by a qualified individual; and
 - (4) Other measures requested by the Board.
- C. The following information prepared by one or more qualified individuals:
 - (1) A description of the facility and/or tower proposed.
 - (2) A description of the reasons the facility is proposed, the reason the location is proposed, and a rationale for the height proposed.
 - (3) Verification that the facility will be in compliance with federal and state regulations.
 - (4) A description of tower capacity for additional personal wireless antennas.
 - (5) A description of site capacity for additional personal wireless facilities.
- D. A description of how the proposed personal wireless facility integrates with preexisting personal wireless facilities in and around Medfield; what current or future planned personal wireless facilities the applicant is pursuing in and around Medfield; and a description of how the applicant's network in and around Medfield will evolve based on market trends, emerging technologies and the like.
- E. Submission of an application for a special permit obligates the applicant to pay review expenses determined by the Board of Appeals. Applications must include a deposit of \$5,000 for each proposed personal wireless facility, which funds will be used to pay reasonable costs associated with the Board's review of the application, including fees for outside consultants with expertise in structural engineering, wireless communications technology, wireless communications law and other relevant fields of experience, as determined necessary by the Board. If fees for such reviews exceed the amount of the required deposit, the Board of Appeals may request additional funds from the applicant. Any unused funds will be returned to applicant after approval, rejection or withdrawal of the application.

8.4.5§ 300-17.6 Design guidelines.

The following guidelines shall be used when preparing plans to site and construct any personal wireless tower or personal wireless facility.

- A. All personal wireless towers shall be designed to stand at the minimum height necessary to accommodate planned use and anticipated shared use, as certified at applicant's expense by a qualified engineer appointed or approved by the Town. The Board of Appeals may require a personal wireless tower to be constructed at one height, but with the structural capacity to be extended to another height in the future.
- B. In the IE District, a personal wireless tower with attached antenna(s) shall not exceed 150 feet in height above the lowest finished grade contacting the base. A maximum height with antenna(s) of 190 feet shall be allowed in the IE District if the applicant can make a significant showing that the low ground elevation prevents satisfactory performance of a proposed personal wireless facility at 150 feet and lower. A personal wireless tower shall not be constructed on a building.
- C. Personal wireless antennas may be mounted on preexisting structures in the allowed locations and districts. They shall be mounted no more than 10 feet above the roofline or top surface of the preexisting structure. Mounting hardware extending vertically 10 feet or less above a structure shall not be considered a tower in this Article. Consideration will be given to disguising or concealing roof- or top-mounted antennas and hardware.
- D. In the IE District, a tower shall be set back a minimum of 50 feet from any property line. The Board of Appeals may require greater setback if a benefit is achieved and it is practicable, as determined by the Board.
- E. In districts other than the IE District, a personal wireless tower shall be no more than 100 feet above the undisturbed natural grade at the base of the tower.
- F. In districts other than the IE District, the minimum distance from the base of any ground-mounted personal wireless tower to any property line shall be two times the height of the facility/mount, including any antennas or other appurtenances. In addition, a minimum distance of 300 feet from any habitable dwelling is required. The aforementioned setback is measured from the nearest abutting non-applicant property, while the 300-foot distance is measured from the nearest non-applicant habitable dwelling.
- G. In the event that a preexisting structure is proposed as a mount for a personal wireless facility, the setback provisions of the zoning district shall apply. In the case of preexisting nonconforming structures, personal wireless facilities, including equipment shelters, shall not increase any nonconformities.
- H. All personal wireless towers and personal wireless facility accessory buildings shall be sited and landscaped in such a manner that the view of them from neighboring residences shall be as limited as possible. They shall be colored in a manner that best blends in with the surroundings, subject to approval of the Board of Appeals.
- I. Personal wireless towers shall be designed to accommodate the maximum number of personal wireless services practical. The intent of this requirement is to maximize shared use of towers and limit the number required to provide satisfactory and competitive personal wireless service in the Town. In evaluating the maximum number practicable, the Board of Appeals shall determine whether or not an

increase or decrease in height of a proposed personal wireless tower is justified to balance the objectives of maximizing collocation and minimizing the visual impact on the community.

- J. Fencing and/or other access control measures shall be employed to limit access to personal wireless facilities, including personal wireless towers, personal wireless equipment, and personal wireless antennas. Outdoor access control measures (such as fencing) shall be compatible with the character of the area in which they are installed and shall be approved by the Board of Appeals. In the application, the applicant shall provide a description of all indoor and outdoor access control measures planned for the proposed personal wireless facility.
- K. Signs shall be limited to those required by federal or state regulation, and those necessary to provide safety information or warnings. Signs shall conform with Article [7.213](#).
- L. The special permit holder shall maintain with the Medfield Police Department up-to-date 24-hour emergency contact information for each personal wireless facility and personal wireless tower permitted.
- M. Lighting of personal wireless towers is not allowed unless the applicant demonstrates to the Board of Appeals that it is essential for safety and/or is required by the Federal Aviation Administration.
- N. A minimum of one on-site parking space shall be available for maintenance personnel to park their vehicles off-street.

8.4.6§ 300-17.7 Special permit review.

- A. Applications to the Board of Appeals for special permits shall be approved or approved with conditions, only if the applicant can fulfill the requirements of this Bylaw to the satisfaction of the Board. If the Board is not satisfied that the applicant has fulfilled or addressed these requirements, the application shall be denied. In addition to the required findings contained in § 300- [11.5.1.E14.10E](#), the Board of Appeals shall make the following specific findings of fact:
 - (1) Prohibition of service. The Board shall approve an application for personal wireless facilities outside of the areas identified in § 300- [8.4.3.A17.3A](#), **B** and **F** only if an applicant fulfills criteria detailed in § 300- [8.4.3.G17.3G](#).
 - (2) Preference hierarchy. The Board shall approve an application for a personal wireless facility only after an applicant has demonstrated their proposal is the most favored choice, as detailed in § 300- [8.4.3.H17.3H](#).
 - (3) Preexisting structures. The Board shall approve an application for a new or modified personal wireless tower only after satisfactory showing by the applicant that preexisting structures and preexisting personal wireless towers cannot be used, as described in § 300- [8.4.17.4B](#).
 - (4) Tower structure. The Board shall approve an application after exercising discretion about the Personal wireless tower structure type, as described in § 300- [8.4.4.C17.4C](#).
 - (5) Minimal visual and environmental impact. The Board shall approve an application only after determining the proposed design minimizes negative visual and environmental impact, as described in §§ 300- [8.4.4.D17.4D](#) and 300- [8.4.6.H17.6H](#).
 - (6) Tower capacity. The Board shall approve an application only after receiving certification from applicant

to make the personal wireless tower available to other personal wireless services, as described in § 300-8.4.4.E17.4E, and after determining said personal wireless tower is designed to accommodate the maximum number of personal wireless services practical, as described in § 300-8.4.6.I17.6I.

- (7) Noise compliance. The Board shall approve an application only after determining applicant has demonstrated the proposed personal wireless facility will be compliant with noise regulations as described in § 300-8.4.4.K17.4K.
- (8) Minimum necessary height. The Board shall approve an application only after determining the proposed personal wireless facility is designed for the minimum height necessary, subject to the considerations described in § 300-8.4.6.A17.6A.
- (9) Area regulation. The Board shall approve an application only after confirming the proposed personal wireless facility complies with height requirements detailed in § 300-8.4.6.B17.6B and C, and setback requirements detailed in § 300-8.4.6.D17.6D, E and F. The Board may exercise discretion to modify setbacks under § 300-8.4.6.F17.6F if the Board determines it would achieve a more desirable result.
- (10) Access control. The Board shall approve an application only after approving proposed unauthorized access control methods and associated visual impacts, as described in § 300-8.4.6.J17.6J.
- (11) Signs. The Board shall approve an application only after confirming proposed signs conform with Article 7.213, as described in § 300-8.4.6.K17.6K.
- (12) Lighting. The Board shall approve an application with designs that include lighting only after an applicant demonstrates it is essential for safety, as described in § 300-8.4.6.M17.6M.
- (13) Parking. The Board shall approve an application only after confirming provisions for off-street parking, as described in § 300-8.4.6.N17.6N.

B. The Board may impose as a condition of the special permit a requirement for periodic review of the minimum necessary height of the tower and may require a reduction in the tower's height based upon the review.

§ 300-17.8.4.7 Invalidity.

In the event that any provision of this Article 8.417 shall be determined to be invalid by a court of competent jurisdiction or otherwise, the remaining provisions of this Article 8.417 not manifestly inseparable from the invalid provisions shall remain in full force and effect.

8.5 Article 18 **Adult Uses**

8.5§ 300-18.1 Purpose and intent.

A. It is the purpose and intent of this Article 8.518 to address and mitigate the secondary effects of the adult uses and sexually oriented businesses referenced herein, since such secondary effects have been found by the Planning Board, as a result of the studies relied upon by it and after other public input, to include increased crime, adverse impacts on public health, adverse impacts on the business climate of

the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town, all of which secondary impacts are adverse to the health, safety, and general welfare of the Town of Medfield and its inhabitants. The provisions of this Article have neither the purpose nor intent of imposing a limitation or restriction on the content of any communicative matter or materials, including sexually oriented matter or materials.

B. Similarly, it is not the purpose or intent of this Article to restrict or deny access by adults to adult uses and to sexually oriented matter or materials protected by the Constitutions of the United States of America and of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute, or exhibit such matter or materials; neither is it the purpose nor intent of this Article to legalize the sale, rental, distribution, or exhibition of obscene or other illegal matter or materials.

8.5§ 300-18.2 Definitions.

~~As used in this Article, the following terms shall have the meanings indicated:~~

ADULT USES

~~An establishment, a building or portion thereof, or a use of land having a substantial or significant portion of its business activity, stock in trade, or other matter or materials for sale, rental, distribution, or exhibition, which are distinguished or characterized by their emphasis on depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, including but not limited to the following:~~

A. **ADULT BOOKSTORE**~~An establishment having as a substantial or significant portion of its stock in trade books, magazines, and other matter which are distinguished or characterized by their emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31;~~

B. **ADULT CLUB**~~An establishment having as any of its activities or entertainment a person or persons in a state of nudity or distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31;~~

C. **ADULT ENTERTAINMENT ESTABLISHMENT**~~An establishment offering activities or goods or providing services where employees, entertainers or patrons are engaging in nudity, sexual conduct or sexual excitement as defined in MGL c. 272, § 31;~~

D. **ADULT MOTION PICTURE THEATER**~~An establishment used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31;~~

E. **ADULT PARAPHERNALIA STORE**~~An establishment having as a substantial or significant portion of its stock in trade devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in MGL c. 272, § 31;~~

F. **ADULT VIDEO STORE**~~An establishment having as a substantial or significant portion of its stock in trade videos, movies or other film materials which are distinguished or characterized by their emphasis on depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31.~~

SUBSTANTIAL OR SIGNIFICANT PORTION

~~The term "substantial or significant portion" as used in this Article 18 shall mean any of the following:~~

- A. ~~Twenty percent or more of the business inventory or stock of merchandise for sale, rental, distribution, or exhibition during any period of time;~~
- B. ~~Twenty percent or more of the annual number of gross sales, rentals, or other business transactions; or~~
- C. ~~Twenty percent or more of the annual gross business revenue.~~

§ 300-18.3 Special permit.

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

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

Northerly by Massachusetts Department of Transportation Penn Central R.R. 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.
- B. Site development standards.
 - (1) Site plan review. No special permit for any adult use shall be issued without site plan approval having been obtained from the Planning Board under § 300-11.6**14.12**.
 - (2) Dimensional requirements. Any building or structure containing an adult use shall meet the setback requirements and other dimensional controls which apply to the district of which the Adult Use District is a part as specified in these Bylaws. For any property proposed to contain an adult use, the applicant for a special permit for such use shall comply with these requirements and controls following the establishment of such use thereon.
 - (3) Parking and loading. On-site parking and loading shall be provided in accordance with the requirements set forth in Article 7.18 as pertains to retail stores, offices, and consumer service establishments. For any property proposed to contain an adult use, the applicant for a special permit for such use shall demonstrate that the entire property shall comply with these requirements and controls following the establishment of such use thereon.
 - (4) Landscaping. At a minimum, the property on which an adult use is proposed to be located shall contain a landscaped buffer strip along its entire perimeter, except that portion directly abutting a public street in accordance with the requirements of § 300-5.2.16.21.
 - (5) Signs. All signs for any adult use must meet the requirements of Article 7.243. In addition, no advertisement, display or other promotional material which contains sexually explicit graphics or sexually explicit text shall be visible to the public from any public way, including but not limited to sidewalks, pedestrian walkways, highways or railways.
- C. Other special permit requirements.

- (1) If the adult use allows for the showing of films or videos within the premises, the booths in which the films or videos are viewed shall not be closed off by curtains.
- (2) The application for a special permit for an adult use must include the following information:
 - (a) Name and address of the owner of record of the property;
 - (b) Name and address of the legal owner of the proposed adult use establishment;
 - (c) Name and address of all persons having a lawful equity or security interest in the adult use establishment,
 - (d) A sworn statement must be provided stating that neither the applicant, nor the manager, nor any person having a lawful equity or security interest in the adult use establishment has been convicted of violating the provisions of MGL c. 119, § 63, or MGL c. 272, § 28;
 - (e) Name and address of the manager of the adult use establishment;
 - (f) Proposed provisions for securing the safety of the public within and without the adult use establishment;
 - (g) The number of employees; and
 - (h) The present and proposed physical layout of the interior of the adult use establishment.
- (3) No special permit for an adult use shall be issued to any person convicted of violating MGL c. 119, § 63, or MGL c. 272, § 28.
- (4) An adult use special permit shall only be issued following a public hearing held within 65 days after the filing of an application with the Board of Appeals, a copy of which shall forthwith be given to the Town Clerk by the applicant.
- (5) Any adult use special permit issued under this Bylaw shall lapse within one year if substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause; excepting only any time required to pursue or await the determination of an appeal from the grant thereof.
- (6) Any adult use special permit issued under this Bylaw shall require that the owner of such adult use shall supply on a continuing basis to the Building Inspector any change in the name of the record owner or address or any change in the name of the current manager, and that failure to comply with this provision shall result in the immediate revocation of such special permit. If anyone so identified is or is found to be convicted of violating MGL c. 119, § 63, or MGL c. 272, § 28, such special permit shall immediately be null and void.
- (7) No adult use special permit issued under this Bylaw shall become valid or in full force and effect until and unless the owner of the property containing such adult use shall supply to the Building Inspector a notarized statement agreeing to all terms and conditions of said adult use special permit.

8.5.3§ 300-18.4 Nonconformity.

- A. Any adult use in existence prior to the adoption of this Article 8.518 shall apply for a special permit as specified in this Article within 90 days following the adoption of this Article and shall be required to comply in all respects with all requirements of this Article.

B. Any adult use in existence prior to the adoption of this Article ~~8.518~~ which has applied for such special permit but which has not been granted such special permit may be permitted by a unanimous vote of the Board of Appeals following a public hearing to continue in operation at its present location for a period of time not exceeding six months following the date of the application for such special permit, provided that a written request therefor is made to the Board of Appeals. The Board of Appeals, upon written application made prior to the expiration of any such period of time and following a public hearing, may grant one additional extension period of time not to exceed six months. The adult use owner must demonstrate to the Board of Appeals undue financial hardship if forced to close immediately upon failure to obtain a special permit in order to obtain any such extension.

C. The provisions of this § ~~300-8.5.3~~**18.4** shall only apply to adult uses as defined in MGL c. 40A, § 9A.

§§ 300-18.5.4 Invalidity.

In the event that any provision of this Article 18 shall be determined to be invalid by a court of competent jurisdiction or otherwise, the remaining provisions of this Article 18 not manifestly inseparable from the invalid provisions shall remain in full force and effect.

Article 9 SPECIAL DISTRICT REGUATIONS

9 Article 19
Solar Photovoltaic Facilities Overlay District (PVOD)

[Added 4-28-2014 ATM by Art. 34; amended 5-17-2021 ATM by Art. 28]

§ 300-19.1 Purpose.

~~The purpose of this Article is to promote and regulate the use of residential, commercial and municipal solar energy systems (SES) within the Town of Medfield and encourage their location and use in a manner which minimizes negative visual and environmental impacts on scenic, natural and historic resources and to the residents of Medfield. In the event of conflicting language, the provisions set forth in this Article shall take precedence over all other sections of the Medfield Zoning Bylaws when considering applications related to the construction, operation and/or repair of solar energy systems.~~

§ 300-19.2 Applicability.

~~The requirements of this Article shall apply to all solar energy systems installed or modified in a manner that materially alters the type, configuration, or size of these installations or related equipment after the effective date of this Article, excluding general maintenance and repair.~~

§ 300-19.3 Definitions.

~~As used in this Article, the following terms shall have the meanings indicated:~~

BY RIGHT

~~Development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval; as of right development may be subject to site plan approval by the Planning Board pursuant to § 300-14.12 except as indicated in per table in § 300-19.5.~~

GROUND-MOUNTED SOLAR PHOTOVOLTAIC ARRAY

~~An SES that is directly structurally mounted on the ground, including a large-scale ground-mounted solar photovoltaic array, a medium-scale ground-mounted solar photovoltaic array, a small-scale~~

ground mounted solar photovoltaic array and a solar parking canopy solar photovoltaic array.

LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC ARRAY

An SES that is structurally mounted on the ground and is not roof mounted, and has a rated nameplate capacity equal to 250 kW DC or greater.

MEDIUM SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC ARRAY

An SES that has a rated nameplate capacity of between 10 kW and 250 kW DC and is structurally mounted on the ground, not roof mounted.

PARKING CANOPY SOLAR PHOTOVOLTAIC ARRAY

A roof application of a ground mounted solar photovoltaic array that is installed on top of a functional parking surface (striped, in use) that maintains the function of the area beneath the canopy; also known as "solar carports," which provide some protection or shelter to vehicles or equipment parked or stored below.

RATED NAMEPLATE CAPACITY

The maximum rated output of electric power production of the SES in direct current (DC).

RELATED EQUIPMENT OR FACILITIES

Any equipment, building, structure, access way, landscaping or other means used to support the operation, or disguise the appearance, of a solar photovoltaic tower, antenna, or transmitting or receiving equipment of any kind.

ROOF-MOUNTED SOLAR ENERGY SYSTEM

An SES that is structurally mounted to and confined to the limits of the roof of a building or structure. This is intended to serve as an accessory use to the primary use on the property and may be used to provide electricity, hot water, or space heating and cooling.

SMALL SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC ARRAY

A solar energy system that is equivalent to a rated nameplate capacity of up to 10 kW and is structurally mounted on the ground, not roof mounted.

SOLAR ENERGY SYSTEM (SES)

A device whose primary purpose is the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating, which can be ground mounted or rooftop mounted. Solar energy systems include photovoltaic panels, mounting structures, transmission lines and any other equipment, or structure, including access ways or landscaping, used to support solar photovoltaic activities.

§ 300-19.4 Solar Photovoltaic Overlay District.

In order to allow new solar energy systems (SES) to be located efficiently and in areas that will have the least visual and environmental impact, there is hereby created the following Town-wide Solar Photovoltaic Overlay District (PVOD) consisting of the following subdistricts:

- A. Large Scale Ground Mounted Solar Photovoltaic Overlay Subdistrict. This district shall consist of the following land and parcels: All land and parcels within the boundaries of the Industrial Extensive (IE) Zoning District shown on the Zoning Map and as described in Article 3 elsewhere in this Bylaw.
- B. Medium Scale Ground Mounted Solar Photovoltaic Overlay Subdistrict. This district shall consist of the

~~following land and parcels: All land and parcels within the boundaries of the Industrial Extensive (IE), Business (B), Business Industrial (BI), and Agricultural District (A) Zoning Districts shown on the Zoning Map and as described in Article 3 elsewhere in this Bylaw.~~

- ~~C. Small Scale Ground Mounted Solar Photovoltaic Overlay Subdistrict. This district shall consist of the following land and parcels: All land and parcels within the boundaries of the Industrial Extensive (IE), Business (B), Business Industrial (BI), Agricultural (A), and all Residential (RE, RT, RS, RU) Zoning Districts shown on the Zoning Map and as described in Article 3 elsewhere in this Bylaw.~~
- ~~D. Solar Parking Canopy Solar Photovoltaic Overlay Subdistrict. This district shall consist of the following land and parcels: All land and parcels within the boundaries of the Industrial Extensive (IE), Business (B), Business Industrial (BI), and Agricultural (A) Zoning Districts shown on the Zoning Map and as described in Article 3 elsewhere in this Bylaw.~~
- ~~E. Roof Mounted Solar Photovoltaic Overlay Subdistrict. This district shall consist of the following land and parcels: All land and parcels within the boundaries of the Industrial Extensive (IE), Business (B), Business Industrial (BI), Agricultural (A), and all Residential (RE, RT, RS, RU) Zoning Districts shown on the Zoning Map and as described in Article 3 elsewhere in this Bylaw.~~
- ~~F. Municipal Solar Photovoltaic Overlay Subdistrict. This district shall consist of the following land and parcels: All municipally owned land and parcels, buildings and structures within the boundaries of the Industrial Extensive (IE), Business (B), Business Industrial (BI), Agricultural (A), and all Residential (RE, RT, RS, RU) Zoning Districts shown on the Zoning Map and as described in Article 3 elsewhere in this Bylaw.~~

~~§ 300-19.5 Scope of authority.~~

~~The Solar Photovoltaic Facilities Overlay District (PVOD) shall be considered as overlying other use districts established by this Bylaw. Within the PVOD, the requirements of the underlying district continue to apply, such as all uses permissible and as regulated within the underlying district, including uses requiring site plan approval, and all uses permitted by special permit in the underlying district at that location may be allowed upon the issuance of a special permit by the designated special permit granting authority under such conditions as the Board may require, except as may be specifically superseded herein and in the table below.~~

Table 19.5

Subdistrict 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	By right with SPA	As Noted
Small scale ground mounted	IE, B, BI, RE, RT, RS, RU, A	By right	Underlying Zoning District
Solar parking canopy	IE, A B, BI	By right with SPA PB SP	As Noted
Roof mounted (all sizes)	IE, B, BI, RE, RT,	By right	As Noted

Table 19.5

Subdistrict Name	Allowable Districts	Permitting Process	Dimensional Requirements
	RS, RU, A		
Municipal (all sizes of ground mounted, parking canopy, and roof mounted)	IE, B, BI, RE, RT, RS, RU, A	By right with SPA	As Noted
A. Roof mounted solar energy systems of any size shall be permitted as a by right accessory use in all use districts. The installation of roof mounted solar energy systems shall not be considered a change, extension or alteration that requires a finding by the Zoning Board of Appeals per M.G.L. c. 40A, § 6 if the roof mounted solar energy systems meet the following requirements:			
(1) Comply with the regulations provided in this section; and			
(2) Are located on properties with nonconforming uses or structures; and			
(3) Do not increase the nonconformity of such nonconforming uses or structures except with respect to the dimensions of the roof mounted solar energy system in question.			
B. Municipal solar energy systems: Notwithstanding the solar energy use provisions above, solar energy systems, whether ground mounted, parking canopy, or roof mounted of any scale, may be installed as of right on municipally owned or leased property in all zoning districts. Ground mounted solar energy systems on municipally owned or leased land require site plan review. The same dimensional, design and general requirements that apply to privately installed and operated solar energy systems shall apply to solar energy systems installed on municipally owned property.			
C. Where solar energy systems would be installed in an Historic District, the system shall require approval by the Historic District Commission.			

§ 300.19.6 Siting of solar energy systems.

The establishment of a large scale ground mounted solar photovoltaic array, medium scale ground mounted solar photovoltaic array, and parking canopy solar photovoltaic array shall be allowed by right in the Industrial Extensive Zone and subject to site plan approval in accordance with § 300.14.12 and a building permit, provided that the following minimum requirements are met. Parking canopy solar photovoltaic arrays shall be allowed by special permit in Business and Business Industrial Zones and are subject to site plan approval and the following requirements.

- A. Site control. The project proponent shall submit documentation of actual access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.
- B. Operation and maintenance plan. The project proponent shall submit a plan for the operation and maintenance of the large scale ground mounted, medium scale ground mounted SES or solar parking canopy, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
- C. Utility notification. No ground mounted solar photovoltaic array shall be constructed until written confirmation has been given to the Planning Board that the utility company that operates the electrical

~~grid where the installation is to be located has been informed of the solar photovoltaic installation owner's or operator's intent to install an interconnected customer owned generator and its acceptance of the owner's or operator's request to connect to the grid. Off grid systems shall be exempt from this requirement.~~

§ 300-19.7 Dimension, density and parking requirements.

A. ~~For large scale ground mounted solar photovoltaic arrays, front, side and rear setbacks shall be as follows:~~

~~(1) Minimum lot area: 40,000 square feet.~~

~~(2) Minimum front setback: 50 feet.*~~

~~(3) Minimum side setback: 100 feet.*~~

~~(4) Minimum rear setback: 50 feet.*~~

~~(5) Maximum lot coverage: 90%.~~

~~(6) Lot width, lot depth, perfect square: none required.~~

~~(7) Height. Height shall be determined by each individual panel measured to the grade level beneath that panel and shall not exceed 18 feet from the preexisting natural grade.~~

~~(8) Parking requirement. No additional parking is required for this use as long as there is no full time on site system operator required following installation of the large scale solar photovoltaic installation.~~

B. ~~For medium scale ground mounted solar photovoltaic arrays, front, sides, and rear setbacks shall be as follows:~~

~~(1) Minimum lot area: 20,000 square feet.~~

~~(2) Minimum front setback: 25 feet.*~~

~~(3) Minimum side setback: 20 feet.*~~

~~(4) Minimum rear setback: 20 feet.*~~

~~(5) Maximum lot coverage: 90%.~~

~~(6) Lot width, lot depth, perfect square: none required.~~

~~(7) Height. Height shall be determined by each individual panel measured to the grade level beneath the panel and shall not exceed 18 feet from the preexisting natural grade.~~

C. ~~Small scale ground mounted solar photovoltaic arrays shall be constructed in accordance with the bulk and dimensional requirements applicable to accessory structures in the underlying district as defined in elsewhere in the Zoning Bylaw.~~

D. ~~Parking canopy solar photovoltaic arrays shall be allowed where parking is permitted and shall be constructed in accordance with the bulk and dimensional requirements applicable to parking in the underlying district as defined elsewhere in the Zoning Bylaw, except as otherwise provided herein.~~

(1) ~~Setbacks: Parking canopy solar photovoltaic arrays of any size in any zone shall meet setback requirements for accessory structures in underlying zone.*~~

(2) ~~If parking canopy abuts a residential use, additional setbacks may be required at the discretion of the Planning Board.*~~

(3) ~~Height. Height shall be determined by each individual panel measured to the grade level beneath the panel and shall meet height requirements in the underlying zone; not to exceed the height of the principal building structure. The minimum height should be 14 feet at the lowest point to allow for vehicles to pass below.~~

E. ~~*Setbacks for ground mounted solar photovoltaic arrays or municipal solar energy systems may be increased or reduced if, in the opinion of the Planning Board based on evidence submitted by applicant, existing and/or proposed screening will be adequate to minimize visual impact (as described in § 300-19.10D). Under no circumstance will setbacks be reduced to less than the dimensional requirements for the zoning district. A special permit may be granted by the Planning Board for by-right ground mounted systems for reduced setbacks.~~

F. ~~For roof mounted solar energy systems or municipal solar energy systems dimensional requirements shall be as follows:~~

(1) ~~Minimum lot area: None.~~

(2) ~~Setbacks: Roof mounted solar energy systems shall comply with existing setbacks. Setbacks from the roofline shall comply with safety requirements in the State Building, Electrical, and Fire Codes.~~

(3) ~~Height: Roof mounted solar energy systems shall be exempt from underlying height requirements, but shall not exceed five feet to the top of the SES when measured from the base of the roof to which the SES is affixed unless site plan approval allowing additional height is obtained from the Planning Board. Where the pitch of the roof is 15° or greater, roof mounted solar energy systems shall be mounted parallel to the roof surface.~~

§ 300-19.8 Appurtenant structures.

~~All appurtenant structures to ground mounted solar photovoltaic arrays, including, but not limited to, equipment shelters, storage facilities, batteries or other electric storage, transformers and substations, should be screened from view from abutting properties and public ways by vegetation and/or joined or clustered, as determined by the Planning Board, to avoid adverse visual impacts on abutting properties or public ways.~~

§ 300-19.9 Design standards.

A. ~~Lighting. Lighting of solar energy systems shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties. Lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.~~

B. ~~Signage. Signs on solar energy systems shall comply with the sign bylaw (Article 13), except that one additional sign no more than one square foot in area shall be required to identify the owner and provide 24 hour emergency contact information. Solar photovoltaic installations shall not be used for displaying any advertising except for identification of the manufacturer or operator of the solar photovoltaic installation.~~

C. Utility connections. ~~All utility connections from the solar energy systems shall be underground; provided, however, that the Planning Board may waive this requirement as part of its site plan approval based on soil conditions, shape, and topography of the site and/or any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.~~

§ 300-19.10 Safety and environmental standards for all ground-mounted and parking canopy facilities.

A. Emergency services. ~~The solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. The owner or operator shall coordinate and train local emergency services and develop an emergency response plan that includes a 24-hour per day, seven days a week contact. The means to shut down the solar energy systems will be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.~~

B. Land clearing, soil erosion and habitat impacts. ~~Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the solar energy systems or otherwise prescribed by applicable laws, regulations, and by laws. Herbicides shall only be applied by properly licensed personnel. Mowing, grazing, or using geotextile materials underneath the solar arrays may be permissible alternatives and require Planning Board approval as part of the site plan review.~~

C. Impact on agricultural and environmentally sensitive land. ~~The solar energy systems shall be designed to minimize stormwater, temperature and other environmental impacts to agricultural and environmentally sensitive land, including abutting parcels, and to be compatible with continued agricultural use of the land whenever possible.~~

D. Visual impact. ~~Structures shall be shielded from view by vegetation and/or joined and clustered to minimize adverse visual impacts. Landscaping, natural features, opaque fencing and other suitable methods shall be utilized. Solar energy systems permitted under this Bylaw are bound by the buffer requirements found in Article 6 of this Bylaw for parcels that adjoin residential districts. Additionally, a screening plan shall be submitted ensuring that the solar arrays and any appurtenant structures do not create a glare concern for adjacent residences and are screened from roads and from adjacent lots by a minimum 25 foot wide buffer strip and shall contain a screen of plantings not less than five feet in width and six feet in height at the time of operation of the facility or such greater height as required by the Planning Board depending on the location of the site. The Planning Board may alter or waive this requirement if such screening would have a detrimental impact on the operation and performance of the array, or would prove to be ineffective for the site. A diversity of plant species shall be used, with a preference for species native to New England. Use of invasive plants, as identified by the most recent copy of the "Massachusetts Prohibited Plant List" maintained by the Massachusetts Department of Agricultural Resources, is prohibited.~~

E. Noise. ~~Noise generated by solar energy systems and associated equipment and machinery shall conform to applicable state noise regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 7.10.~~

F. Security. ~~Installation of fencing and/or other access control measures shall be employed to limit access to the solar energy systems to facility personnel and emergency responders. Outdoor access control measures shall be compatible with the character of the area in which they are installed and shall be approved by the Planning Board as part of the site plan review. In the application, the applicant shall provide a description of all access control measures planned for the proposed installation.~~

~~§ 300-19.11 Monitoring and maintenance for all ground-mounted and parking canopy facilities.~~

~~A. Solar energy system conditions. The solar energy system owner or operator shall maintain the facility in very good condition. Maintenance shall include, but not be limited to, painting, structural repairs, trash removal, pest control, and integrity of security measures. Site access shall be maintained to a level acceptable to the Town Public Safety Officials. The owner or operator shall be responsible for the cost of maintaining the solar energy systems and any access road(s), unless accepted as a public way.~~

~~B. Modifications. Any modifications to a solar energy system made after issuance of the required building permit shall require approval by the Planning Board in accordance with § 300-14.12.~~

~~C. Removal requirements.~~

~~(1) Any ground mounted solar photovoltaic array which has reached the end of its useful life or has been abandoned consistent with Subsection D of this section shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board and Building Commissioner by certified mail of the proposed date of discontinued operations and plans for removal.~~

~~(2) Decommissioning shall consist of:~~

~~(a) Physical removal of all ground mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.~~

~~(b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.~~

~~(c) Stabilization and revegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below grade foundations in order to minimize erosion and disruption to vegetation. Otherwise, the site shall be brought back to its original condition or better with new trees planted.~~

~~D. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar energy system shall be considered abandoned when it fails to operate for more than six months without the written consent of the Planning Board. If the owner or operator of the solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may take appropriate enforcement action, including pursuing all available civil or criminal penalties.~~

~~E. Failure to comply with regulation. If an applicant fails to comply with the requirements of this regulation, the Town may elect to enforce the regulation by revoking the license granted to the applicant, by entering the property and removing the installation, which expenses shall be paid by the applicant or landowner within 30 days of notice by the Town. If such expenses are not paid in full, the Town may impose a lien. In addition, the applicant or landowner shall be liable jointly and severally for all expenses the Town incurs in obtaining judicial enforcement of this Article.~~

~~§ 300-19.12 Contents of application for large- and medium-scale ground-mounted and parking canopy facilities.~~

~~A. Prior to the issuance of a building permit for a solar energy system, plans for the proposed facilities shall be submitted to the Planning Board for site plan review. In addition to the requirements of § 300-14.12 for site plan approval, applications for a solar energy system shall also include:~~

(1) A site plan showing:

- (a) Property lines and physical features, including access roads for the project site.
- (b) A locus map showing the site in relationship to the properties, easements, and roadways in reasonable proximity thereto, including buildings, structures, driveway openings, off street parking and all public or private ways.
- (c) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation and structures.
- (d) Elevations and/or photo simulations of the proposed facility from the nearest public way and possibly other locations at the discretion of the Planning Board.
- (e) Drawings of the solar energy system signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures.
- (f) One or three line electrical diagram detailing the solar energy system, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.
- (g) A stormwater runoff evaluation that includes water and temperature impacts to receptors and a stormwater management plan to mitigate impacts.
- (h) An erosion and sedimentation control plan.
- (i) Documentation of the major system components to be used, including the panels, mounting system, and inverter.
- (j) Name, address, and contact information for proposed system installer.
- (k) Name, address, telephone number and signature of the project proponent, as well as all co-proponents and/or property owners, if any.
- (l) The name, contact information and signature of any agents representing the project proponent.
- (2) Documentation of actual or prospective access and control of the project site.
- (3) An operation and maintenance plan.
- (4) Documentation of the major system components to be used, including the electric generating photovoltaic panels, mounting system, inverter, etc., shall be provided [including applicable material safety data sheets (MSDS)].
- (5) A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment, as appropriate [including applicable material safety data sheets (MSDS)].
- (6) A decommissioning plan in compliance with § 300-19.11C.
- (7) Zoning district designation for the parcel(s) of land comprising the project site [submission of a copy of

~~a Zoning Map with the parcel(s) identified is suitable for this purpose].~~

- ~~(8) Proof of liability insurance.~~
- ~~(9) Description of financial surety as required by § 200-19.11E.~~
- ~~(10) Photometric plan for any required site lighting with specific cutsheet details.~~
- ~~(11) A rendering or photo simulation showing the proposed project at completion.~~
- ~~(12) Locations of wetlands and priority habitat areas defined by the Natural Heritage and Endangered Species Program (NHESP); the applicant shall provide evidence of compliance with these regulations.~~
- ~~(13) Plans showing provision of water, including that needed for fire protection.~~
- ~~(14) Plans showing existing trees of six inches caliper or larger.~~

~~B. The Planning Board may waive documentary requirements as it deems appropriate. All waiver requests must be written on the site plan.~~

§ 300-19.13 Review of application.

- ~~A. Notice of application to Planning Board shall be filed by the applicant with the Town Clerk, who shall date stamp it and forward a copy of the notice to the Planning Board. Upon receipt of an application, the Town Planner shall review it for completeness and file a determination of completeness or a notice of missing items with the Town Clerk within 21 days of the date stamped on the notice by the Town Clerk unless an extension of time is agreed to in writing by the applicant. A copy of this notice shall also be sent to the applicant.~~
- ~~B. Following the procedures and review criteria of § 300-14.12 and the requirements of this Article, the Planning Board shall review the application and file its site plan decision with the Town Clerk within 120 days of a determination of completeness by the Town Planner. Failure by the Planning Board to take final action and file its decision with the Town Clerk within the allotted time, unless an extension of time is agreed to in writing by the applicant, shall be deemed to be approval of the site plan.~~

§ 300-19.14 As-built plans.

~~Engineer stamped as-built plans shall be submitted to the Building Commissioner before a certificate of completion or occupancy may be issued.~~

§ 300-19.15 Changes in ownership.

~~The Building Commissioner and Planning Board shall be notified at least 30 days in advance of any proposed change in the owner or operator of a large and medium ground-mounted and parking canopy solar photovoltaic installation, which notice shall include the contact information of the proposed new owner/operator. A change in ownership shall require advance approval by the Planning Board. Such approval shall not be unreasonably withheld and shall be based principally on the experience and financial strength of the proposed new owner.~~

§ 300-19.16 Annual reporting.

~~The owner or operator of the installation shall submit an annual report to the Building Commissioner and the Planning Board which certifies compliance with the requirements of this Bylaw and their approved site plan, including control of vegetation, stormwater, noise standards, emergency response and adequacy of road access, by January 15 of each year.~~

§ 300-19.17 Severability.

~~If any provision herein is determined to be unlawful, it shall be severed from this Article and all remaining provisions shall remain in force and effect.~~

Agricultural land is an important resource to the Town of Medfield, serving the public interest through its visual, economic, traditional, ecological and food-producing benefits.

A. Purpose. The purpose of the Agricultural District is to preserve land well suited to agriculture and to encourage commitment of such land to agricultural use.

B. Definition.

(1) The Agricultural District is shown on the Zoning Map.

(2) Agricultural use. For the purposes of § 300- 9.1, land shall be deemed to be in agricultural use:

(a) When primarily used in raising beef cattle, dairy cattle, poultry, swine, sheep, horses, ponies, goats or bees, for the purpose of selling such animals or a product derived from them in the regular course of business, or when incidentally used in a related manner which represents a customary or necessary use in raising such animals and preparing them or the products derived therefrom for market; and/or

(b) When primarily used in raising fruits, vegetables, grains, berries, nuts and other foods for human consumption, feed for animals, flowers, trees, forest products, and nursery or greenhouse products for the purpose of selling such products, in the regular course of business, or when used incidentally in a related manner which represents a customary and necessary use in raising such products and preparing them for market.

C. Use.

(1) The primary use of land in the Agricultural District shall be agricultural.

(2) The construction or placement of buildings or structures, except as provided in this § 300- 9.1.C(3); and the removal, excavation or dredging of loam, peat, gravel, soil, rock or other mineral substance in such a manner as to adversely affect the land's overall future agricultural potential; and other acts or uses detrimental to such retention of the land for agricultural use shall be prohibited.

(3) Construction of a single-family or two-family dwelling for the farmer, his or her family and his or her employees shall be allowed on a lot exceeding 10 acres in area in the Agricultural District, and shall not derogate from the purpose of the district. Such dwellings shall comply with the dimensional regulations of the RS District. The maximum area devoted to residential use on any lot shall be 30,000 square feet.

(4) Construction of buildings for year-round retail sales of farm products raised primarily on the premises shall be allowed in the Agricultural District. Site plan approval by the Planning Board shall be required for all such construction exceeding 500 square feet in area. The area devoted to retail sales and parking on any lot shall be a maximum of 20,000 square feet, shall meet the yard and height requirements of the RS District, and shall meet the parking requirements of Article 7.1 of this Zoning Bylaw. Signs shall meet Business District requirements.

(5) Construction or placement of temporary (not exceeding a period of three consecutive months) structures for the retail sale of products raised primarily on the premises and for housing seasonal agricultural

employees shall be permitted in the Agricultural District, and shall meet the yard and height requirements of the RS District. Signs shall meet Business District requirements.

(6) Placement of all other agricultural structures except fences shall be a minimum of 50 feet from any adjacent zoning district, and shall meet the front yard requirement of the nearest adjacent district.

9.2 Article 20
Medfield State Hospital District

9.2[Added 11-18-2019 STM by Art. 2]

§ 300-20.1 Purposes.

This article sets forth the procedures and minimum requirements for the creation of the Medfield State Hospital District (MSHD) within the Town of Medfield in furtherance with § **300-1.3** of the Zoning Bylaw. The purposes of the MSHD are to:

- A. Promote the reuse of the former Medfield State Hospital property and certain nearby properties by encouraging a balanced, mixed-use approach with housing, educational, recreational, cultural and commercial uses, with open space and with public access;
- B. Implement the goals and objectives of the Strategic Reuse Master Plan for Medfield State Hospital;
- C. Promote the public health, safety, and welfare by encouraging diversity of housing opportunities;
- D. Increase the availability of affordable housing by creating a range of housing choices for households of all incomes, ages, and sizes, and meet the existing and anticipated housing needs of the Town, as identified in the Medfield Housing Production Plan (2016);
- E. Ensure high quality site reuse and redevelopment planning, architecture and landscape design that enhance the distinct visual character and identity of the Medfield State Hospital area and provide a safe environment with appropriate amenities;
- F. Encourage preservation and rehabilitation of historic buildings;
- G. Encourage the adoption of energy and water efficient building practices and sustainable construction methods and practices;
- H. Establish design principles and guidelines and ensure predictable, fair and cost-effective development review and permitting;

9.2-300-20.2. Definitions.

~~For purposes of this article only, the following definitions shall apply. Capitalized terms used but not defined in this article shall have the meanings ascribed to them in Article 2.~~

ADMINISTERING AGENCY

~~The Medfield Board of Selectmen, or such other committee or organization as may be designated by the Medfield Board of Selectmen, with the power to monitor and enforce compliance with the provisions of this article related to affordable housing, including but not limited to enforcement and oversight with~~

respect to i) rental rates and sales prices; ii) income eligibility determinations for households applying for affordable housing; iii) marketing of affordable housing pursuant to an approved housing marketing and resident selection plan; and iv) recording of affordable housing restrictions. In a case where the administering agency cannot adequately carry out its administrative duties, upon certification of this fact by the Medfield Board of Selectmen, such duties shall devolve to and thereafter be administered by an alternative committee or organization designated by the Medfield Board of Selectmen.

AFFORDABLE HOMEOWNERSHIP UNIT

A unit of affordable housing required to be sold to an eligible household.

AFFORDABLE HOUSING

One or more housing units subject to an affordable housing restriction, deed rider or other restriction running with the land that requires such units to be affordable to and occupied by eligible households.

AFFORDABLE HOUSING RESTRICTION

An affordable housing restriction, deed rider or other restriction running with the land affecting one or more affordable units that meets the requirements set forth in MGL c. 184, § 31 and this article.

AFFORDABLE RENTAL UNIT

A unit of affordable housing required to be rented to an eligible household.

AFFORDABLE UNIT

Either an affordable rental unit or an affordable homeownership unit.

APPLICANT

Any person or entity having a legal or equitable interest in a proposed project or the authorized agent of any such person or entity.

APPLICATION

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.

ARTIST LIVE/WORK DWELLING

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.

AS-OF-RIGHT

A use permitted under § 300-20.5 of this article without need for a special permit, variance, zoning amendment, or other form of zoning relief. A proposed project that requires plan approval by the plan approval authority pursuant to §§ 300-20.9 through 300-20.13 shall be considered an as-of-right proposed project.

ASSISTED LIVING

Housing units and associated facilities designed for the elderly who require daily assistance but who do not require nursing home care. An assisted living housing unit consists of a room or group of rooms for

one or more persons with provisions for living and sleeping for the exclusive use of the individual or household unit. Assisted living housing units may provide cooking and sanitary facilities. Associated or shared facilities may include common dining facilities with limited meals, housekeeping services, and common space for social, educational and recreational activities. Assisted living provides personal services, medical monitoring and supervision. Assisted living shall refer to certified assisted living residences only, as defined and certified under MGL Chapter 19D, and as regulated under 651 CMR 12.00

BEST MANAGEMENT PRACTICES (BMPs)

Structural, vegetative, or managerial practices designed to treat, prevent, or reduce degradation of water quality due to stormwater runoff and snow melt.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC)

A building or group of buildings providing a continuity of residential occupancy and health care for elderly persons in the form of congregate housing. This facility includes dwelling units for independent living, assisted living facilities, memory care, or a skilled nursing care facility of a suitable size to provide treatment or care of the residents. Health services should range from health monitoring for the well elderly, to assisted living in independent living units, to nursing home care on the same site. A CCRC may also include ancillary facilities for the further enjoyment, service, or care of the residents. The facility is restricted to persons 60 years of age or older or married couples or domestic partners where either the spouse or domestic partner is 60 years of age or older.

DESIGN GUIDELINES

The standards set forth in the document entitled, "Medfield State Hospital Strategic Reuse Plan," and the Medfield State Hospital District Design Guidelines established in this bylaw. The design guidelines are applicable to all proposed projects within the MSHD. A copy of the design guidelines is on file in the office of the Town Clerk and the office of the Town Planner.

DEVELOPMENT PLAN

A plan setting forth the proposed area, location and appearance of structures, open space and landscaping for a proposed project(s) within the MSHD, including proposed uses, densities, number and configuration of affordable units, dimensions, parking, loading, and traffic circulation.

DHCD

The Massachusetts Department of Housing and Community Development or any successor agency.

ELIGIBLE HOUSEHOLD

An individual or household with an annual income not greater than 80% of the area-wide median income as determined by United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

ELIGIBLE SUBSIDY

An affordable housing subsidy awarded to a proposed project, provided that DHCD recognizes units produced with such subsidy as eligible for listing on its Subsidized Housing Inventory.

HUD

The United States Department of Housing and Urban Development or any successor agency.

LIVE/WORK DWELLING

~~A dwelling unit also used for a home occupation, provided: not more than one nonresident shall be employed therein; the use is carried on strictly within the dwelling unit and not within any ancillary structure; not more than 50% of the existing floor area is devoted to such use; there shall be no display of goods or wares visible from outside the dwelling unit; there shall be no advertising visible from outside the dwelling unit other than a small nonelectrical sign not to exceed one square foot in area and carrying only the name and occupation of any occupant of the dwelling unit such as physician, artisan, teacher, day nurse, lawyer, architect, engineer, clergyman, accountant, osteopath, dentist, and similar occupations or professions; the dwelling unit so occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance or in any other way; the dwelling unit shall include no features of design not customary in buildings for residential use. Such uses as clinics, barber shops, beauty parlors, tea rooms, real estate offices, tourist homes, animal hospitals, kennels and others of a similar nature shall not be considered home occupations.~~

LOW IMPACT DEVELOPMENT (LID)

~~An approach to environmentally friendly land use planning. It includes a suite of landscaping and design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques capture water on site, filter it through vegetation, and let it soak into the ground where it can recharge the local water table rather than being lost as surface runoff.~~

LOW /MID-RISE HOUSING

~~A building of two or more stories with four or more units of residential housing.~~

MIXED USE

~~A structure intended for use by both a) one or more non-residential uses listed in Table 1 of this article and b) one or more residential uses listed in Table 1 of this article.~~

MSHD

~~The Medfield State Hospital District, which is a zoning district adopted under this article that addresses the uses and dimensional regulations for development and redevelopment on the property formerly occupied by Medfield State Hospital, now owned by the Town of Medfield at the adoption of this bylaw.~~

MSHD MAP

~~The map of the area within the Town of Medfield that comprises the approximately eighty-nine-acre Medfield State Hospital District, which map is entitled "Medfield State Hospital District" and dated December 2017.~~

PAA RULES

~~The administrative rules relative to the application requirements and contents for plan review adopted by the plan approval authority pursuant to §§ 300-20.9 and 300-20.10.~~

PLAN APPROVAL

~~A favorable decision by the plan approval authority on an application.~~

PLAN APPROVAL AUTHORITY

~~The Medfield Planning Board, which shall be authorized to approve a development plan to implement a proposed project.~~

PLAN REVIEW

~~The procedure by which a proposed project within the MSHD is made subject to review by the plan approval authority under the provisions of this article. Plan review shall be conducted pursuant to the PAA rules.~~

PROPOSED PROJECT

~~A residential, mixed-use, commercial or municipal development undertaken within the MSHD in accordance with the requirements of this article and that involves the erection, extension, rehabilitation or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the applicant is required to obtain a building or use permit.~~

REQUIRED NUMBER OF AFFORDABLE UNITS

~~15% of total units in a proposed project that has 20 units or less; 20% of total units in a proposed project that has between 21 and 49 units; and 25% of total units in a proposed project that has 50 units or more.~~

SINGLE FAMILY COTTAGE

~~A one-story, single-family dwelling having a net floor area less than 2,200 square feet.~~

SUB-ZONE

~~A specific and defined area of land within the MSHD that is subject to specific requirements for allowable uses or dimensional requirements that may differ from the requirements for allowable uses or dimensional requirements in other specific and defined areas within the MSHD. The boundaries and the names of the sub-zones are referred to in § 300-20.3B of this article.~~

UNRESTRICTED UNIT

~~A dwelling unit that is not restricted as to rent, price or eligibility of occupants.~~

§ 300-20.3 Establishment of Medfield State Hospital District.

- A. Establishment. The Medfield State Hospital District is a district having a land area of approximately 89 acres in size that is imposed on the portion of the property shown on the MSHD Map. The MSHD Map is hereby made a part of the Zoning Bylaw and is on file in the office Town Clerk and the office of the Planning Board.
- B. Sub-zones. There are hereby established six sub-zones within the MSHD. The sub-zones define areas for appropriate development density within the MSHD based on existing context and planned uses specified in the Strategic Reuse Master Plan. The sub-zones are:
 - (1) MSH North.
 - (a) The Green is a broad open space defining the entry to the MSH campus.
 - (b) Cottage/Arboretum is an area in the southeast corner of MSHD currently occupied by deteriorating, wood frame dwellings and the location of a number of historic and rare specimen trees and shrubs.
 - (c) Core Campus is the central hilltop campus quadrangle consisting of 24 brick buildings.
 - (d) North Field is a rolling field to be maintained as passive open space, and possible agricultural use, and the reuse of existing Building 13 with ancillary parking, infrastructure, and landscaping within the buildable portion as delineated on the MSHD Map. **[Amended 6-21-2022 STM by Art. 2]**

- (e) West Slope is an area to the west of the main quadrangle overlooking the wooded Medfield Charles River State Reservation, with a few additional existing brick buildings and open land areas.
- (f) Water Tower is an open area surrounding the existing Town water tower, currently partially paved.

9.2.3§ 300-20.4 Applicability of MSHD.

- A. Applicability of MSHD. The MSHD is established to enable the implementation of the Medfield State Hospital Strategic Reuse Master Plan.
- B. Administration, enforcement and appeals. The provisions of this article shall be administered by the Building Commissioner except as otherwise provided herein.

9.2.4§ 300-20.5 Permitted uses.

The specific uses permitted and not permitted in MSHD in each specific sub-zone are enumerated in Table 1. All new construction in MSHD will require a site plan review and approval by the Planning Board. If the proposed rehabilitation of an existing building includes new construction, which will alter the existing footprint by more than 10%, a site plan review and approval by the Planning Board will be required.

Permitted Uses

In the following table of use regulations, symbols shall mean:

YES	A use permitted by right in the MSH District.
SP	A use which may be permitted in the MSH District by a special permit from the Board of Appeals in accordance with Article 11.5.144 of the Medfield Zoning Bylaw.
PB	A use which is permitted in the MSH District by site plan approval from the Planning Board in accordance with Article 11.5.244 of the Medfield Zoning Bylaw.
NO	A use which is not permitted in the district.

Table 1

Table 1

Permitted Uses in MSHD ~~[Amended 6-21-2022 STM by Art. 2]~~

Use	MSH North				
	B. Cottage/				E.
	A. The	Green	C. Core	D. North Field	West Slope
	Arboretum	Campus			F. Water Tower
RESIDENTIAL USES					

Single-family cottages	NO	YES	NO	NO	NO	NO
Two- and three-family dwellings	NO	YES	SP	NO	NO	NO
Multi-family dwellings	NO	NO	YES	NO NO, except redevelopment of Building 13 within the buildable portion as delineated on the MSHD Map and related parking	YES	NO
Senior housing with or without supportive services	NO	YES	YES	NO	SP	NO
Artist live/work dwelling	NO	NO	YES	NO	YES	NO
Live/work dwelling	NO	YES	YES	NO	YES	NO
Mixed-use	NO	NO	YES	NO	YES	NO
NON-RESIDENTIAL USES						
Agricultural floriculture, horticulture	NO	NO	NO	YES	YES	YES
Arboretum	YES	YES	NO	YES	NO	NO
Community gardens	NO	NO	PB	PB	PB	YES
Open space	YES	YES	YES	YES	YES	YES
Hotel/inn/bed-and-breakfast	NO	NO	SP	NO	YES	NO
Commercial office	NO	NO	YES	NO	YES	NO
Distillery/brewery	NO	NO	SP	NO	SP	NO
Restaurant/cafe	NO	NO	YES	NO	YES	NO
Wellness/medical office or clinic	NO	NO	YES	NO	YES	NO

Food and beverage production	NO	NO	SP	NO	SP	NO
Retail sales with less than 10,000 square feet of floor area open to the public	NO	NO	SP	NO	SP	NO
Research and development	NO	NO	NO	NO	SP	NO
Light manufacturing	NO	NO	NO	NO	SP	NO
Spa, salon or personal service establishments	NO	NO	PB	NO	PB	NO
Nursing home/memory care/assisted living, rehabilitation center, hospice, continuing care retirement community	NO	NO	PB	NO	PB	NO
Community center or social club	NO	NO	YES	NO	NO	NO
Arts center (performance space, gallery, exhibition, museum, arts education)	SP	NO	YES	SP	YES	NO
Recreation, nonprofit or municipal (buildings)	NO	NO	PB	NO	PB	NO
Recreation, for-profit	NO	NO	PB	NO	SP and PB	NO
Passive recreational uses (outdoors)	YES	YES	YES	YES	YES	YES
Education, museum	SP	NO	SP	SP	YES	NO
Governmental	NO	NO	SP	NO	SP	YES
Parking (shared-use and off-site)	SP	SP	PB	NO	PB	YES
Open air <u>amphitheater</u> <u>amphitheatre</u>	SP	NO	NO	NO	NO	NO

9.2.5§ 300-20.6 Housing and housing affordability:

A. Housing marketing and selection plan. Prior to obtaining plan approval for any proposed project, the

applicant shall submit a housing marketing and resident selection plan that complies with the Town of Medfield's Inclusionary Housing Bylaw. (Medfield's Inclusionary Bylaw is § 300-8.2.)14.16.) The Town has also adopted a Housing Production Plan to advance inclusionary zoning. The Town intends for a fair housing compliant residential selection process.

- B. Number of affordable units. Not less than the required number of affordable units in proposed projects shall be affordable units. For purposes of calculating the required number of affordable units required within a proposed project, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit.
 - (1) An individual building within a proposed project may have more or less than the required number of affordable units, provided that the aggregate number of affordable units within a proposed project is equal to or greater than the required number of affordable units calculated on the basis of the total number of units within the proposed project at the time certificates of occupancy for all buildings within the proposed project are issued.
 - (2) Two proposed projects in which one project contains less than the required number of affordable units and one contains sufficient affordable units so that the required number of affordable units for both proposed projects is met may be proposed and approved together, provided that no certificate of occupancy shall be granted to the proposed project with fewer affordable units until a certificate of occupancy is granted to the proposed project with more affordable units.
 - (3) The Town of Medfield may require submittal of a surety, bond or other financial guarantee to guarantee the construction of the required number of affordable units in a proposed project consisting of multiple buildings where the actual number of affordable units may be less than the required number of affordable units on a pro rata basis at any point during the construction process.
- C. Requirements. Affordable housing within the MSHD shall comply with the following requirements:
 - (1) For an affordable rental unit, the monthly rent payment, including utilities and parking, shall not exceed 30% of the maximum monthly income permissible for an eligible household, assuming 1.5 persons per bedroom, unless other affordable program rent limits applicable to an eligible subsidy shall apply.
 - (2) For an affordable homeownership unit, the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowners' association fees, insurance and parking, shall not exceed 30% of the maximum monthly income permissible for an eligible household, assuming 1.5 persons per bedroom unless other affordable program limits applicable to an eligible subsidy shall apply.
 - (3) Affordable housing offered for rent or sale shall be rented or sold to and occupied only by eligible households.
- D. Design and construction. Affordable units shall be dispersed throughout the proposed project of which they are part, shall be comparable in construction quality equivalent to that of other housing units in the proposed project and shall have exteriors that are equivalent in design and materials to the exteriors of other housing units in the proposed project. The total number of bedrooms in the affordable housing shall be proportionate to the total number of bedrooms in all of the units in a proposed project of which the affordable housing is part.
- E. Affordable housing restriction. Each affordable unit shall be subject to an affordable housing restriction recorded with the Norfolk County Registry of Deeds or Norfolk County Registry District of the Land

Court, as applicable that must be senior in priority to all mortgages and other liens on the proposed project and that must include, at a minimum, the following:

- (1) A specification of the term of the affordable housing restriction which shall be in perpetuity;
- (2) The name and address of one or more agencies designated with the power to monitor and enforce the affordable housing restriction, including the administering agency;
- (3) A description of the affordable units by address and number of bedrooms, a description of the proposed project and an indication whether the units are affordable rental units or affordable homeownership units;
- (4) A reference to a marketing and resident selection plan to which the affordable housing is subject and that includes an affirmative fair housing marketing program, including public notice and a fair housing compliant resident selection process. The marketing and resident selection plan may provide for local preferences in resident selection to the extent consistent with applicable law. The plan shall designate the household size appropriate for an affordable unit with respect to bedroom size and provide that preference for such affordable unit shall be given to a household of appropriate size;
- (5) A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of eligible households compiled in accordance with the marketing and resident selection plan;
- (6) Reference to the formula pursuant to which rent of an affordable rental unit or the maximum sale/resale price of an affordable homeownership unit will be set;
- (7) A statement that the affordable housing restriction is intended to have lien priority over all mortgages and other monetary encumbrances;
- (8) A requirement that only an eligible household may reside in an affordable unit and that notice of any lease or sublease of an affordable unit shall be given to the administering agency;
- (9) A provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the administering agency;
- (10) A provision that the affordable housing restriction on an affordable homeownership unit shall run in favor of the administering agency and the Town in a form approved by municipal counsel, and shall limit initial sale and re-sale and occupancy to eligible households;
- (11) A provision that the affordable housing restriction on an affordable rental unit shall run in favor of the administering agency and the Town in a form approved by the municipal counsel, and shall limit rental and occupancy to eligible households;
- (12) A provision that any owner or manager of any affordable rental unit shall file an annual report to the administering agency, in a form specified by that agency, certifying compliance with the provisions of this article and containing such other information as may be reasonably requested in order to ensure affordability; and
- (13) A requirement that residents in affordable housing provide such information as the administering agency may reasonably request in order to ensure continuing affordability eligibility.

F. Administering agency. The administering agency shall ensure the following:

- (1) Prices of affordable homeownership units and rental rates for affordable rental units are properly computed;
- (2) Income eligibility of households applying for affordable housing is properly and reliably determined;
- (3) The marketing and resident selection plan conforms to all requirements and is properly administered;
- (4) Sales and rentals are made to eligible households chosen in accordance with the marketing and resident selection plan; and
- (5) Each affordable housing unit is encumbered by an affordable housing restriction that meets the requirements of this article and is properly recorded.

G. Age restrictions. The MSHD does not impose age restrictions on proposed projects, but the development of specific proposed projects within the MSHD may be exclusively for the elderly, persons with disabilities, or assisted living. Any proposed project that includes age-restricted residential units shall comply with applicable fair housing laws and regulations.

H. Computation. Prior to the granting of any building permit for any housing component of a proposed project, the applicant must demonstrate, to the satisfaction of the Administrating Agency, that the method by which the affordable rents or affordable purchase prices will be computed is consistent with DHCD guidelines for affordability applicable to the Town of Medfield.

9.2.6§ 300-20.7 Dimensional requirements.

The dimensional requirements set forth as set forth in Table 3, Design Guidelines for MSHD and Dimensional Requirements shall apply to all proposed projects in the MSHD and are incorporated herein by reference.

- A. Mixed-use. The total gross floor area devoted to non-residential uses within a mixed-use building shall not exceed 85% of the total gross floor area of the proposed project.
- B. Architectural ~~Access Board~~ and ~~Americans~~ with ~~Disabilities~~ act. Notwithstanding the above, minor footprint extensions shall be permitted if necessary to comply with requirements of the Massachusetts Architectural Access Board or the Americans with Disabilities Act.

9.2.7§ 300-20.8 Parking requirements.

The following parking requirements shall be applicable in the MSHD. The purpose of these parking requirements is to encourage the MSHD to be pedestrian-friendly, with alternative travel modes encouraged, including the use of bicycles and automated electric vehicles (AEVs), as appropriate. Parking requirements within the MSHD are as follows:

- A. Location and landscaping. Parking areas and lots should be landscaped and dispersed throughout the MSHD as outlined in the Medfield State Hospital Strategic Reuse Master Plan. Parking lots should be connected with pedestrian walkways and the sidewalk and trail system. Parking lots in the Core Campus Sub-Zone shall be minimized.
 - (1) Low impact design (LID) landscaping is required for each parking area. LID landscaping plans shall denote a drainage design where 75% or more of the first 1/2 inch of stormwater runoff from impervious surfaces is treated for water quality by a combination of LID techniques in accordance with the most recent version of the Massachusetts DEP Stormwater Management Manual. Acceptable LID techniques

shall include vegetated swales, rain gardens or bioretention facilities, permeable pavers, infiltration facilities and constructed wetlands. Cisterns and grey water systems that recycle stormwater runoff may also be included in these calculations. Native plants shall be used whenever possible. Invasive species shall be avoided.

- (2) With respect to parking areas that will contain fewer than 10 spaces, compliance with respect to the design standards set forth in this article shall be determined by the Zoning Enforcement Officer.
- B. Minimum parking space requirements. Table 2 contains the minimum parking requirements for the MSHD.
- C. Handicap access parking. All off-street parking areas with eight or more parking spaces shall contain spaces designed for handicapped access. In addition to the regulations herein, all off-street parking facilities must comply with the currently applicable Rules and Regulations of the Architectural Access Board of the Commonwealth of Massachusetts to the extent the same are in force and effect.
- D. Shared parking. The use of shared parking to fulfill parking demand for uses with demands at different times of the day may be permitted by the plan approval authority if the applicant can demonstrate that shared parking spaces will meet parking demands by using accepted methodologies (e.g., the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).
- E. Reduction of parking requirement. The required amount of parking may be reduced at the discretion of the plan approval authority upon a showing that the lesser amount of parking will not cause excessive congestion or endanger public safety and that the lesser amount of parking will provide positive environmental or other benefits. The plan approval authority may consider:
 - (1) Shared use parking spaces serving uses having a peak user demand at different times;
 - (2) Age, income or other characteristics of the likely occupants that are likely to result in lower motor vehicle usage;
 - (3) Such other factors as may be considered by the plan approval authority, including whether the reduction of parking requirements is likely to encourage the use of public transportation; shared transport services such as taxicabs, ride-sharing or short-term vehicle rentals; or encourage the development to be more pedestrian-friendly;
 - (4) Impact of the parking requirement on the physical environment and historic resources of the affected lot or the adjacent lots, including reduction in green space, destruction of significant existing trees and other vegetation, significant negative impact on historic resources or impairment of the integrity of the historic MSH landscape.
- F. Off-site parking. Required parking may be located at nearby sites within the MSHD District.
- G. Parking maximums. The proposed amount of parking to be provided shall not exceed 180% of the minimum parking requirements set forth in Table 2.
- H. Electric vehicle charging stations. Electric vehicle charging stations shall be provided at a ratio of one charging station per 35 vehicles.
- I. Bicycle parking. In addition to motor vehicle parking, bicycle parking shall be provided. One bicycle parking space per seven residential dwelling units shall be provided. For non-residential uses, one bicycle parking space per 10 motor vehicle parking spaces shall be provided.

Table 2**Minimum Required Motor Vehicle Parking for Development by Land Use/Building Type in MSHD**

Land Use	Required Minimum Parking
Senior housing (SF cottages)	1 per unit
Duplexes or triplexes	2 per unit
Low-/mid-rise housing	1.23 per unit
Senior adult housing - attached	0.59 per unit
Assisted living/nursing care	0.41 per unit
Office building	2.84 per 1,000 square feet
Hotel or inn	1.2 per occupant room
Function space	1 per 40 square feet of function space
Live theatre	0.25 per seat
Library, art center, community facility	2.61 per 1,000 square feet
Restaurant/cafe	0.2 per seat
Retail	2.87 per 1,000 square feet
Education/classroom	1 per 5 seats in a classroom

NOTES:

When units or measurements that determine the number of required parking spaces for motor vehicles or bicycles result in a requirement of a fractional space, a fraction over 1/2 shall require one parking space.

§ 300-20.9.2.8 Application for plan approval.

The plan approval authority shall adopt and file with the Town Clerk PAA rules relative to the application requirements and contents for plan review. The plan review process encompasses the following:

- A. Pre-application review. The applicant is encouraged to participate in a pre-application review at a regular meeting of the plan approval authority. The applicant and/or its designee and the applicant's engineering and other technical experts should attend in order to facilitate pre-application review and to obtain the advice and direction of the plan approval authority prior to filing the application. At the pre-application review, the applicant shall outline the proposal and seek preliminary feedback from the plan approval authority, other municipal review entities, and members of the public.

B. Application procedures. An application shall be filed by the applicant with the Town Clerk. A copy of the application, including the date of filing of the application, shall be filed simultaneously by the applicant with the plan approval authority. Application submissions must include a hard copy as well as an electronic copy in PDF, and in CAD format for plan documents. Said filing shall include any required forms provided by the plan approval authority. As part of any application for a proposed project, the applicant must submit the following documents, if applicable, to the plan approval authority and the administering agency:

- (1) Evidence that the proposed project complies with the cost/rent and eligibility requirements of § 300-9.2.520.6;
- (2) Proposed project plans that demonstrate compliance with the design and construction standards of § 300-9.2.520.6 and the design guidelines; and
- (3) A form of affordable housing restriction that satisfies the requirements of § 300-9.2.520.6.

C. Required documentation. The application shall be accompanied by a development plan and supporting documentation in a form specified by the PAA rules that shall show, among other data, the following.

- (1) The perimeter dimension of the lot or development rights area;
- (2) Assessor's Map, lot and block numbers;
- (3) All existing and proposed buildings, structures, building setbacks, parking spaces, driveway openings, distances between buildings, viewsheds, exterior measurements of individual buildings, driveways, service areas, and open areas;
- (4) Internal roads, sidewalks and parking areas for motor vehicles and bicycles (with dimensions of paving and indication of number of parking spaces);
- (5) All facilities for sewage, refuse and other waste disposal and for surface water drainage;
- (6) All proposed and existing landscaping features, such as fences, walls, planting areas, viewsheds, walkways, seating areas, or gathering areas in and within 300 feet of the development area;
- (7) Existing major natural features, including streams, wetlands, and all trees five inches or larger in caliper (Caliper is the girth of the tree at approximately waist height.);
- (8) Scale and North arrow (minimum scale of one inch equals 40 feet);
- (9) Total site area in square footage and acres and areas to be set aside as public open space, if appropriate;
- (10) Percentage of lot coverage, including the percentage of the lot covered by buildings and percentage of open space, if appropriate;
- (11) The proposed residential density in terms of dwelling units per acre and types of proposed commercial uses in terms of the respective floor area, and recreation areas, and number of units proposed by type; number of one-bedroom units; two-bedroom units, etc., if appropriate;
- (12) Location sketch map (indicating surrounding streets and properties and any additional abutting lands owned or controlled by the applicant);

- (13) Representative elevation sketches of buildings (indicate height of building and construction material of the exterior facade);
- (14) Typical unit floor plan for residential uses. (Floor plan should be indicated for each type of unit proposed: either one bedroom, two bedrooms or more.) The area in square feet of each typical unit should be indicated;
- (15) Developer's (or developer's representative) name, address and phone number;
- (16) Draft marketing and resident selection plan as required in § 300-9.2.5**20.6**;
- (17) Any other information, which may include required traffic, school and/or utilities impact study, in order to adequately evaluate the scope and potential impacts of the proposed project.

D. Rehabilitation plans.

- (1) If living quarters are to be rehabilitated, or areas to be converted into living quarters, in addition to the required development plan, copies of the following plans shall be furnished:
 - (a) A floor plan of each floor on which remodeling is to be done or areas converted into living quarters;
 - (b) A floor plan showing the stairways, halls, door openings into and exit doors of each floor or floors where remodeling or converting is to be done; and
 - (c) An elevation of the parts of the building where outside stairways or fire escapes are to be located.
- (2) The plans and elevations shall be clearly illustrated. The scale of each plan should be 1/4 inch equals one foot or larger.

E. Additional documentation and certifications. The application shall also be accompanied by other such plans and documents as may be required by the plan approval authority to make the findings required by § 300-9.2.10**20.11** below. All development plans, including site plans, landscape plans and building plans and elevations, shall be prepared, as appropriate, by an architect, landscape architect, and/or civil engineer licensed in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals 40 feet or larger, or at a scale as approved in advance by the plan approval authority. Upon written request, the plan approval authority may, at its discretion, waive the submission by the applicant of any of the required information, so long as the applicant provides some written information on each of the above items and explains why a waiver from a requirement for more detailed information is appropriate.

- F. Application fee. The applicant shall be required to pay the application fee at the time of application as set forth in the PAA rules.
- G. Circulation of application. Upon receipt of a complete application by the plan approval authority, the plan approval authority shall distribute the application to the administering agency, the Affordable Housing Committee, the Affordable Housing Trust, the Board of Health, the Board of Selectmen, the Building Commissioner, the Conservation Commission, the Fire Chief, the Medfield Historic Commission, the Farm and Hospital Historic District Commission, the Housing Authority, the Town Planner, the Police Chief, the Public Works Department, and the Water and Sewer Commission for review and comment. Any reports from these parties shall be submitted to the plan approval authority within 30 days after filing of the application.

9.2.9§ 300-20.10 Plan review procedures.

- A. Hearing. The plan approval authority shall hold a public hearing for which notice has been given as set forth below. The public hearing and review of all applications shall be in accordance with the procedures of this article and the Medfield Zoning Bylaw. The plan approval authority shall, at the applicant's expense, provide mail notice of said hearing to all parties in interest in accordance with the procedures set forth in MGL c. 40A, § 11.
- B. Notice of public hearing. Notice shall be given by publication in a newspaper of general circulation in the Town once each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing and by posting in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of such hearing. In all cases, where notice to individuals, municipal officers, agencies or boards is required, notice shall contain the name of the applicant, a description of the area or premises, street address, if any, or other adequate identification of the location that is the subject of the application, the date, time, and place of the public hearing, the subject matter of the hearing, and the nature of action requested, if any. No such hearing shall be held on any day on which a state or municipal election, caucus or primary is held.
- C. Administering agency review. Prior to granting of any plan approval for a proposed project, the applicant must demonstrate to the satisfaction of the administering agency, if applicable, i) that the method by which affordable rents or affordable purchase prices will be computed and eligible households will be selected are consistent with § 300- ~~9.2.5~~~~20.6~~, ii) that the proposed affordable housing restriction meets the requirements of § 300- ~~9.2.5~~~~and~~~~20.6~~ and iii) that the proposed project otherwise complies with the provisions of § 300- ~~9.2.5~~~~20.6~~. Upon making this finding, the administering agency shall submit in writing to the plan approval authority notice that the affordability components of the proposed project are consistent with the provisions of § 300- ~~9.2.5~~~~20.6~~.
- D. Peer review fees. The applicant shall be required to pay for reasonable consulting fees to provide peer review of the application for the benefit of the plan approval authority, pursuant to MGL c. 44, § 53G. Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, historic preservation consultants, housing consultants, planners, landscape architects and others. Any surplus funds remaining after the completion of such review shall be returned to the applicant, without interest. All peer reviewers shall be licensed in the Commonwealth of Massachusetts in their respective disciplined and recognized as an authority in their specialty.

9.2.10§ 300-20.11 Plan approval decision.

- A. Plan approval decision. The plan approval authority shall make a decision on an application and shall file said decision, together with the detailed reasons therefor, with the Town Clerk, within 180 days of the receipt of the application by the Town Clerk. The required time limit for public hearings and taking of action by the plan approval authority may be extended by written agreement between the applicant and the plan approval authority, with a copy of such agreement being filed with the Town Clerk. Failure of the plan approval authority to take action within said 180 days or extended time, if applicable, shall be deemed to be plan approval of the application.
- B. "Failure to act" de facto approval. An applicant who seeks plan approval because of the plan approval authority's failure to act on an application within the 180 days or extended time, if applicable, must notify the Town Clerk in writing of such plan approval, within 14 days from the expiration of said time limit for a decision. Such notice shall state that a copy of the notice has been sent by the applicant to the

parties in interest by mail and such notice shall specify that appeals, if any, shall be made pursuant to the Zoning Enabling Act and shall be filed within 20 days after the date the Town Clerk received such notice from the applicant that the plan approval authority failed to act within the time prescribed.

- C. Form of decision. The plan approval authority's findings, including the basis of such findings, shall be stated in a written decision of plan approval, conditional plan approval, or denial of the application. The written decision shall contain the name and address of the applicant, identification of the land affected and its ownership, and reference by date and title to the plans that were the subject of the decision. The written decision shall certify that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the plan approval authority. The decision of the plan approval authority, together with the detailed reasons therefor, shall also be filed with the Building Commissioner. A copy of the decision shall be mailed to the owner and to the applicant, if other than the owner, by the plan approval authority. A notice of the decision shall be sent to the parties in interest and to persons who requested a notice at the public hearing.
- D. Waivers. Upon request of the applicant, the plan approval authority may waive dimensional and other requirements set forth in the MSHD in the interests of design flexibility and overall project quality, and upon a finding that such variation is consistent with the overall purpose and objectives of the MSHD and advances the goals and objectives of the Medfield State Hospital Strategic Reuse Master Plan, or if it finds that such waiver will allow the proposed project to achieve the density, affordability, mix of uses, and/or physical characteristics allowable under the provisions of the MSHD.
- E. Project phasing. The authority, as a condition of plan approval, may allow a proposed project to be phased at the request of the applicant, or it may require a proposed project to be phased for the purpose of coordinating development with the construction of planned infrastructure upgrades or to mitigate any extraordinary adverse project impacts on nearby properties, either within or without the MSHD. For proposed projects that are approved and developed in phases, the total number of affordable units in the proposed project shall not, at any time, be less than a pro rata portion of the required number of affordable units applicable to the entire proposed project.
- F. Criteria for plan approval.
 - (1) An application shall be reviewed by the plan approval authority for consistency with the purpose and intent of this article. The plan approval authority shall approve the proposed project upon the following findings:
 - (a) The applicant submitted the required fees and information as set forth in the PAA rules;
 - (b) The proposed project and development plan as described in the application meet all of the requirements and standards set forth in this article and applicable design guidelines for the MSHD, or a waiver has been granted therefrom; and
 - (c) Any extraordinary adverse potential impacts of the proposed project on nearby properties have been adequately mitigated.
 - (2) For a proposed project subject to the affordability requirements of § 300-9.2.5~~20.6~~, compliance with § 300-9.2.5.B~~20.9B~~ above shall include written confirmation by the administering agency that all requirements of § 300-9.2.5~~have~~20.6~~have~~ been satisfied, as described in § 300-20.10C above.
- G. Criteria for conditional approval. The plan approval authority may impose conditions on a proposed project as necessary to ensure compliance with the requirements of this article and applicable design

guidelines or to mitigate any extraordinary adverse impacts of the proposed project on nearby properties.

- H. Criteria for plan disapproval. The plan approval authority may deny an application pursuant to this article only if the plan approval authority finds one or more of the following:
 - (1) The proposed project does not meet the requirements and standards set forth in this article or the applicable design guidelines;
 - (2) The applicant failed to submit information and fees required by this article and necessary for an adequate and timely review of the design of the proposed project or potential impacts of the proposed project; or
 - (3) It is not possible to adequately mitigate significant adverse impacts of the proposed project on nearby properties by means of suitable conditions.
- I. Validity of decision. A plan approval shall not lapse, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such plan approval. Said time shall also be extended by the plan approval authority upon a showing by the applicant that the applicant is actively pursuing other required permits for the proposed project or there is other good cause for the failure to commence construction or as may be provided in a plan approval for a multi-phase proposed project.
- J. Upon approval of a proposed project by the plan approval authority, but prior to construction, a preconstruction conference must be held with the Town Planner, the Building Commissioner and any other Town staff that the Building Commissioner or the Town Planner considers appropriate. Prior to first occupancy, a pre-certificate of occupancy meeting must be held with the Town Planner, the Building Commissioner and any other Town staff that the Building Commissioner or the Town Planner considers appropriate.

9.2.11 § 300-20.12 Change in plans after approval.

- A. Minor change. After plan approval, an applicant may apply to make minor changes in a proposed project involving minor utility or building orientation adjustments, or minor adjustments to parking or site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, housing need or affordability features. Such minor changes must be submitted to the plan approval authority on application forms provided by the plan approval authority, including, if appropriate, redlined prints of the approved plan reflecting the proposed change(s). The authority may authorize such changes without the need to hold a public hearing and shall set forth any decision in accordance with § 300-9.2.1020.11 above.
- B. Major change. Any change deemed by the plan approval authority to constitute a major change to a proposed project because the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the plan approval authority as a new application pursuant to this article.

9.2.12 § 300-20.13 Design guidelines.

Any proposed project undergoing the plan approval process shall be subject to design guidelines as set forth in this article. The purpose of the design guidelines is to ensure that new development shall be of high quality, and shall be compatible with the character of building types, streetscapes, and other community

features traditionally found in the area of the MSHD. The design guidelines may be supplemented from time to time by the plan approval authority.

A. Campus character and context. The Medfield State Hospital campus is a unique setting both for its historic buildings and its natural features. Characterized by a clear campus "quadrangle" atop a hillcrest, the main campus offers views of rolling hills, forested areas, and the Medfield Charles River Gateway to the west. Maintaining these viewsheds is a top priority for the site, and has informed strategies for renovation and new construction, parking and landscape planting.

(1) Campus setting.

(a) Medfield State Hospital Campus. New construction on the main campus area is limited in order to maintain consistent rhythm of perimeter buildings and views between the buildings to the surrounding landscape. New development shall be compatible in relationship to the campus context and surrounding structures in terms of solid to void massing, rhythm and spacing between buildings, setback patterns of buildings and porches, overall building massing and form.

(i) The viewshed between buildings, especially to the north, west and south, is to be maintained.

(ii) The rhythm/spacing of buildings of the Core Campus should be maintained.

(iii) Reuse of existing buildings and new construction should orient structures toward the primary street, and main building entries should be from the primary street. (Refer to "Frontage" in Table 3 below ~~XII-5~~ for additional information.)

(iv) Appropriately designed additions which respect existing building features permitted at the rear of buildings.

(v) Additions linking buildings are permitted on the east side of the Core Campus only, where they least disrupt viewsheds.

(vi) Links on the east perimeter of the Core Campus should be set back from the inner street face of buildings and appear to be distinct in materials; glazing is preferred.

B. Historic preservation. Adherence to the Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating and Reconstructing Historic Buildings is a core part of preservation of the Medfield State Hospital properties. Within the standards, the Secretary of the Interior's Standards for Rehabilitation provide the best guidance for the Medfield State Hospital redevelopment. Principles for preservation include:

(1) Removal or alteration of historic features is discouraged; repair is preferred.

(2) Replacement of historic materials or features should be based on evidence, and new materials should match those being replaced as best possible.

(3) Additions should not impact integrity of the original building if removed in the future.

(4) Cleaning, repair and replacement. Specific approaches for dealing with cleaning, repair and replacement of materials are as follows:

(a) Retain and repair original materials wherever possible.

- (b) Replace deteriorated material with matching materials.
- (c) Match masonry and mortar as closely as possible.
- (d) Clean masonry with gentlest method possible.
- (e) Avoid using waterproofing or water-repellent coatings on masonry.
- (f) Do not paint masonry.

Table 3

Design Guidelines for MSHD and Dimensional Requirements

Sub-Zone/Area	Footprint	Frontage	Height
Core Campus: West Perimeter of Quad	Limited to existing building footprints, plus the area of previous porches.	Maintain line of existing building frontage facing the quadrangle.	Maintain height, cornice line and floor-to-floor levels consistent with existing structures. [See § 300- <u>9.2.12.C20.13C</u> (1).]
Core Campus: North Perimeter of Quad	Limited to existing building footprints. Extensions to the north are possible but not to exceed 100% of the existing footprint. Planning Board approval required.	Maintain line of existing building frontage facing the quadrangle.	Maintain height, cornice line and floor-to-floor levels consistent with existing structures. [See § 300- <u>9.2.12.C20.13C</u> (1).]
Core Campus: East Perimeter of Quad	Limited along East Street to existing building footprints, plus the area of previous porches. Connections between buildings are allowed, with a maximum footprint of 2,000 square feet each. Planning Board approval required. New construction permitted on site of former TB Cottage, east of South Street and west of Stonegate Drive.	Maintain line of existing building frontage facing the quadrangle. New link construction should be set back from the inner street face of buildings, and appear to be distinct in materials; glazing preferred.	Maintain height, cornice line and floor-to-floor levels consistent with existing structures. [See § 300- <u>9.2.12.C20.13C</u> (1).]
Core Campus: South Perimeter of Quad	Limited to existing building footprint; additions or extensions are prohibited.	Maintain line of existing building frontage facing the quadrangle.	Maintain height, cornice line and floor-to-floor levels consistent with existing structures. [See § 300- <u>9.2.12.C20.13C</u> (1).]

Table 3
Design Guidelines for MSHD and Dimensional Requirements

Sub-Zone/Area	Footprint	Frontage	Height
Core Campus: Core of Quad	Where additions to existing N/A structures are permitted per the Master Plan, footprint of addition not to exceed 50% of existing footprint. If Building 27B is demolished, new construction of up to 50% of the existing building footprint may be permitted, subject to design review. Planning Board approval required.		Maintain height, cornice line and floor-to-floor levels consistent with existing structures. [See § 300- <u>9.2.12.C20.13C</u> (1).]
West Slope	Limited to existing building N/A footprints, with the exception of the area north of North Street, where new construction residential uses are permitted.		Maintain height, cornice line and floor-to-floor levels consistent with existing structures [See § 300- <u>9.2.12.C20.13C</u> (1).], with the exception of the area north of North Street where a maximum of 40 feet to the lower edge of the roof eave is permitted.
Cottage Arboretum	New construction with a maximum footprint of 3,600 square feet is permitted; new construction should be sited so as not to impact or remove existing specimen trees.	Minimum 15 feet, and maximum of 30 feet from the edge of the ROW.	Maximum 35 feet to peak of roof.
Water Tower	New construction prohibited, with the exception of parking with solar panels above, single-story accessory structures for parking and community gardens, and for public water supply purposes.	N/A	Maximum 12 feet to the bottom of the roof eave for accessory parking structures.
North Field Amended 6-21-2022 STM by Art.	New construction of structures that support	Structures must be sited so as not to impact the	

Table 3
Design Guidelines for MSHD and Dimensional Requirements

Sub-Zone/Area	Footprint	Frontage	Height
2]	public recreation and arts use allowed through special permit. Structures must not impact the viewshed or night sky. The portion of the North Field area that may have new construction with a special permit may not exceed 360 feet north of the center line of North Street. Existing Building 13 may be redeveloped/rehabilitated for multi-family residential; limited to existing building footprints, plus the area of previous porches, plus ancillary parking, infrastructure, and landscaping.	viewshed.	
The Green	New construction of structures that support public recreation and arts use allowed thru special permit. Structures must not impact the viewshed or night sky. The maximum percentage of lot coverage as defined in § 300-2.1 or appendix? shall be no more than 30%.	Structures must be sited so as not to impact the viewshed.	

C. Buildings. To address how rehabilitation and new construction projects best fit in with the established context of the campus, the design guideline criteria for buildings address massing and form, site relationships, orientation, fenestration and materials.

- (1) Design and massing.
 - (a) Existing building character. The existing campus buildings on the MSH campus are characterized by:
 - (i) Steep-pitched, slate roofs with dormers, clerestories and chimneys.

- (ii) A three-part massing consisting of: a base (an exposed basement/lower level), a two-story section with generous floor-to-floor heights, and a steep pitched roof.
- (iii) Wood porches and entry stairs protrude from the main brick building massing.

(b) Building rehabilitation. Effort should be made to rehabilitate existing structures in order to maintain the historic campus setting. To this end:

- (i) Building features removed over time, such as verandas, porches and entry stoops should be reconstructed or may be integrated into the building as part of new uses.
- (ii) New construction need not replicate existing buildings, but should reflect the massing, floor heights and character of the existing buildings in order to promote a consistent appearance across the campus.
- (iii) New construction should match the cornice height and floor-to-floor dimension of existing buildings in order to reflect the scale of the campus setting.
- (iv) Any new construction should maintain a consistent building line relative to the street in the Core Campus area.
- (v) New construction should maintain a distance between structures, existing or new, that is consistent with the existing Core Campus building footprints.

(2) Windows and doors. Guidelines for window openings and glazing, door openings and doors are as follows:

- (a) New glazing is acceptable if elements are consistent in scale, rhythm, color, and transparency with campus setting.
- (b) Existing door and window openings should be retained; do not enlarge or reduce size of existing openings.
- (c) Replacement windows on existing structures should match original window mullions and details.
- (d) Rhythm or pattern of door and window openings should be consistent with that of the original buildings.

(3) Materials. Material choices for new construction and renovations are important in the context of the historic campus and natural areas of Hospital Road.

- (a) Character of existing materials in Medfield State Hospital North buildings. The current campus is characterized by brick buildings with slate roofs, and white painted wood window frames, porches and details. The brick construction incorporates detail on the cornice line and eave area, around window openings and at entryways.
- (b) Materials for rehabilitation and new construction on MSH North. While not limited to the existing palette of existing materials, new construction should reflect the quality of construction and durability of materials in existing historic context. While some new materials may better address maintenance issues, their appearance may not be in keeping with the historic character of the campus. For this reason, materials such as vinyl siding and brick veneer are prohibited.
- (c) Electric and gas. ENERGY STAR® - conservation-rated lighting, appliances, and heating and cooling systems should be used in both rehabilitation and new construction throughout MSHD. Renewable

energy technologies, such as solar energy, geothermal, microgrids and waste heat recovery are encouraged; wind turbines and stand-alone ground-mounted solar arrays are not encouraged.

(d) Water. WaterSense - conservation-rated products and services should be used in both rehabilitation and new construction throughout MSHD. WaterSense products include, but are not limited to, low-flush toilets, water-reducing shower heads, and water-conserving appliances. Water-saving methods, such as capturing groundwater runoff and recycling gray water for irrigation, are encouraged.

(4) Roofs.

- (a) MSH North. The MSH campus buildings are distinguished by steep-pitched, slate roofs.
 - (i) As character-giving elements of the buildings, existing hip roofs, dormers, and clerestories should be preserved.
 - (ii) Details of roof construction such as cornices, brackets, gutters, and cupolas, should be preserved.
 - (iii) Deteriorated roof materials should be replaced with like materials, or if not feasible, with materials that approximately match the existing in size, shape, color, texture, and installation method.

D. Infrastructure.

- (1) Streets and sidewalks. Streets and sidewalks should be compatible with the historic fabric of the MSH campus and in keeping with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- (2) Utilities. The impact of utilities on viewsheds and on the historic fabric of the campus should be minimized. To this end:
 - (a) Utilities and infrastructure should be installed underground so as not to impact the character of the campus or disrupt viewsheds.
 - (b) Utility infrastructure elements, such as electrical boxes, standpipes and similar items, should be located to the rear of buildings, out of view from the main campus quadrangle. Utility infrastructure elements should be screened from view with landscape treatment.

(3) Lighting.

- (a) Building lighting, signage lighting and site lighting should adhere to any Dark Sky guidelines adopted from time to time by the Medfield Planning Board.
- (b) Pedestrian-scaled lighting should be provided at paths and walks in the public areas of the main campus.

E. Access and parking.

- (1) Public parking. Public parking to support public access to site is to be provided. Public parking should also be provided for visitors to residential homes and for customers of commercial and nonprofit uses.
- (a) The primary public parking areas should be concentrated at the entry road by Building 2, and near the access point to the Medfield Charles River Gateway in the northwest corner of the property. Additional smaller-scale public parking areas should be distributed across the MSH Core Campus, West Slope and Water Tower areas.

- (b) On-street parking is permissible per the Master Plan.
- (c) One bump-out with vegetation is required for every 10 or fewer parking spaces.

(2) Building entrances.

- (a) In the Core Campus area, primary building entrances should match the historic pattern of building stoops and porches, and be oriented toward the campus core road.
- (b) In other areas of the MSH site, primary building entrances should be oriented toward the addressing street.
- (c) Secondary building entrances from parking areas may be located at the rear or sides of buildings.

(3) Garage and parking entrances. Garage and parking entrances should be from the rear of buildings on the Core Campus quadrangle so as to support a pedestrian-oriented walkable core area and not visually disrupt the main campus circulation.

(4) Parking areas.

- (a) Parking should be provided based on the Institute of Transportation Engineers (ITE) Parking Generation, 4th Edition, for average peak period parking demand.
- (b) Ample storage area for snow removal should be located so as to not damage the campus landscape or impact the natural areas surrounding the campus.
- (c) Parking should be screened from view and preferably located at the rear of buildings.
- (d) Parking on the Green is limited to special event parking, if necessary.
- (e) Shared-use parking with MSH patrons and residents should be developed in conjunction with the prospective siting of municipal recreational facilities or other uses south of Hospital Road.

F. Landscape. The essence of Medfield State Hospital's character lies in the contrast between the formality of the hilltop campus and the surrounding pastoral landscape. Development on the campus should respect this framework through contextual siting of buildings and appropriate enhancements to the campus landscape.

(1) Landscape setting.

- (a) Maintain the thoughtfully and creatively designed landscape within the Core Campus.
- (b) Maintain the open, rolling pastoral landscape of the Historic Farm and Hospital District along both sides of Hospital Road.
- (c) Maintain the historic gateway and entrances to the site and the tree-lined historic entry drives — Stonegate Drive, which runs along the existing ridgeline and Service Drive.
- (d) Preserve and retain existing stone walls. New entry walls, site walls or stone fencing should be of fieldstone to match the existing campus entry gates and walls.
- (e) Preserve the connection to the Charles River from the Core Campus.

- (f) Restore and preserve the Common to the west of Lee Chapel.
- (g) With the demolition of Building 27B, enlarge the landscaped park area to create a town square or add a structure that meets design standards.
- (h) Preserve historic landforms, such as the knoll on the Green by the Superintendent's House that contribute to the character of the campus.

(2) Buffers and screening. Landscape buffers and quality screening elements consistent with the campus character and the species and variety of trees and shrubs currently in place should be used to minimize disruption of the campus environment and important viewsheds. Buffers and screening are required as follow:

- (a) Landscape buffers should be provided at utility infrastructure, such as electric boxes, to screen them from view.
- (b) Landscape buffers and fence screening should be provided at trash areas and maintenance areas.
- (c) Landscape buffers should be provided between parking lots and residential uses.
- (d) Parking areas should have tree planting areas. A minimum of one tree planting area for every 10 parking spaces should be provided; if a more restrictive requirement is outlined in any Town-wide design guidelines the more restrictive requirement shall apply.

(3) Trees and plantings.

- (a) Protect and preserve the historic, mature trees that define the spaces and streets of the MSHD.
- (b) The historic specimen tree collection is to be preserved and maintained throughout the site, and in particular in the Core Campus, the Green and the Cottage Arboretum areas.
- (c) Invasive species should be removed, and new plant materials should be native species. In the Cottage Arboretum area new specimen plantings are encouraged.
- (d) Tree plantings along Stonegate Drive should be restored.
- (e) The parallel lines of street trees that, along with the architecture, create the street walls of the Core Campus should be maintained and reinforced.

(4) Irrigation.

- (a) Soil moisture-sensor devices. All in-ground irrigation systems installed shall be equipped with a soil moisture-sensor device to prevent the system from operating when not needed. Any service or repair to an existing in-ground irrigation system shall include the installation of a moisture-sensor device, if the same is not already installed and in good working condition. Proof of this installation shall be provided to Medfield Board of Water and Sewer.
- (b) Timing device. All in-ground irrigation systems shall be equipped with a timing device that can be set to make the system conform to any non-essential outdoor water use restrictions that may be issued by the Town of Medfield.
- (c) Shutoff valve. All in-ground irrigation systems shall be plumbed so that a shutoff valve is located

outside the building.

9.2.13§ 300-20.14 Signage.

The provisions of the Sign Bylaw (Article 7.213) shall apply in the MSHD, provided that Sign Bylaw provisions applicable in business districts shall apply to all signs for non-residential uses listed in Table 1 of this article and Sign Bylaw provisions applicable to residential uses shall apply to all signs for residential uses listed in Table 1 of this article.

9.2.14§ 300-20.15 Severability.

If any provision of this article is found to be invalid by a court of competent jurisdiction, the remainder of this article shall not be affected, but shall remain in full force. The invalidity of any provision of this article shall not affect the validity of the remainder of this article and the Zoning Bylaw.

Article 10 OVERLAY DISTRICTS

10.1 Floodplain District

10.1.1 Purpose

Attachments:

Attachment 1 Table of Use Regulations

Attachment 2 Table of Area Regulations

Attachment 3 Table of Height and Bulk Regulations

Attachment 4 Medfield State Hospital

The purpose of this Article is to promote:

- A. The health and safety of the occupants of lands subject to seasonal or periodic flooding in the Charles and Stop Rivers Floodplain District.
- B. The preservation of the natural flood control characteristics and the water storage capacity of the Floodplain District.
- C. The safety and purity of water; control and containment of sewage; safety of gas, electric, fuel and other utilities from breaking, leaking, short circuiting, grounding, igniting, electrocuting or any other dangers due to flooding.

10.1.2 District Boundary

- A. The Floodplain District is superimposed over all districts established by this Bylaw. The Floodplain District is defined as all lands along or sloping to the Stop River and Charles River whose elevation is below 125 feet mean sea level based on the Massachusetts Geodetic Datum of 1929 (Elevation 124 based on NAVD 1988) and as shown on the Zoning Map and all the A Zone flood areas (Zone A and

Zone AE) as shown on the Department of Homeland Security Flood Insurance Rate Map (FIRM) for Norfolk County, dated July 17, 2012, Community #250242, panel numbers: 25021C0153E, 25021C0154E, 25021C0158E, 25021C0159E, 25021C0162E, 25021C0164E, 25021C0166E, 25021C0167E, 25021C0168E, and 25021C0169, as amended.

B. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

10.1.3 Permitted uses

A. Land in the Floodplain District may be used for any purpose otherwise permitted in the underlying district except that:

- (1) No building permit shall be issued nor any building, wall, dam or other structure shall be erected, constructed, altered, enlarged or otherwise created or moved for any purpose unless a special permit is issued by the Board of Appeals.
- (2) Dumping, filling, excavating or transferring of any earth or fill material within the district is prohibited unless a special permit is issued by the Board of Appeals.
- (3) No ponds or pools shall be created or other changes in watercourses allowed, whether for swimming, fishing or other recreational uses, agricultural uses, scenic features or drainage improvements or any other uses, unless a special permit is issued by the Board of Appeals.

B. Dams and water control devices.

- (1) Proper operation and maintenance of existing dams and other water control devices are permitted uses under this Article. This includes the temporary alteration of the water level for emergency or maintenance purposes and the removal of any and all flashboards of a privately owned dam in order to lower the water level.
- (2) No new dams or other water control devices shall be created unless a special permit is issued by the Board of Appeals.

C. Maintenance of municipal facilities, such as waterworks, pumping stations, existing public ways and parks, shall not be subject to a special permit under this Article.

10.1.4 Application for special permit

A. Any person desiring a special permit for any use set out in § 300-10.3A above within the Floodplain District shall submit an application to the Board of Appeals, in accordance with the provisions of MGL c. 40A, as amended. The application shall be accompanied by plans of any construction and of the premises on which it is to be situated. All plans shall show existing and proposed finished ground contour at two-foot intervals. Contours shall be delineated within 200 feet of the proposed construction.

B. Copies of the application for special permit to the Board of Appeals with accompanying plans shall also be sent to the Building Inspector, Board of Health, Conservation Commission and Planning Board for their recommendations to the Board of Appeals, as to their approval, disapproval or appropriate recommendations.

C. All such plans shall be certified by a registered land surveyor or a registered professional civil engineer.

D. Prior to submitting an application for special permit, the applicant shall have obtained an order of conditions or determination of nonapplicability, as appropriate, from the Medfield Conservation Commission; a copy of the Commission's decision shall be included with the application.

10.1.5 Issuance of special permits

A. The Board of Appeals, after holding a public hearing, shall issue a permit under this Article if it finds that the use of the premises will not endanger the health or safety of the occupants thereof or of other land in the Floodplain District. In deciding applications for a special permit under this Article, but without limiting the generality of the foregoing, the Board of Appeals shall find affirmatively:

- (1) That the basement floor elevation for any structure having sustained living occupancy shall be at least 125 feet above the mean sea level (NGVD 1929), and the top of the foundation wall shall be at least 132 feet above mean sea level (NGVD).
- (2) That structures be so designed and secured that during flooding:
 - (a) The foundation would not be undermined.
 - (b) The structure will not be floated, battered off nor swept away.
- (3) That safe vehicular and pedestrian access to, over and from the premises is provided on ways having all elevations no less than 125 feet above mean sea level (NGVD 1929), unless data indicated a higher ground.
- (4) That because of the location, elevation or for other reasons, there will be no danger of pollution to public or on-site water facilities.
- (5) That sewage, gas, electricity, fuel, and other utilities will be adequately protected from all hazards which may arise as a result of a severe flood.
- (6) That the methods of drainage are adequate.
- (7) That other land in the Floodplain District is nevertheless protected against diminution of value as a result of the proposed use of the premises.
- (8) No new construction, improvement of existing structures, filling or other land development shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point in the Town.
- (9) The proposed project, and its construction, will be consistent with the Conservation Commission's decision.

B. If any land included in the Floodplain District is found by the Board of Appeals not to be in fact subject to seasonal or periodic flooding, the Board of Appeals may grant a special permit for the use of such land for any purpose permitted in the underlying district.

C. No building permit shall be issued until the Board of Health has issued a permit under this Article approving the proposed sanitary and storm drainage system or has allowed 45 days to elapse after

receipt of the application.

D. No certificate of occupancy shall be issued until the Board of Appeals, the Building Inspector, the Board of Health, the Conservation Commission and the Planning Board have received a certified plan showing the foundation and floor elevations, grading of the premises, elevations of the complete structure and all elevations of the various elements that make up the sewage disposal system, and it is determined by each board and the Building Inspector that all requirements of all permits are satisfied or 45 days have elapsed after the receipt of such plan by the Building Inspector and each board and notification of the Building Inspector and each board by the applicant for the completion of the work.

E. In consideration of any of the items under this § 300-10.5, Issuance of special permits, the Board of Health and the Board of Appeals shall consider the minimum groundwater level in the Floodplain District to be 123 feet above mean sea level, unless data indicate a higher groundwater level.

10.1.6 Limits of authority

Nothing contained in this Article 10 shall limit the authority of the Board of Health with respect to premises in the Floodplain District or limit the applicability of the Commonwealth of Massachusetts State Building Code to any structure in the Floodplain District.

10.1.7 Obligation of applicant

The furnishing of all plans and specifications necessary to all boards and authorities as required by this Article shall be the obligation of the applicant. Each board or authority shall immediately return to such applicant a dated receipt in duplicate, describing the documents received. Such receipt shall be *prima facie* evidence of delivery and date of delivery. A copy of each receipt shall be presented to the Board of Appeals at least two weeks before the date set for the hearing of the application.

10.2 Watershed Protection District

10.2.1 Purpose

The purpose of this Article is:

A. To preserve and protect the streams and other watercourses in the Town of Medfield and their adjoining lands.

B. To protect the health and safety of persons and property against the hazards of flooding and contamination.

C. To preserve and maintain the groundwater table for water supply purposes.

D. To protect the community against the detrimental use and development of lands adjoining such watercourses.

E. To conserve the watershed areas of the Town of Medfield for the health, safety and welfare of the public.

10.2.2 Location

- A. The Watershed Protection District is superimposed over any other district established by this Bylaw. The Watershed Protection District is defined as all land area along the streams and brooks for a horizontal distance of at least 25 feet from the normal high water line and from adjacent low, marshy areas. The names of the brooks included within the district are as follows: Great Pond Brook, Mill Brook, North Brook, Saw Mill Brook, Sewall Brook, Nantasket Brook, Turtle Brook, Vine Brook, Winter Brook, Brooks "A" through "J," inclusive, and all other brooks in the Town of Medfield.**
- B. The Watershed Protection District shall include all land that lies within a horizontal distance of 25 feet from the normal high water line of the following major water bodies: Baker's Pond, Cemetery Pond, Chickering Lake, Danielson Pond, Echo Lake, Flynn's Pond, Hinkley Pond, Holt's Pond, Jewell's Pond, June Pond, Kingsbury Pond, Little Chickering Lake, Notch Pond, Parker's Pond, and all other ponds that are in the Town of Medfield.**

10.2.3 Permitted uses

- A. Land in the Watershed Protection District may be used for any purpose otherwise permitted in the underlying district except that:**
 - (1) No building permit shall be issued nor any building wall, dam or other structure shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a special permit is issued by the Board of Appeals.**
 - (2) Dumping, filling, excavating or transferring of any earth material within the district is prohibited unless a special permit is issued by the Board of Appeals.**
 - (3) No ponds or pools shall be created or other changes in watercourses allowed, whether for swimming, fishing, or other recreational uses, agricultural uses, scenic features or drainage improvements or any other uses, unless a special permit is issued by the Board of Appeals.**
- B. Dams and water control devices.**
 - (1) Proper operation and maintenance of existing dams and other water control devices are permitted uses under this Article. This includes the temporary alteration of the water level for emergency or maintenance purposes and the removal of any and all flashboards of a privately owned dam in order to lower the water level.**
 - (2) No new dams or other water control devices shall be created unless a special permit is issued by the Board of Appeals.**
- C. Maintenance of municipal facilities, such as waterworks, pumping stations, existing public ways and parks, shall not be subject to a special permit under this Article.**

10.2.4 Application for special permit

- A. Any person desiring a special permit for any use set out in § 300- 10.2.3A above within the Watershed Protection District shall submit an application to the Board of Appeals, in accordance with the provisions of MGL c. 40A, as amended. The application shall be accompanied by plans of any**

construction and of the premises on which it is to be situated. All plans shall show existing and proposed finished ground contours at two-foot intervals. Contours shall be delineated within 200 feet of the proposed construction.

- B. Copies of the application for special permit to the Board of Appeals with accompanying plans shall also be sent to the Building Inspector, Board of Health, Conservation Commission and Planning Board for their recommendations to the Board of Appeals, as to their approval, disapproval or appropriate recommendations.
- C. All such plans shall be certified by a registered land surveyor or a registered professional civil engineer.
- D. Prior to submitting an application for special permit, the applicant shall have obtained an order of conditions or determination of nonapplicability, as appropriate, from the Medfield Conservation Commission; a copy of the Commission's decision shall be included with the application.

10.2.5 Issuance of special permits

- A. The Board of Appeals, after holding a public hearing, shall issue a special permit under this Article only if it finds that the use of the premises will not endanger the health or safety of the occupants thereof or of other land in the Watershed Protection District. In deciding upon applications for a special permit under this Article, but without limiting the generality of the foregoing, the Board of Appeals shall find affirmatively:
 - (1) That the basement floor elevation for any proposed structure in a Watershed Protection District having sustained living occupancy shall be at least two feet above the elevation of the surrounding Watershed Protection District and that the top of the foundation wall shall be at least nine feet above the elevation of the surrounding Watershed Protection District.
 - (2) That structures be so designed and secured that during flooding:
 - (a) The foundation would not be undermined.
 - (b) The structure will not be floated, battered off nor swept away.
 - (3) That safe vehicular and pedestrian access to, over and from the premises is provided on ways having all elevations no less than two feet above the elevation of the surrounding Watershed Protection District.
 - (4) That because of the location, elevation or for other reasons, there will be no danger of pollution to public or on-site water facilities.
 - (5) That sewage, gas, electricity, fuel, and other utilities will be adequately protected from all hazards which may arise as a result of a severe flood.
 - (6) That the methods of drainage are adequate.
 - (7) That other land in the Watershed Protection District is nevertheless protected against diminution of value as a result of the proposed use of the premises.
 - (8) The proposed project, and its construction, will be consistent with the Conservation Commission's decision.

B. No building permit shall be issued until the Board of Health has issued a permit under this Article approving the proposed sanitary and storm drainage system or has allowed 45 days to elapse after receipt of the application.

C. No certificate of occupancy shall be issued until the Board of Appeals, the Building Inspector, the Board of Health, the Conservation Commission and the Planning Board have received a certified plan showing the foundation and floor elevations, grading of the premises, elevations of the completed structure and all elevations, of the various elements that make up the sewage disposal system, and it is determined by each board and the Building Inspector that all requirements of all permits are satisfied or 45 days have elapsed after the receipt of such plan by the Building Inspector and each board and notification of the Building Inspector and each board by the applicant for the completion of the work.

D. In consideration of any of the items under this Article, Issuance of special permits, the Board of Health and the Board of Appeals shall consider the minimum groundwater level in the Watershed Protection District to be two feet below the natural elevations of the ground at the location of the proposed construction, unless data indicate a higher ground water level.

10.2.6 Water bodies

All water bodies encircled by the Watershed Protection District are hereby included within said district.

10.2.7 Limits of authority

Nothing contained in this Article shall limit the authority of the Board of Health with respect to premises in the Watershed Protection District or limit the applicability of the Commonwealth of Massachusetts State Building Code to any structure in the Watershed Protection District.

10.2.8 Obligation of applicant

The furnishing of all plans and specifications necessary to all boards and authorities as required by this Article shall be the obligation of the applicant. Each board or authority shall immediately return to such applicant a dated receipt in duplicate describing the documents received. Such receipt shall be *prima facie* evidence of delivery and date of delivery. A copy of each receipt shall be presented to the Board of Appeals at least two weeks before the date set for the hearing of the application.

10.3 Aquifer Protection District

10.3.1 Purpose

The purpose of the Aquifer Protection District is to preserve and maintain the quality and quantity of the existing and potential groundwater supply within the known aquifers of the Town by protecting the groundwater and groundwater recharge areas from adverse land use practices.

10.3.2 Establishment of Aquifer Protection District

For the purposes of this Bylaw, there is hereby established within the Town of Medfield an Aquifer Protection District consisting of Well Protection Districts (Zone 1), Primary Aquifer Zone and Secondary Aquifer Zone (Zone 2) as delineated on the Zoning Map.

- A. Determination of location in Well Protection District. Any owner of, or other party interested in, land within 2,000 feet of a public well may apply to the Board of Appeals for a determination that the land is not located within the area of influence of the well. If such a determination is made, the land is deemed not to be in the Well Protection District. At the request of the owner, the Town may engage a qualified professional geologist, hydrogeologist or engineer trained and experienced in hydrogeology to assist in determination of the location of the applicant's property in relation to the area of influence. The Town may charge the applicant for all or part of the cost of the investigation.
- B. Determination of location in Primary and/or Secondary Aquifer Zones. Where the boundaries of the Primary and/or Secondary Aquifer Zones as delineated are in doubt or in dispute, the burden of proof shall be upon the owner of, or other party interested in, the land in question to show where they should properly be located. At the request of the owner, the Town may engage a qualified professional geologist, hydrogeologist or engineer trained and experienced in hydrogeology to assist in determination of the location of the applicant's property in relation to the Primary and/or Secondary Aquifer Zones. The Town may charge the applicant for all or part of the cost of the investigation.

10.3.3 Establishment of use regulations

The Aquifer Protection District is superimposed over all other districts established by this Bylaw. Only those uses specifically allowed by these use regulations and also allowed in the underlying district by other provisions of this Bylaw are permitted in the Aquifer Protection District.

10.3.4 Uses in Well Protection District (Zone 1)

- A. Permitted uses in Zone 1. The following uses are permitted in the Well Protection District, provided that all necessary permits, orders and approvals required by local, state and federal law also are obtained:
 - (1) Conservation of soil, water, plants and wildlife;
 - (2) Outdoor recreation, including boating, fishing, nature study and hunting where otherwise legally permitted;
 - (3) Foot, bicycle and horse paths and bridges;
 - (4) Normal operation and maintenance of existing water bodies, dams, splashboards and other water control, supply and conservation devices;
 - (5) Any residential construction connected to the Town sewer system, provided that no construction shall be permitted within 400 feet of a public well or wellpoint;
 - (6) Construction of a single-family dwelling on a lot of more than 80,000 square feet by special permit from the Board of Appeals (see § 300- 10.3.7), provided that no construction shall be permitted within 400 feet of a public well or wellpoint;

- (7) Nonintensive farming, gardening, nursery, conservation, forestry, harvesting and grazing uses, provided that hazardous materials are not used except in quantities normally associated with household use;
- (8) Necessary public utilities or facilities if designed so as to prevent contamination of groundwater.

B. Prohibited uses in Zone 1. The following uses are prohibited in the Well Protection District:

- (1) Any use prohibited in the Primary or Secondary Aquifer Zones;
- (2) Underground storage tanks, septic tanks except as permitted by Subsection A(6), and pipelines and injection wells;
- (3) Storage of liquid petroleum products of any kind except those normally associated with operating a residence, and except for storage of fuel in a freestanding container within a building for the heating of that building;
- (4) Storage of hazardous materials;
- (5) Disposal of leachable wastes;
- (6) Disposal of solid waste other than brush, leaves and grass clippings, or stumps;
- (7) Storage of road salt or other deicing chemicals;
- (8) Industrial and commercial uses;
- (9) Outdoor storage of fertilizers, herbicides and pesticides, and outdoor uncovered storage of manure;
- (10) Animal feedlots;
- (11) Use of hazardous material in cleaning septic systems;
- (12) Disposal of septage waste;
- (13) Any other use which involves as a principal or accessory activity the manufacture, storage, use, handling, transportation or disposal of hazardous materials except in quantities normally associated with operating a single-family dwelling.

10.3.5 Uses in Primary Aquifer Zone

A. Permitted uses in Primary Aquifer Zone. All uses permitted in a Well Protection District, and the following uses, are permitted in a Primary Aquifer Zone, provided that all necessary permits, orders and approvals required by local, state and federal law also are obtained:

- (1) Commercial uses, limited to retail, shopping and business or professional offices on lots of less than 40,000 square feet;
- (2) Industrial and commercial uses other than as set out in Subsection A(1), by special permit from the Board of Appeals (see § 300- 10.3.7);
- (3) Residential development of single-family dwellings on lots of at least 40,000 square feet in area;

(4) Any residential development permitted in the underlying district which is connected to the Town sewer system.

B. Prohibited uses in Primary Aquifer Zone. The following uses are prohibited in a Primary Aquifer Zone:

(1) Underground storage of hazardous materials;

(2) Injection wells of any kind, as defined by 310 CMR 27.03, except by special permit from the Board of Appeals;

(3) On-site disposal of hazardous materials;

(4) Disposal of leachable wastes other than from a residential septic system or the Medfield sewer system;

(5) Storage of hazardous materials as defined in MGL c. 21E, unless in a freestanding container within a building or above ground with adequate secondary containment adequate to contain a spill the size of the container's total storage capacity;

(6) Storage of deicing chemicals unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

(7) Disposal of snow that contains deicing chemicals and that has been brought in from outside the district;

(8) Industrial uses that discharge water containing process waste on site;

(9) Automotive and boat service, washing and repair shops;

(10) Junk and salvage yards;

(11) Dry-cleaning establishments;

(12) Metal plating or etching;

(13) Chemical and bacteriological laboratories;

(14) Landfilling of sludge and septage and storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;

(15) Landfills and open dumps as defined in 310 CMR 19.006;

(16) Treatment or disposal works for non-sanitary wastewaters which discharge to the ground and that are subject to 314 CMR 5.00, except the following:

(a) The replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;

(b) Treatment works approved by the DEP designed for the treatment of contaminated ground or surface waters;

(17) Facilities that generate, treat, store, or dispose of hazardous waste subject to MGL c. 21C and 310 CMR 30.000 as amended, except for:

(a) Very small quantity generators as defined under 310 CMR 30.000.

(b) Household hazardous waste centers and events under 310 CMR 30.390.

(c) Waste oil retention facilities required by MGL c. 21, § 52A.

(18) Storage of commercial fertilizers, as defined in MGL c. 128, § 64, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate;

(19) Storage of animal manure unless covered or contained in accordance with the specifications of the United States Natural Resources Conservation Service;

(20) Storage of liquid hazardous materials, as defined in MGL c. 21E, unless in a freestanding container within a building or above ground with adequate secondary containment adequate to contain a spill the size of the container's total storage capacity;

(21) Storage of liquid petroleum products, except the following:

(a) (i) Normal household use, outdoor maintenance, and heating of a structure; (ii) waste oil retention facilities required by statute, rule, or regulation; (iii) emergency generators required by statute, rule, or regulation; (iv) treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters, provided that such storage, listed in items (i) through (iv) above, is in freestanding containers within buildings or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity.

(b) The removal of soil, loam, sand, gravel or any other mineral substances within four feet of the historical high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey), unless the substances removed are redeposited within 45 days of removal on site to achieve a final grading greater than four feet above the historical high water mark, and except for excavations for the construction of building foundations or the installation of utility works.

10.3.6 Uses in Secondary Aquifer Zone (Zone 2)

A. Permitted uses over the Zone 2 area. All proposed uses permitted in a Well Protection District and the Primary Aquifer Zone are permitted in the Zone 2 area, provided that all necessary permits, orders and approvals required by local, state and federal law also are obtained.

B. Prohibited uses in the Zone 2 area are governed by the Massachusetts drinking water regulations [310 CMR 22.21(2)]. Therefore, prohibited proposed uses include the following:

(1) Landfills and open dumps, as defined in 310 CMR 19.006;

(2) Landfills receiving only wastewater residuals and/or septage (wastewater residuals "monofills");

(3) Automobile graveyards and junkyards, as defined in MGL c. 140B, § 1;

(4) Stockpiling and disposal of snow and ice removed from highways and streets located outside of Zone 2 that contains sodium chloride, chemically treated abrasives or other chemicals used for snow and ice removal;

(5) Petroleum, fuel oil, and heating oil bulk stations and terminals, including but not limited to those listed under the U.S. Office of Management and Budget Standard Industrial Classification (SIC) Codes 5171

(not including liquefied petroleum gas) and 5983;

(6) Treatment and disposal works subject to 314 CMR 5.00 for wastewater other than sanitary sewage. This prohibition includes, but is not limited to, treatment or disposal works related to activities under the SIC Codes set forth in 310 CMR 15.004(6) (Title V), except the following:

- (a) The replacement and repair of an existing system(s) that will not result in a design capacity greater than the capacity of the existing system(s); and
- (b) Treatment works approved by the DEP, designed for the treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.50(3) or 5.50(13); and
- (c) Publicly owned treatment works (POTWs).

(7) Facilities that generate, treat, store or dispose of hazardous waste that are subject to MGL c. 21C and 310 CMR 30.000, except for the following:

- (a) Very small quantity generators, as defined by 310 CMR 30.000;
- (b) Household hazardous waste collection centers or events pursuant to 310 CMR 30.390;
- (c) Waste oil retention facilities required by MGL c. 21, § 52A; and
- (d) Treatment works approved by DEP designed in accordance with 314 CMR 5.00.

(8) The siting of the following land uses, unless designed in accordance with the performance standards specified below and in 310 CMR 22.21(2)(b):

- (a) Storage of sludge and septage, as defined in 310 CMR 32.05, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- (b) Storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- (c) Storage of commercial fertilizers, as defined in MGL c. 128, § 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- (d) Storage of animal manures, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- (e) Storage of liquid hazardous waste materials as defined in MGL c. 21E, and/or liquid petroleum products unless such storage is:
 - (i) Above ground level;
 - (ii) On an impervious surface; and
 - (iii) Either:
 - [a] In a container(s) or aboveground tank(s) within a building; or

[b] Outdoors in covered containers or an aboveground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity, or 110% of the largest container's storage capacity, whichever is greater.

However, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storage of gasoline, provided that the replacement is performed in a manner consistent with state and local requirements.

(f) Removal of soil, loam, sand, gravel or any other mineral substances within four feet of an historical high groundwater table elevation (as determined by the U.S.G.S.), unless the substances removed are either redeposited within 45 days of removal on site to achieve a final grading greater than four feet above the historical high water mark (except for excavations for the construction of building foundations or the installation of utility works, or wetlands restoration work conducted in accordance with a valid order of conditions issued pursuant to MGL c. 131, § 40) or conducted in accordance with other applicable local rules and regulations; and

(g) The land use that results in the rendering impervious of more than 15% or 2,500 square feet of any lot or parcel, whichever is greater, unless a system for artificial recharge of precipitation is approved that will not result in the degradation of groundwater quality.

10.3.7 Uses by special permit from Board of Appeals

A. In addition to those uses otherwise permitted by this Article, and not otherwise prohibited by this Bylaw, the following uses may be permitted in the Aquifer Protection District by special permit from the Board of Appeals in accordance with Article 14 and any additional conditions specified hereunder:

(1) Construction of a single-family dwelling in Zone 1 with on-site septic system on a lot of more than 80,000 square feet.

(2) Commercial and industrial uses, provided that:

(a) No more than 40% of the lot is rendered impervious and provided that if the use will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater, then a system for groundwater recharge must be provided which does not degrade groundwater quality;

(b) Roof, parking and drive runoff is recharged on site to the maximum extent practicable as determined by the Board of Appeals;

(c) The runoff from the parking and drive areas shall be discharged to petroleum trap catch basins with appropriate sumps prior to recharge;

(d) There shall be no manufacturing, storage, handling, use or transportation of hazardous wastes as defined in MGL c. 21C, as amended; and

(e) Hazardous material other than hazardous waste may be stored, handled, used or transported only upon conditions imposed by the Board of Appeals to safeguard the underground water supply.

(3) The application of fertilizers for uses that are nondomestic and noncommercial, provided that:

(a) Such application shall be made in such a manner as to minimize adverse impacts to surface water and groundwater due to nutrient transport and deposition or sedimentation.

(4) Injection wells.

B. Additional requirements.

(1) In addition to the requirements of Article 11.5, each application under this Article shall include the following information:

(a) A complete list of all chemicals, pesticides, fuels, and other hazardous materials to be used, handled or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect all storage containers/facilities from vandalism, corrosion and leakage, and to provide for control of spills.

(b) A description of hazardous wastes to be generated, indicating storage and disposal methods.

(c) Evidence of approval by the Massachusetts DEP of any industrial waste treatment or disposal system or any wastewater treatment system where such approval is required.

(2) In addition to the requirements of Article 11.5, the Board of Appeals shall refer copies of the application to the Conservation Commission, the Water and Sewerage Board, the Building Inspector and the Hazardous Waste Committee, if any, which shall review, either jointly or separately, the application and shall submit their recommendations to the Board of Appeals. Failure to make recommendations within 35 days of the referral of the application shall be deemed lack of opposition.

(3) In addition to the findings required under Article 14 11.5, prior to issuing a special permit under this Article, the Board of Appeals shall also find that the proposed use:

(a) Is in harmony with the purpose and intent of this Bylaw and will promote the purposes of the Aquifer Protection District;

(b) Is appropriate to the natural topography, soils and other characteristics of the site to be developed; and

(c) Will not, during construction or thereafter, have an adverse environmental impact on a primary aquifer or recharge area.

10.4 Solar Photovoltaic Facilities Overlay District (PVOD)

10.4.1 Purpose

The purpose of this Article is to promote and regulate the use of residential, commercial and municipal Solar Energy Systems (SES) within the Town of Medfield and encourage their location and use in a manner which minimizes negative visual and environmental impacts on scenic, natural and historic resources and to the residents of Medfield. In the event of conflicting language, the provisions set forth in this section shall take precedence over all other sections of the Medfield Zoning Bylaws when considering applications related to the construction, operation and/or repair of Solar Energy Systems.

10.4.2 Applicability

The requirements of this Article shall apply to all Solar Energy Systems installed or modified in a manner that materially alters the type, configuration, or size of these installations or related equipment after the effective date of this Article, excluding general maintenance and repair.

10.4.3 Solar Photovoltaic Overlay District

In order to allow new Solar Energy Systems (SES) to be located efficiently and in areas that will have the least visual and environmental impact, there is hereby created the following Town-wide Solar Photovoltaic Overlay District (PVOD) consisting of the following subdistricts:

- Large-Scale Ground-Mounted Solar Photovoltaic Overlay Subdistrict – This district shall consist of the following land and parcels: All land and parcels within the boundaries of the Industrial Extensive (IE) Zoning District shown on the Zoning Map and as described in Article 3 elsewhere in this Bylaw.
- Medium-Scale Ground-Mounted Solar Photovoltaic Overlay Subdistrict – This district shall consist of the following land and parcels: All land and parcels within the boundaries of the Industrial Extensive (IE), Business (B), Business Industrial (BI), Agricultural (A), and Medfield State Hospital District (MSHD) Zoning Districts shown on the Zoning Map and as described in Article 3 elsewhere in this Bylaw.
- Small-Scale Ground-Mounted Solar Photovoltaic Overlay Subdistrict – This district shall consist of the following land and parcels: All land and parcels within the boundaries of the Industrial Extensive (IE), Business (B), Business Industrial (BI), Agricultural (A), Medfield State Hospital District (MSHD), and all Residential (RE, RT, RS, RU) Zoning Districts shown on the Zoning Map and as described in Article 3 elsewhere in this Bylaw.
- Solar Parking Canopy Solar Photovoltaic Overlay Subdistrict – This district shall consist of the following land and parcels: All land and parcels within the boundaries of the Industrial Extensive (IE), Business (B), Business Industrial (BI), Agricultural (A), and Medfield State Hospital District (MSHD) Zoning Districts shown on the Zoning Map and as described in Article 3 elsewhere in this Bylaw.
- Roof-Mounted Solar Photovoltaic Overlay Subdistrict – This district shall consist of the following land and parcels: All land and parcels within the boundaries of the Industrial Extensive (IE), Business (B), Business Industrial (BI), Agricultural (A), Medfield State Hospital District (MSHD), and all Residential (RE, RT, RS, RU) Zoning Districts shown on the Zoning Map and as described in Article 3 elsewhere in this Bylaw.
- Municipal Solar Photovoltaic Overlay Subdistrict – This district shall consist of the following land and parcels: All municipally-owned land and parcels, buildings and structures within the boundaries of the Industrial Extensive (IE), Business (B), Business Industrial (BI), Agricultural (A), Medfield State Hospital District (MSHD), and all Residential (RE, RT, RS, RU) Zoning Districts shown on the Zoning Map and as described in Article 3 elsewhere in this Bylaw.

10.4.4 Scope of authority

The Solar Photovoltaic Facilities Overlay District (PVOD) shall be considered as overlying other use districts established by this Bylaw. Within the PVOD, the requirements of the underlying district continue to apply such as all uses permissible and as regulated within the underlying district, including uses requiring site plan approval and all uses permitted by special permit in the underlying district at that location may be allowed upon the issuance of a special permit by the designated special permit granting authority under such conditions as the Board may require, except as may be specifically superseded herein and in the table below.

Table 10.4.5

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

D. Roof-Mounted Solar Energy Systems of any size shall be permitted as a by-right accessory use in all use districts. The installation of Roof-Mounted Solar Energy Systems shall not be considered a change, extension or alteration that requires a finding by the Zoning Board of Appeals per M.G.L. c.40A s.6 if the Roof-Mounted Solar Energy System meets the following requirements:

- (1) comply with the regulations provided in this section; and
- (2) are located on properties with nonconforming uses or structures; and
- (3) does not increase the nonconformity of such nonconforming uses or structures except with respect to the dimensions of the Roof-Mounted Solar Energy System in question.

E. Municipal Solar Energy Systems: Notwithstanding the Solar Energy Use Provisions above, Solar Energy Systems, whether ground-mounted, parking canopy, or roof-mounted of any scale, may be installed as of right on municipally-owned or leased property in all zoning districts. Ground-mounted Solar Energy Systems on municipally-owned or leased land require site plan review. The same dimensional, design and general requirements that apply to privately installed and operated Solar Energy Systems shall apply to Solar Energy Systems installed on municipally-owned property.

F. Where Solar Energy Systems would be installed in a Historic District, the system shall require approval by the Historic District Commission.

10.4.6 Siting of Solar Energy Systems

The establishment of Large-Scale Ground-Mounted Solar Photovoltaic Array, Medium-Scale Ground-Mounted Solar Photovoltaic Array, and Parking Canopy Solar Photovoltaic Array shall be allowed by right in the Industrial-Extensive Zone and subject to site plan approval in accordance with § 300-11.6 and a building permit, provided that the following minimum requirements are met. Parking Canopy Solar Photovoltaic Arrays shall be allowed by special permit in Business and Business Industrial zones and are subject the site plan

approval and the following requirements.

- A. Site control. The project proponent shall submit documentation of actual access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.
- B. Operation and maintenance plan. The project proponent shall submit a plan for the operation and maintenance of the Large-Scale Ground-Mounted, Medium-Scale Ground-Mounted SES or Solar Parking Canopy, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
- C. Utility notification. No Ground-Mounted Solar Photovoltaic Array shall be constructed until written confirmation has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner's or operator's intent to install an interconnected customer-owned generator and its acceptance of the owner's or operator's request to connect to the grid. Off-grid systems shall be exempt from this requirement.

10.4.7 Dimension, density, and parking requirements

- A. For Large-Scale Ground-Mounted Solar Photovoltaic Arrays, front, side and rear setbacks shall be as follows:

- (1) Minimum lot area: 40,000 square feet.
- (2) Minimum front setback: 50 feet.*
- (3) Minimum side setback: 100 feet.*
- (4) Minimum rear setback: 50 feet.*
- (5) Maximum lot coverage: 90%.
- (6) Lot width, lot depth, perfect square: none required.
- (7) Height. Height shall be determined by each individual panel measured to the grade level beneath that panel and shall not exceed 18 feet from the preexisting natural grade.
- (8) Parking requirement. No additional parking is required for this use as long as there is no full-time on-site system operator required following installation of the large-scale solar photovoltaic installation.

- B. For Medium-Scale Ground-Mounted Solar Photovoltaic Arrays, front, sides, and rear setbacks shall be as follows:

- (1) Minimum lot area: 20,000 square feet.
- (2) Minimum front setback: 25 feet.*
- (3) Minimum side setback: 20 feet.*
- (4) Minimum rear setback: 20 feet.*

(5) Maximum lot coverage: 90%.

(6) Lot width, lot depth, perfect square: none required.

(7) Height: Height shall be determined by each individual panel measured to the grade level beneath the panel and shall not exceed 18 feet from the preexisting natural grade.

C. Small-Scale Ground-Mounted Solar Photovoltaic Arrays shall be constructed in accordance with the bulk and dimensional requirements applicable to accessory structures in the underlying district as defined in elsewhere in the Zoning Bylaw.

D. Parking Canopy Solar Photovoltaic Arrays shall be allowed where parking is permitted and shall be constructed in accordance with the bulk and dimensional requirements applicable to parking in the underlying district as defined in elsewhere in the Zoning Bylaw, except as otherwise provided herein:

(1) Setbacks: Parking Canopy Solar Photovoltaic Array of any size in any zone shall meet setback requirements for accessory structures in underlying zone.*

(2) If parking canopy abuts a Residential Use additional setbacks may be required at the discretion of the Planning Board.*

(3) Height: Height shall be determined by each individual panel measures to the grade level beneath the panel and shall meet height requirements in the underlying zone; not to exceed the height of the principal building structure. The minimum height should be 14' at the lowest point to allow for vehicles to pass below.

E. *Setbacks for Ground-Mounted Solar Photovoltaic Arrays or Municipal Solar Energy Systems may be increased or reduced if, in the opinion of the Planning Board based on evidence submitted by applicant, existing and/or proposed screening will be adequate to minimize visual impact (as described in § 300-19.10 10.4.10.D). Under no circumstance will setbacks be reduced to less than the dimensional requirements for the zoning district. A special permit may be granted by the Planning Board for by-right ground mounted systems for reduced setbacks.

F. For Roof-Mounted Solar Energy Systems or Municipal Solar Energy Systems dimensional requirements shall be as follows:

(1) Minimum lot area: None.

(2) Setbacks: Roof-Mounted Solar Energy Systems shall comply with existing setbacks. Setbacks from the roofline shall comply with safety requirements in the State Building, Electrical, and Fire Codes.

(3) Height: Roof-Mounted Solar Energy Systems shall be exempt from underlying height requirements, but shall not exceed 5' to the top of the SES when measured from the base of the roof to which the SES is affixed unless site plan approval allowing additional height is obtained from the Planning Board. Where the pitch of the roof is 15 degrees or greater, Roof-Mounted Solar Energy Systems shall be mounted parallel to the roof surface.

10.4.8 Appurtenant structures

All appurtenant structures to Ground-Mounted Solar Photovoltaic Arrays, including, but not limited to, equipment shelters, storage facilities, batteries or other electric storage, transformers and substations, should be screened from view from abutting properties and public ways by vegetation and/or joined or clustered, as

determined by the Planning Board, to avoid adverse visual impacts on abutting properties or public ways.

10.4.9 Design standards

- A. Lighting.** Lighting of Solar Energy Systems shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties. Lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- B. Signage.** Signs on Solar Energy Systems shall comply with the sign bylaw (Article 7.2), except that one additional sign no more than one square foot in area shall be required to identify the owner and provide a twenty-four-hour emergency contact information. Solar photovoltaic installations shall not be used for displaying any advertising except for identification of the manufacturer or operator of the solar photovoltaic installation.
- C. Utility connections.** All utility connections from the Solar Energy Systems shall be underground; provided, however, that the Planning Board may waive this requirement as part of its site plan approval based on soil conditions, shape, and topography of the site and/or any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

10.4.10 Safety and environmental standards for all ground mounted and parking canopy facilities

- A. Emergency services.** The Solar Energy System owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. The owner or operator shall coordinate and train local emergency services and develop an emergency response plan that includes a twenty-four-hour per day, seven days a week contact. The means to shut down the Solar Energy Systems will be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- B. Land clearing, soil erosion and habitat impacts.** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Solar Energy Systems or otherwise prescribed by applicable laws, regulations, and bylaws. Herbicides shall only be applied by properly licensed personnel. Mowing, grazing, or using geotextile materials underneath the solar arrays may be permissible alternatives and require Planning Board approval as part of the site plan review.
- C. Impact on agricultural and environmentally sensitive land.** The Solar Energy Systems shall be designed to minimize stormwater, temperature and other environmental impacts to agricultural and environmentally sensitive land, including abutting parcels, and to be compatible with continued agricultural use of the land whenever possible.
- D. Visual impact.** Structures shall be shielded from view by vegetation and/or joined and clustered to minimize adverse visual impacts. Landscaping, natural features, opaque fencing and other suitable methods shall be utilized. Solar Energy Systems permitted under this Bylaw are bound by the buffer requirements found in Article 5 of this Bylaw for parcels that adjoin residential districts. Additionally, a screening plan shall be submitted ensuring that the solar arrays and any appurtenant structures do not

create a glare concern for adjacent residences and are screened from roads and from adjacent lots by a minimum twenty-five-foot-wide buffer strip and shall contain a screen of plantings not less than five feet in width and six feet in height at the time of operation of the facility or such greater height as required by the Planning Board depending on the location of the site. The Planning Board may alter or waive this requirement if such screening would have a detrimental impact on the operation and performance of the array, or would prove to be ineffective for the site. A diversity of plant species shall be used, with a preference for species native to New England. Use of invasive plants, as identified by the most recent copy of the “Massachusetts Prohibited Plant List” maintained by the Massachusetts Department of Agricultural Resources, is prohibited.

- E. Noise. Noise generated by Solar Energy Systems and associated equipment and machinery shall conform to applicable state noise regulations, including the DEP’s Division of Air Quality noise regulations, 310 CMR 7.10.
- F. Security. Installation of fencing and or other access control measures shall be employed to limit access to the Solar Energy Systems to facility personnel and emergency responders. Outdoor access control measures shall be compatible with the character of the area in which they are installed and shall be approved by the Planning Board as part of the site plan review. In the application, the applicant shall provide a description of all access control measures planned for the proposed installation.

10.4.11 Monitoring and maintenance for all ground mounted and parking canopy facilities

- A. Solar Energy System conditions. The Solar Energy System owner or operator shall maintain the facility in very good condition. Maintenance shall include, but not be limited to, painting, structural repairs, trash removal, pest control, and integrity of security measures. Site access shall be maintained to a level acceptable to the Town Public Safety Officials. The owner or operator shall be responsible for the cost of maintaining the Solar Energy Systems and any access road(s), unless accepted as a public way.
- B. Modifications. Any modifications to a Solar Energy System made after issuance of the required building permit shall require approval by the Planning Board in accordance with § 300-11.2.
- C. Removal requirements.
 - (1) Any Ground-Mounted Solar Photovoltaic Array which has reached the end of its useful life or has been abandoned consistent with Subsection D of this Section shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board and Building Commissioner by certified mail of the proposed date of discontinued operations and plans for removal.
 - (2) Decommissioning shall consist of:
 - (a) Physical removal of all ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - (c) Stabilization and revegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation. Otherwise, the site shall be brought back to its original condition or better with new trees planted.

D. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Solar Energy System shall be considered abandoned when it fails to operate for more than six months without the written consent of the Planning Board. If the owner or operator of the solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may take appropriate enforcement action, including pursuing all available civil or criminal penalties.

E. Failure to comply with regulation. If an applicant fails to comply with the requirements of this regulation the Town may elect to enforce the regulation by revoking the license granted to the applicant, by entering the property and removing the installation, which expenses shall be paid by the applicant or landowner within 30 days of notice by the Town. If such expenses are not paid in full, the Town may impose a lien. In addition, the applicant or landowner shall be liable jointly and severally for all expenses the Town incurs in obtaining judicial enforcement of this Article.

10.4.12 Contents of application for large and medium scale ground mounted and parking canopy facilities

A. Prior to the issuance of a building permit for a Solar Energy System, plans for the proposed facilities shall be submitted to the Planning Board for site plan review. In addition to the requirements of § 300-11.6 for site plan approval, applications for a Solar Energy System shall also include:

- (1) A site plan showing:
 - (a) Property lines and physical features, including access roads for the project site.
 - (b) A locus map showing the site in relationship to the properties, easements, and roadways in reasonable proximity thereto, including buildings, structures driveway openings, off-street parking and all public or private ways.
 - (c) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation and structures.
 - (d) Elevations and/or photo simulations of the proposed facility from the nearest public way and possibly other locations at the discretion of the Planning Board.
 - (e) Drawings of the Solar Energy System signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures.
 - (f) One- or three-line electrical diagram detailing the Solar Energy System, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.
 - (g) A stormwater runoff evaluation that includes water and temperature impacts to receptors and a stormwater management plan to mitigate impacts.
 - (h) An erosion and sedimentation control plan.
 - (i) Documentation of the major system components to be used, including the panels, mounting system, and inverter.

(j) Name, address, and contact information for proposed system installer.

(k) Name, address, telephone number and signature of the project proponent, as well as all co-proponents and/or property owners, if any.

(l) The name, contact information and signature of any agents representing the project proponent.

(2) Documentation of actual or prospective access and control of the project site.

(3) An operation and maintenance plan.

(4) Documentation of the major system components to be used, including the electric generating photovoltaic panels, mounting system, inverter, etc. shall be provided [including applicable material safety data sheets (MSDS)].

(5) A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment, as appropriate, [including applicable material safety data sheets (MSDS)].

(6) A decommissioning plan in compliance with § 300-19.11 10.4.11.C.

(7) Zoning district designation for the parcel(s) of land comprising the project site [submission of a copy of a Zoning Map with the parcel(s) identified is suitable for this purpose].

(8) Proof of liability insurance.

(9) Description of financial surety as required by § 300- 10.4.11.E.

(10) Photometric plan for any required site lighting with specific cutsheet details.

(11) A rendering or photo simulation showing the proposed project at completion.

(12) Locations of wetlands and priority habitat areas defined by the Natural Heritage and Endangered Species Program (NHESP); the applicant shall provide evidence of compliance with these regulations.

(13) Plans showing provision of water, including that needed for fire protection.

(14) Plans showing existing trees of six inches caliper or larger.

B. The Planning Board may waive documentary requirements as it deems appropriate. All waiver requests must be written on the site plan.

10.4.13 Review of application

A. Notice of application to Planning Board shall be filed by the applicant with the Town Clerk, who shall date stamp it and forward a copy of the notice to the Planning Board. Upon receipt of an application, the Town Planner shall review it for completeness and file a determination of completeness or a notice of missing items with the Town Clerk within 21 days of the date stamped on the notice by the Town Clerk unless an extension of time is agreed to in writing by the applicant. A copy of this notice shall also be sent to the applicant.

B. Following the procedures and review criteria of § 300- 11.6 and the requirements of this Article, the

Planning Board shall review the application and file its site plan decision with the Town Clerk within 120 days of a determination of completeness by the Town Planner. Failure by the Planning Board to take final action and file its decision with the Town Clerk within the allotted time, unless an extension of time is agreed to in writing by the applicant, shall be deemed to be approval of the site plan.

10.4.14 As-built plans

Engineer-stamped as-built plans shall be submitted to the Building Commissioner before a certificate of completion or occupancy may be issued.

10.4.15 Changes in ownership

The Building Commissioner and Planning Board shall be notified at least 30 days in advance of any proposed change in the owner or operator of a large and medium ground-mounted and parking canopy solar photovoltaic installation, which notice shall include the contact information of the proposed new owner/operator. A change in ownership shall require advance approval by the Planning Board. Such approval shall not be unreasonably withheld and shall be based principally on the experience and financial strength of the proposed new owner.

10.4.16 Annual reporting

The owner or operator of the installation shall submit an annual report to the Building Commissioner and the Planning Board which certifies compliance with the requirements of this Bylaw and their approved site plan, including control of vegetation, stormwater, noise standards, emergency response and adequacy of road access, by January 15 of each year.

10.4.17 Severability

If any provision herein is determined to be unlawful, it shall be severed from this Article and all remaining provisions shall remain in force and effect.

Article 11 ADMINISTRATION AND ENFORCEMENT

11.1 Enforcement

It shall be the duty of the Board of Selectmen, which may appoint agents, the Building Commissioner and Zoning Enforcement Officer, to administer and enforce the provisions of this Bylaw.

11.1.2 Violations and penalties

A. The Building Commissioners or Zoning Enforcement Officers shall serve a notice of "violation and order" to any owner or person responsible for any violation of the provisions of the Bylaw or violation of any approved plan, information or certificate issued under the provisions of this Bylaw. Such order shall direct the discontinuance of the unlawful action, use or condition and the abatement of violation within a time to be specified by the Building Commissioner or Zoning Enforcement Officer. Any owner who has been served with a notice and who ceases any work or other activity shall not leave any structure or lot in a condition that is a hazard or menace to the public safety, health or general welfare. The Building Commissioner shall have the power to require that premises be put in safe condition or such condition that he directs to bring them into conformity with this Bylaw.

B. Except as set forth in § 300-7.2.E for violations of the Sign Bylaw, violation of any of the provisions of this Bylaw shall be fined not more than \$300 for each offense. Each day that such violation continues shall constitute a separate offense.

11.1.3 Prosecution of violations

If the notice of "violation and order" is not complied with promptly, the Building Inspector or Zoning Enforcement Officer shall request the Board of Selectmen to institute the appropriate action or proceeding at law or in equity to restrain and correct the violation.

11.2 Compliance

11.2.1 Permits required

It shall be unlawful for any owner or person to erect, construct, reconstruct, or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot without applying for and receiving from the Building Inspector or Board of Selectmen the required permit. For purposes of administration, the application procedure involving a permit for a structure or use may be made at the same time and combined with the permit required under the State Building Code. In addition to the plot plans and drawings required by the Commonwealth of Massachusetts State Building Code (prepared and certified to by a professional engineer and/or land surveyor), plans and information for signs and off-street parking and loading shall also be filed with the Building Inspector. An application for a permit in the Floodplain or Watershed Protection Districts shown on the Zoning Map shall meet all requirements of Articles 10.1 and 10.2.

11.2.2 Previously approved permits

Construction or operations under a building or special permit shall conform to any subsequent amendment of the Bylaw unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

11.2.3 Certificate of use and occupancy required

It shall be unlawful to use or occupy any structure or lot for which a permit is required herein until the owner applies for and receives from the Building Inspector a certificate of use and occupancy. Nothing herein shall negate the necessity of a use and occupancy permit required under the State Building Code.

11.2.4 Permit and certificate fees

Fees shall be established by the Board of Selectmen.

11.3 Board of Appeals

There shall be a Board of Appeals of three members and three associate members appointed as provided in MGL c. 40A, as amended, which shall act on all matters within its jurisdiction under this Bylaw in the manner prescribed in said Section, subject always to the rule that it shall give due consideration to promoting the public health, safety, convenience, and welfare, and conserving property values; that it shall permit no building or use injurious, noxious, offensive or detrimental to a neighborhood; special permits may be issued only for uses which are in harmony with the general purpose and interest of this Bylaw and shall be subject to general or specific provisions set forth herein; and that it shall prescribe appropriate conditions, safeguards and limitations on time or use.

11.3.1 Variances

The Board of Appeals shall have the power to grant variances in accordance with provisions of MGL c. 40A. Applications for a variance shall conform with the requirements of § 300-14.10A.

11.4 Planning Board

There shall be an elected Planning Board consisting of five members according to MGL c. 41, § 81A, and one associate member to be appointed by the Planning Board.

11.5 Special Permits

11.5.1 Special permits by Board of Appeals

Certain uses, structures or conditions are designated as "SP" in the Table of Use Regulations included as an attachment to this Bylaw. These uses require a special permit from the Board of Appeals, which may be obtained only by use of the following procedure. Special permits required by Article 8.1, Open Space Residential Zoning, Article 10.1, Floodplain District, and Article 10.2, Watershed Protection District, shall be exempt from the provisions of this Section and shall be governed by the provisions of Articles 8.1, 10.1 and 10.2.

A. Form of application.

(1) Any person desiring to apply for a special permit 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 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) A plot plan showing the boundary lines of the premises and the locations of structures thereon.
- (g) Plans showing any proposed construction, alterations or renovations of the premises for which the special permit 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) A summary of applicant's reasons for seeking the special permit.

(2) The Board of Appeals 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 Inspector, the Board of Health and the Planning Board, as required by Subsection A, it shall be deemed lack of their opposition thereto.

C. Hearing. The Board of Appeals 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 Board of Appeals as required by the Zoning Act.

D. The Board of Appeals 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 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:

(1) Overall design is consistent and compatible with the neighborhood, including as to factors of building orientation, scale, and massing.

- (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.
- (3) Drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
- (4) The proposed use will not have any significant adverse effect upon properties in the neighborhood, including property values.
- (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.
- (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. Single-family dwelling and two-family dwelling as a secondary use in conjunction with a principal use in the B District not otherwise requiring a special permit, shall be permitted subject to the following special conditions:

- (1) A special permit will be required.
- (2) The principal use to which the residential use is "secondary" must occupy all of the street and ground floor (with the exception of the area for stairs or elevator necessary to gain access to the upper floor residential use). This will not preclude that the business use may occupy all or part of any floor above the street or ground floor.
- (3) Residential off-street parking must be provided (See § 300- 7.1.1).
- (4) The residential use will be protected from offensive noise, vibration, electromagnetic interference, dust and other particulate matter, odorous matter, heat, glare, and other objectionable influences.
- (5) The area of the lot will not be less than 10,000 square feet.

G. Signs.

- (1) Upon proper application pursuant to Article 7.2, and after a public hearing following the procedure required by Subsection C, the Board of Appeals may grant a special permit to allow a sign to be erected that would otherwise not be permitted, if the Board concludes that a special permit is warranted by the application and the evidence produced at the public hearing and if the Board makes the following specific findings of fact:

- (a) The proposed sign will not have an adverse effect upon property values in the neighborhood.
- (b) The proposed sign is architecturally and aesthetically consistent with the other signs and structures in the area.
- (c) The proposed sign will not create any hazard to public safety or health in the neighborhood.
- (d) The proposed sign does not create a nuisance.

(2) In no case shall a special permit be granted for a sign specifically prohibited in any subsection of § 300- 7.2.3.

H. Conditions.

- (1) If the Board of Appeals elects to grant a special permit pursuant to this Article, it may impose conditions upon the granting thereof at its discretion. No building permit shall be granted for construction authorized by a special permit granted hereunder until plans have been submitted to the Building Commissioner which specify in detail the manner of compliance with any conditions set by the Board of Appeals.
- (2) The Board shall also impose the conditions specified below on the following uses:
 - (a) For the use of a travel trailer or mobile home located in any district, provided: any travel trailer or mobile home shall not be used for more than six months; no wheels, tires or other means of keeping the travel trailer or mobile home mobile shall be removed; any travel trailer or mobile home shall have a current state motor vehicle license; and no skirts, porches, fences or similar materials or equipment shall be added to any travel trailer or mobile home which would detract from its mobility. Each travel trailer or mobile home and its lot shall be subject to the requirements of the district.
 - (b) For the conversion to or location of a lodging house in the RU District, provided: it shall be limited to not more than five persons; it shall be located in the principal building; official residence shall be maintained therein by the owner of the premises; it shall be used for non-transients only.
 - (c) For bed-and-breakfast use, there shall be no more than four rooms used as guest rooms for no more than six short-term paying guests; parking shall be provided as required by § 300- 7.1.1; and signs shall conform to § 300- 7.2.8.G(3).
 - (d) For the use of a single-family dwelling in any R District for a home occupation, provided: not more than one nonresident shall be employed therein; the use is carried on strictly within the principal building; not more than 40% of the existing floor area, not to exceed 500 square feet, is devoted to such use; that there shall be no display of goods or wares visible from the street; there shall be no advertising on the premises other than a small nonelectrical sign not to exceed one square foot in area and carrying only the name and occupation of any occupant of the premises such as physician, artisan, teacher, day nurse, lawyer, architect, engineer, clergyman, accountant, osteopath, dentist, and similar occupations or professions; the buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance or in any other way; the building shall include no features of design not customary in buildings for residential use. Such uses as clinics, barber shops, beauty parlors, tea rooms, real estate offices, tourist homes, animal hospitals, kennels and others of a similar nature shall not be considered home occupations.

(e) For the planned business or industrial development of land for any permitted use in a B or BI District subject to the floor area ratio more than the maximum permitted in the Table of Area Regulations and less than the parking requirements contained in Article 8, provided: the tract in single or consolidated ownership at the time of application shall be at least three acres in size; a development plan shall be presented for the entire tract; the development shall be served by one common parking area, exit and entrance; the maximum floor area ratio shall not exceed 0.50; the parking space requirements shall not be reduced by 10% or more of the normal application requirements of the B or BI District.

(f) For the manufacturing or other industrial use of any lot in any I District, provided: the proposed use shall not emit any smoke of a shade darker than No. 2 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines; no air pollution particle concentrations shall exceed 0.3 grain per cubic foot; all inflammable or radioactive liquids shall be stored underground; the discharge of wastes shall be into a public sewer or the system subject to written approval of the Massachusetts Department of Public Health; vibration shall not exceed the safe range of Table 7, U.S. Bureau of Mines, Bulletin No. 442; there shall be no unusual or objectionable odor; no direct or sky-reflected glare shall be permitted; and all materials shall be stored within a completely enclosed building.

(g) For the use of land or the erection and use of any building or other structure in any district for a principal or accessory use where the provisions for a Bylaw cannot reasonably be interpreted to provide anywhere in this Bylaw for such use, provided: the Board determines in each instance such use shall be essential to the general welfare of the Town; they shall be permitted only in a district where uses similar to the use shall be permitted; the use shall be subject to all provisions prescribed in this Bylaw for the district in which the similar use is provided for as a permitted use.

(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 6.

(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.

I. Accessory dwelling unit in single-family dwelling; provisions applicable to a special permit for an accessory dwelling unit in a single-family dwelling only.

(1) The purpose of permitting an accessory dwelling unit in a single-family dwelling, in accordance with the conditions set forth below, is to encourage preservation and maintenance of the larger older houses

in Medfield and to increase the supply of affordable housing without significantly changing the character of existing residential areas.

(2) If it makes the findings set out in Subsection E(1) through (10) and subject to such conditions as the Board of Appeals shall elect to impose pursuant to Subsection F, the Board of Appeals shall issue a permit for an accessory dwelling unit in a single-family dwelling unit if it makes the following findings and subjects the permit to the conditions required by this Section:

- (a) The house was in existence prior to 1938.
- (b) The house has a minimum of 2,000 square feet of existing floor area.
- (c) The house meets the lot area requirement for a single-family dwelling in its district.
- (d) An addition to the house of up to 10% of the existing floor area shall be allowed in the rear or side yard, provided the addition is architecturally consistent with the existing house.
- (e) Except as regards item (d) above, the exterior of the house shall not be altered except for restoration consistent with the existing architecture and exits required by law, which exits shall be in the rear or at the side of the house.
- (f) The accessory unit shall have a minimum floor area of 500 square feet, plus 100 square feet for each bedroom over one.
- (g) The accessory unit shall have a bathroom and a kitchen or kitchenette.
- (h) Off-street parking shall be provided as required in § 7.1.1, in addition to spaces required for the existing dwelling.
- (i) The owner of the house must occupy the house or the accessory unit, except for bona fide temporary absences of up to one year.
- (j) The special permit shall be a personal permit restricted to the individual owner-applicant and shall terminate when said owner-applicant ceases to own the dwelling.
- (k) In the event of a change of ownership of a house for which a special permit has been issued for an accessory unit, the new owner or holder of a purchase-and-sale agreement with the owner may apply for a renewal of the special permit.

(3) This Section has been included in the Bylaw in order to permit family apartments in residential districts, and, in the Business District, to provide housing for family members within the home of another member of their family when situations such as the age, physical condition or financial circumstances of a member of the family of a person occupying what would otherwise be a single-family dwelling make it necessary or desirable for the establishment of separate living quarters within that dwelling for said family member. The Board of Appeals may grant a special permit for a family apartment as defined in § 300-2.1 if it finds that the use is aesthetically consistent with other structures in the neighborhood and that said use is consistent with the purpose of this Section as set forth above.

(4) Said special permit may be issued subject to such conditions as the Board of Appeals may deem appropriate and shall terminate upon the happening of any of the following events:

- (a) Sale of the property.

(b) Death of those persons occupying the family apartment;

(c) Permanent change of domicile of all of the persons occupying the family apartment from said family apartment to some other location either within or without the Town of Medfield.

11.5.2 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 consistent and compatible with the neighborhood, including as to factors of building orientation, scale, and massing.
- (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.
- (3) Drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
- (4) The proposed use will not have any significant adverse effect upon properties in the neighborhood, including property values.
- (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.
- (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) The common party wall shall connect 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).

- (2) There shall be no more than two garage bays (or two interior parking spaces as defined by the Zoning Bylaw) per unit and they should be oriented so that they are in character with the surrounding properties.
- (3) Each dwelling unit has access to private yard, patio, or other private outdoor space.
- (4) The Planning Board, in its discretion, may require additional screened buffer zone for the privacy of adjacent properties. Screening can include use of existing trees and plants, new vegetation, fencing, or a combination of these options.
- (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.
- (6) Adequate provisions for snow removal or on-site storage should also be demonstrated.

G. Multifamily dwelling developments shall be permitted subject to the following special criteria:

- (1) The development of multiple dwellings does not detract from the livability, scale, character or economic value of existing residential neighborhoods.
- (2) There shall be no more than two garage bays (or two interior parking spaces as defined by the Zoning Bylaw) per unit and they should be oriented so that they are in character with the streetscape and surrounding properties.
- (3) Each dwelling unit should have access to private yard, patio, or other private outdoor space.
- (4) Negative visual impacts of the development, if any, are screened from adjacent properties and nearby streets by landscaping or other site planning techniques. The Planning Board, in its discretion, may require additional screened buffer zone for the privacy of directly abutting properties. Screening can include use of existing trees and plants, new vegetation, fencing, or a combination of these options.
- (5) Each parking space or driveway serving a multifamily 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.
- (6) Adequate provisions for snow removal or on-site storage should also be demonstrated.
- (7) The access, egress, and internal circulation are designed to provide a network of pedestrian-friendly streetscapes.
- (8) The dwellings are sited and oriented in a complementary relationship to: each other, the common open space, and the adjacent properties with respect to scale, mass, setback, proportions and materials.

H. Historic preservation incentive for two-family dwellings in the RU Zoning District.

- (1) A special permit pursuant to § 300-11.5.2 A through F for a proposed project that preserves a structure that has received a determination from the Medfield Historical Commission that the structure is a "historically significant structure" (as defined by Town Code § 150-13, as the same may be amended from time to time) may allow a lot coverage of up to 30% upon finding the property complies with the following criteria:

(a) As to the existing historic structure, the project:

- (i) Preserves the primary part of the existing historic structure, particularly that portion which is visible from the street, integral to the historic character of the property and important for its relationship to neighboring structures.
- (ii) Preserves the historic structure's existing scale, massing, height, setback, orientation, roofline, materials, and architectural details.
- (iii) Maintains the size, type and spacing of existing windows and doors.
- (iv) Maintains any historic outbuildings on the property whenever possible.

(b) It shall be a prerequisite to requesting such increased lot coverage that the applicant shall have submitted to Medfield Historical Commission information relating to the historical features of the structure to enable the Commission to make a determination as to whether such structure is a "historically significant structure." Where such increased lot coverage is sought, a copy of the Commission's determination must be included in the applicant's application for a special permit pursuant to § 300-11.5.2 A through F.

(2) As to new construction directly related to an existing historic structure, the new construction respects and reflects the scale, massing, roof forms, materials, windows, doors, and other architectural details of the related historic structure.

I. 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 (6) 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 Subsections E, F, and G of this Section.

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

11.5.3 Duty to supply plans and specifications

The furnishing of all plans and specifications necessary to all boards and authorities as required by this Article shall be the obligation of the applicant. Each board or authority shall immediately return to such applicant a dated receipt in duplicate describing the documents received. Such receipt shall be *prima facie* evidence of delivery and date of delivery. A copy of each receipt shall be presented to the Board of Appeals or the Planning Board at least two weeks before the date set for the hearing of the application.

11.5.4 Special permit time limits

The recipient of a special permit shall apply for a building permit within two years of the date of authorization by the special permit granting authority or the special permit will become null and void. Any work for which any permit has been issued by the Building Inspector shall be actively prosecuted within 90 days and completed within one year of the date of the issuance of the special permit. Any special permit issued for a project which is actively prosecuted for one year may be extended up to an additional year at the

discretion of the Board of Selectmen.

11.6 Site Plan Approval

The purpose of site plan approval is to ensure that plans for the design and layout of certain permitted developments conform to all the Town's Bylaws and regulations, by requiring that the plans be approved and signed by the Planning Board before a building permit may be issued by the Building Commissioner.

- A. No building, except a single-family dwelling, shall be constructed or expanded in ground area, no residential use shall be changed to a nonresidential use, and no nonresidential use shall be changed to another, substantially different, nonresidential use except in conformance with this § 300-11.6. For the purposes of the preceding sentence, it shall be the Planning Board which makes the determination whether a proposed nonresidential use is substantially different from the existing nonresidential use. A one-time only construction contained within a total ground floor area not exceeding 500 square feet is exempt from the provisions of this subsection. The Planning Board shall adopt and from time to time shall amend rules and fee schedules relative to the issuance of site plan approval and shall file a copy of said rules and fee schedules in the office of the Town Clerk.
- B. Hearing. The Planning Board shall, at the expense of the applicant, give notice of a public hearing as required by the Zoning Act of Massachusetts General Laws 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 of Massachusetts General Laws.
- C. Site plan approval shall be granted upon determination by the Planning Board that the plan conforms to the following standards. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to ensure such conformance. To the extent feasible, new building construction or other site alteration shall be designed, after considering the qualities of the specific location, the proposed land use and buildings, grading, egress points, and other aspects of the development, so as to meet these objectives:
 - (1) For multifamily site plans for which more than one structure is proposed, placement of structures on the site is appropriate to the site and compatible with its surroundings. To achieve this finding the Board shall review the proposal for:
 - (a) There shall be no more than two garage bays (or two interior parking spaces as defined by the Zoning Bylaw) per unit and they should be oriented so that they are in character with the streetscape and surrounding properties.
 - (b) Each dwelling unit should have access to private yard, patio, or other private outdoor space.
 - (c) Negative visual impacts of the development, if any, are screened from adjacent properties and nearby streets by landscaping or other site planning techniques. The Planning Board, in its discretion, may require additional screened buffer zone for the privacy of directly abutting properties. Screening can include use of existing trees and plants, new vegetation, fencing, or a combination of these options.
 - (d) Each parking space or driveway serving a multifamily 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.

- (e) Adequate provisions for snow removal or on-site storage should also be demonstrated.
- (f) The access, egress, and internal circulation are designed to provide a network of pedestrian-friendly streetscapes.
- (g) The dwellings are sited and oriented in a complementary relationship to: each other, the common open space, and the adjacent properties.

(2) The proposed use will not result in a public hazard due to substantially increased vehicular traffic or due to inadequacy of the structure or configuration of the road(s) directly serving the site.

(3) The proposed use will not create any danger of pollution to public or private water facilities.

(4) The methods of drainage at the site are adequate and meet the standards of the Subdivision Rules and Regulations of the Town of Medfield.

(5) No excessive noise, light or odor shall be emitted.

(6) The site plan and proposed use(s) conform to all requirements of the Zoning Bylaw of the Town of Medfield.

D. No building permit shall be granted for construction authorized by approval granted hereunder until plans have been submitted to the Building Inspector **Commissioner** which specify in detail the manner of compliance with any conditions set by the Planning Board.

E. Lapse. Site plan approval shall lapse after one year from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

F. Appeal periods. Appeals shall be conducted in accordance with applicable law.

11.7 Appeals

A. Any appeal to the Board of Appeals to any order or decision relative to this Bylaw shall be made in conformance with the conditions set out by the Zoning Act. All such appeals shall be conducted in accordance with the Zoning Act.

B. Any person aggrieved by a decision of the Board of Appeals or the Planning Board or the Board of Selectmen may petition the court within the period of time set forth in the Zoning Act.