



## TOWN OF MEDFIELD MEETING NOTICE

Posted:

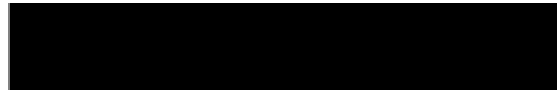
Town Clerk

Posted in accordance with the provisions of M.G.L. c. 30A, §§18-

This meeting will be held in a hybrid format. Members of the public may attend the meeting may do so in person or via Zoom by one of the following methods:

1. To join online, use this link:  
<https://medfield-net.zoom.us/j/86784501182?pwd=NSStcGY0NXIvS1E5azBETjZuSE8yQT09>
  - a. Webinar ID: 867 8450 1182
  - b. Password: 057865
2. To join through a conference call, dial 309-205-3325 or 312-626-6799 or 646-931-3860 or 929-436-2866 or 301-715-8592 or 386-347-5053 or 564-217-2000 or 669-444-9171 or 669-900-6833 or 719-359-4580 or 253-215-8782 or 346-248-7799
  - a. Enter the Webinar ID: 867 8450 1182
  - b. Enter the password: 057865

### Warrant Committee



PLACE OF MEETING	DAY, DATE, AND TIME
Medfield Town House 459 Main Street, Medfield MA Second Floor, Chenery Hall Also available via Zoom	Tuesday, March 25, 2025 at 7:00 pm

### Agenda (Subject to Change)

Call to Order, Confirmation of Quorum and Disclosure of Video Recording

Approval of March 11, 2025 Meeting Minutes

Discussion of Updated 2024-2025 Calendar and Meeting Minute Responsibility

Discussion of Overlay

Discussion of status of final FY 2026 Department Budgets

Discussion of draft Co-Chair Letter for Warrant Report

Update of Town Meeting Warrant Articles

Discussion of Warrant Articles

- Senior and Veterans Exemption and Tax Work-Off Amendment
- Danielson Pond Dam
- Conservation Trust Fund appropriation
- Accessory Dwelling Units

Town Finance Update

Committee Updates

- Capital Budget Committee
- School Building Committee

Informational Items

Other Topics Not Reasonably Anticipated 48 Hours Prior to the Meeting



**MEDFIELD WARRANT COMMITTEE**

**A MESSAGE TO RESIDENTS FROM  
CO-CHAIRS STEPHEN CALLAHAN &  
ROBERT SLINEY**

**TOWN OF MEDFIELD WARRANT COMMITTEE**

**2024/2025 MEMBERSHIP**

**TERMS EXPIRING IN 2025**

Stephen Callahan (Co-Chair)

Peter Michelson

Brent Nelson

**TERMS EXPIRING IN 2026**

Ashley Leduc

Emily McCabe

Jillian Rafter

**TERMS EXPIRING IN 2027**

Peter Saladino

Robert Sliney (Co-Chair)

Edward Vozzella



## MEDFIELD WARRANT COMMITTEE

### A MESSAGE TO RESIDENTS FROM CO-CHAIRS STEPHEN CALLAHAN & ROBERT SLINEY

Dear Resident,

In preparation for the Town of Medfield's Annual Town meeting on **May 5, 2025**, we are pleased to present the Warrant Committee's recommendations on each warrant article. For each article, we present a brief explanation and the vote of the Warrant Committee.

#### **BUDGET OVERVIEW**

This year marks the eighth consecutive year we have achieved a balanced budget without an operational override. However, school and town officials faced challenges in meeting the Warrant Committee's FY 2026 Budget Guidance increases of 3.4% and 3.5%, respectively, over the FY 2025 approved budgets. Both school and town departments each have important unmet needs (including new personnel positions) in their final budgets. Shared costs, especially employee health insurance rates, have increased significantly, **growing at an unsustainable 16.92%**. The FY 2026 town budget includes the results of a Select Board vote to accept a federal grant and add four Firefighter/Paramedics to the Fire Department budget. Most of this increase will be offset by a three- year federally funded grant. Recent increases in shared and departmental costs and the expected expiration of federally funded grants will make it increasingly difficult to maintain the current level of town services within the current revenue framework.

The FY 2026 budget is balanced and meets the necessity of covering current operating expenses with current operating revenues. ***We continue our financial policy of only using Free Cash for one time needs such as capital and stabilization funds rather than foreseeable operating needs.*** The town continues to rebuild the general stabilization fund to help with an unanticipated economic downturn or emergency.

The Warrant Committee recommends support for the Municipal and School departments FY 2026 Operating and Capital Budgets. These budgets proposed by Town and School Administrations and advanced by both the Select Board and School Committee, respectively, allow Medfield to meet its contractual obligations, address current needs and move forward the priorities of the Town of Medfield.

#### **FINANCIAL MANAGEMENT POLICIES**

In the summer of 2024, members of the WC began meeting with Town officials to update our [Financial Management Policies and Objectives](#). The objective is to document policy and procedures to ensure "that financial management is conducted with the objective of safeguarding public funds, protecting the town's assets, and complying with financial standards and regulations." The updates reflect many of the best practices and changes in our budget process over the past few years, aimed at achieving sustainable budget guidance for the overall municipal and school department budgets. An addition to this year's Warrant Report is a **Financial Scorecard** ([Link](#)) which reports on the Financial Policy Standards outlined in the policy document (FY 2025 Actual vs. FY 2026 Proposed). As reflected in the scorecard the town continues to be within its stated targets; compliance with policy and meeting financial targets are important to maintaining a favorable bond rating as we anticipate future exempt debt borrowing costs.



## MEDFIELD WARRANT COMMITTEE

### A MESSAGE TO RESIDENTS FROM CO-CHAIRS STEPHEN CALLAHAN & ROBERT SLINEY

Since the 2024 Annual Town Meeting, the WC has held thirteen regularly scheduled public meetings to openly discuss the budget process, the operating budgets of the Town municipal and school departments, other financial matters, and Town warrant articles. These meetings were held in person to encourage input from town residents and article sponsors. To finalize our recommendations, the WC held a public hearing on April 1, 2025 with town and school officials and Warrant Article sponsors. You can review these meetings on Medfield TV's YouTube Channel and the meeting minutes are available on the WC website.

### OUTLOOK AND CHALLENGES

While the current operating budget is balanced without the need for a Prop 2 ½ override we **expect future operating budgets will be severely tested as costs increase (e.g., expiration of teachers collective bargaining agreement at the end of FY 2026) and State aid not keeping pace with wage inflation and cost increases.** Relief may come from continued diversification of our tax base with developments that minimize future burdens on Town services. **A proposed new elementary school project and other building capital needs (discussed below) will result in a significant increase in property taxes if ultimately approved by Town Meeting and voters.**

The Town has recently completed a process to update its 20-year building capital plan (last done in 2017). The draft report captures updated estimated costs for these capital projects for roof replacements, windows, exterior and HVAC needs. It also identifies those which have become Priority One - critical needs that are recommended to be addressed in the next two years. **For example, one such need is roof replacements on our school buildings (excluding Dale Street) estimated at \$19 million in the next two years. The Town does not have the ability to fund this and other significant building projects in the 20-year capital plan without debt exemption override votes.** Over the next few months, the town will review the study and establish priorities for school and town buildings. During our discussions, the Warrant Committee expressed concern about delays in completing these projects, their financial implications, and any potential implications to future operations of these buildings. There are many other capital projects besides the replacement of Dale Street Elementary School that need serious consideration and evaluation, and it will be up to the Select Board to set those priorities with the involvement of other committees and residents in that decision-making process.

Before you, this year there are two non-financial articles on zoning matters (including flood plain zoning and accessory dwelling units). Your input is vital, please review our reports included in the Warrant, as well as the Warrant Committee website ([www.town.medfield.net](http://www.town.medfield.net)) where meeting minutes and recordings are available or scan the QR code below.



## MEDFIELD WARRANT COMMITTEE

### A MESSAGE TO RESIDENTS FROM CO-CHAIRS STEPHEN CALLAHAN & ROBERT SLINEY

#### **COMMUNITY ENGAGEMENT**

We want to thank all the town and school officials and department heads who met with us along with our elected town officials as we prepared our recommendations for town meeting. Our meetings and discussions were open, informative, and guided us in understanding the priorities and needs of the town. All of us worked together to provide the residents with balanced and sustainable municipal and town budgets using thorough information and data which have become the basis for our warrant article recommendations.

The work and contributions of the WC deserve special recognition. Our members spent a lot of time attending evening meetings and asked well thought-out and insightful questions. We are honored to be able to serve with this team which provides such highly valued service to the town.

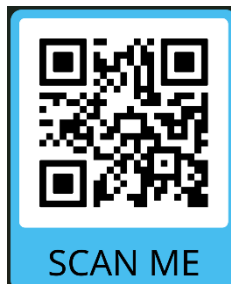
The financial challenges for the town, both operating and long term cannot be addressed without the full cooperation of the Select Board, town and school departments, and the committees throughout the town, many of which are volunteers. This includes our fellow WC members who have committed their time and talents to provide you, the governing body of our town, with input on which you can make an informed decision. The Town Meeting is a unique privilege for us as citizens of Medfield to take an active part in your government and protect what for many of us is our largest asset, our home.

**We value your voice. Your participation in Town Meeting helps shape the future of Medfield. We look forward to seeing you on May 5, 2025.**

If you would like to learn more about the Town of Medfield's finances, a fiscal update and this year's articles please watch a recording on Medfield TV for an update from the Warrant Committee.

**Stephen Callahan, Co-Chair**

**Robert Sliney, Co-Chair**



## Menu



Mass.gov

Search Mass.gov

SEARCH

[\(/\)](#) > [Division of Local Services \(/orgs/division-of-local-services\)](#) > [DLS Publications and Financial Tools \(/dls-publications-and-financial-tools\)](#)

# Highly Recommended: Understanding the Overlay and Overlay Surplus

This article provides guidance to assist local officials understand how the overlay and overlay surplus work in order to help local governments maintain fiscal responsibility and accountability.

## Author: Financial Management Resource Bureau

The overlay account is a key component of municipal finance that is designed to fund abatements and exemptions of committed real and personal property taxes for any fiscal year. Abatements arise due to requests to lower property tax assessments, while exemptions are tax reductions for certain eligible individuals, such as veterans or seniors. The overlay funding amount is determined by the board of assessors and may be raised in the tax rate without appropriation. Understanding how the overlay works can help local governments maintain fiscal responsibility and accountability.

As part of the annual budget process, the assessors should be analyzing the overlay's fund balance to determine whether it is adequate—this can be calculated by taking into consideration account balance, the average of abatements and exemptions granted in the previous five fiscal years and any liability associated cases pending before the Appellate Tax Board (ATB) cases. If the account balance is not adequate, the assessors can raise additional funds required through the tax rate setting process without appropriation. The entire finance team should be part of this process, as it has direct impact on the ensuing fiscal year's budget.

During the course of the fiscal year, abatements and exemptions are granted. Once the fiscal year ends, the assessors will know the final amount paid out. Whenever the board determines that there is excess overlay, the surplus can either stay in the reserve or be voted to overlay surplus by the assessors for other use by the municipality with approval of the legislative body. If the board votes to certify a surplus, they must notify the accounting officer in writing of their vote. If the amount released from the overlay as surplus is not appropriated prior to June 30, it will be closed to the undesignated fund balance in the general fund and in most cases will increase free cash.

The amount of excess overlay, if any, may be determined by the assessors on their own motion at any time and must be determined by them within ten days of a written request by the community's chief executive officer.

To ensure fiscal responsibility, municipalities should adopt strong financial policies that guide the decision-making process when determining the overlay as well as what to do with any overlay surplus. The following best practices can help municipalities stay accountable and responsible when planning for and using the overlay fund.

1. **Strong budgeting practices** - Municipalities should estimate the overlay amount conservatively based on historical data and anticipated changes in the local property tax base, as well as consider if it is an interim or full valuation year.
2. **Annual review of overlay fund usage** - Regular reviews should be conducted to assess the adequacy of the overlay fund and ensure that the amount set aside is sufficient to cover anticipated abatements and exemptions. An annual review of the overlay fund allows municipalities to adjust their projections for the following year, ensuring the amount of funds is neither excessive nor insufficient.
3. **Clear documentation and reporting** - Municipalities must document and report the use of overlay and surplus funds. This includes providing detailed reports about any abatements or exemptions granted and the resulting impact on the overlay account.
4. **Strategic use of overlay surplus** - While Massachusetts law provides flexibility in the use of overlay surplus funds, municipalities should be cautious in their decision-making process. Any declared surplus should be used for one-time expenses. Any decision to use the surplus should be supported by locally accepted financial policies.

When measuring the annual overlay appropriation as a percent of the property tax levy, the average has consistently been between 0.8% and 1% for the past five years. Take advantage of DLS' data on this subject by visiting the [Municipal Financial Self-Assessment dashboard](https://dls.gateway.dor.state.ma.us/reports/rdPage.aspx?rdReport=Dashboard.Cat_1_Reports.OL1PerLevy351) (/info-details/municipal-financial-self-assessment) and the Databank [report](https://dls.gateway.dor.state.ma.us/reports/rdPage.aspx?rdReport=Dashboard.Cat_1_Reports.OL1PerLevy351) (https://dls.gateway.dor.state.ma.us/reports/rdPage.aspx?rdReport=Dashboard.Cat\_1\_Reports.OL1PerLevy351) showing the overlay as a percentage of the tax levy.

## Helpful Resources



# DLS

DIVISION OF LOCAL SERVICES  
MA DEPARTMENT OF REVENUE

Michael J. Heffernan  
Commissioner of Revenue

Sean R. Cronin  
Senior Deputy Commissioner

## Informational Guideline Release

---

Bureau of Accounts  
Informational Guideline Release (IGR) No. 17-23  
August 2017

**Supersedes IGR 16-104 and Inconsistent Prior Written Statements**

### **OVERLAY AND OVERLAY SURPLUS**

**Chapter 47, § 31 of the Acts of 2017  
(Amending G.L. c. 59, § 25)**

This Informational Guideline Release (IGR) informs local officials about a change made by an outside section of the Fiscal Year 2018 State Budget that allows the overlay account to be charged for required interest paid on abatement refunds.

Topical Index Key:

Accounting Policies and Procedures  
Special Funds

Distribution:

Assessors  
Collectors  
Treasurers  
Accountants/Auditors  
Selectboards/Mayors  
City/Town Managers/Administrators  
Finance Directors  
Finance Committees  
City/Town Councils

**Supersedes IGR 16-104 and Inconsistent Prior Written Statements**

**OVERLAY AND OVERLAY SURPLUS**

**Chapter 47, § 31 of the Acts of 2017  
(Amending G.L. c. 59, § 25)**

**SUMMARY:**

These guidelines explain a recent amendment made by an outside section of the Fiscal Year 2018 State Budget that allows the overlay account to be charged for interest due and payable on abatement refunds. St. 2017, c. 47, § 31. They also generally explain the statutory standard for maintaining an adequate overlay and the actions the Commissioner of Revenue (Commissioner) may take when approving a tax rate or determining available funds (free cash) to ensure compliance with that standard.

Overlay is a single account to fund abatements and exemptions of committed real and personal property taxes for any fiscal year. The overlay amount is determined by the board of assessors (assessors) and may be raised in the tax rate without appropriation. Excess overlay is determined, certified and transferred by vote of the assessors to a Fund Balance Reserved for Overlay Released by the Assessors for Expenditures (overlay surplus). Overlay surplus may then be appropriated by the legislative body for any lawful purpose until the end of the fiscal year, *i.e.*, June 30. Overlay surplus not appropriated by year-end is closed to the general fund undesignated fund balance. G.L. c. 59, §§ 23 and 25.

Under the amendment, the overlay may now be charged for interest due taxpayers when abatements of paid taxes result in refunds. Previously, the interest was charged to an appropriation for that purpose, such as a short-term interest or treasurer's general expense appropriation. No municipal action is necessary to implement this change. It is effective for any abatement granted on or after July 1, 2017 that generates an overpayment refund and interest obligation.

These guidelines are in effect and supersede Informational Guideline Release (IGR) No. 16-104, *Overlay and Overlay Surplus*, and any inconsistent prior written statements or documents.

**GUIDELINES:**

**I. BUDGETING OVERLAY**

**A. Assessors' Determination**

Cities, towns and tax levying improvement districts must maintain an adequate balance in the overlay account to fund anticipated property tax abatement, exemption and receivable exposure for all fiscal years.

As part of the annual budget and tax rate process, the assessors must analyze the balance in the overlay account and determine whether it is adequate to fund anticipated property tax abatements, exemptions and receivables during the upcoming fiscal year in addition to existing abatement, exemption and receivable exposure for all previous fiscal years. If the account balance is not adequate, the assessors may raise any additional amount required in the municipal or district tax rate for the year without appropriation. G.L. c. 59, § 25. Assessors should provide the amount they intend to raise to their local budget officials during the annual budget process.

Appropriation into the overlay account is not recommended except to fund an anticipated overlay deficit. See Sections II-B and III-G below.

## **B. Commissioner's Approval**

In order to approve the annual tax rate, the Commissioner must determine that the overlay account balance is reasonable, *i.e.*, adequate to cover anticipated abatements and exemptions and property tax receivables for all fiscal years. G.L. c. 59, § 25. The reasonableness of the account balance will be judged based on the following factors:

- The account balance as of June 30 of the previous fiscal year.
- Abatements and exemptions granted and payments made for prior fiscal years from July 1 to the date the tax rate is submitted.
- The average of granted abatements and exemptions and outstanding receivables for the five previous fiscal years.
- Whether local assessments are scheduled for review and certification by the Department of Revenue. G.L. c. 40, § 56.
- The potential abatement liability in cases pending before, or on appeal from, the Appellate Tax Board (ATB).
- Other significant factors known to the Commissioner.

## **II. PROCESSING ABATEMENTS**

### **A. Overlay Charges**

The overlay account is charged for the following:

- Abatements of real and personal property taxes assessed and committed under G.L. c. 59. Property taxes include omitted assessments under G.L. c. 59, § 75, revised assessments under G.L. c. 59, § 76, supplemental assessments under G.L. c. 59, § 2D, pro rata pro forma assessments under G.L. c. 59, § 2C and annual taxes assessed on land classified under G.L. c. 61 (forest), c. 61A (agricultural and horticultural) and c. 61B (recreational).

- Interest on abatements of paid real or personal property taxes refunded to taxpayers.
  - If the assessors' abatement of the paid tax results in the refund, interest is calculated from the due date or actual date of the payment that resulted in the tax, as abated, being paid, whichever is later, to the refund date. G.L. c. 59, § 69. If the ATB orders the abatement that results in the refund, the interest is calculated from the actual payment date. G.L. c. 58A, § 13 and c. 59, § 64.
- Exemptions from real and personal property taxes assessed and committed under G.L. c. 59.
- Municipal share of federal Social Security and Medicare taxes on real property tax abatements earned by seniors or veterans in a community that has adopted the senior work-off abatement program under G.L. c. 59, § 5K, or the veteran work-off abatement program under G.L. c. 59, § 5N, and has not budgeted those taxes.

Abatements or exemptions of other taxes, including motor vehicle, boat and farm animal excises, roll-back and conveyance taxes assessed under G.L. c. 61, 61A and 61B, community preservation surcharges, betterments and special assessments, are treated as adjustments to the revenue account. Revenue is also adjusted to account for any amount by which the real and personal property tax levy for the fiscal year exceeds the tax commitment.

**B. Overlay Deficits**

If at the end of any fiscal year, the total of all years' abatements and exemptions charged to the overlay account during that year exceed the account balance, the resulting deficit must be raised in the next annual tax rate unless otherwise funded by appropriation. See Section III-G below.

**III. DETERMINING OVERLAY SURPLUS**

The assessors may transfer excess amounts in the overlay account that are no longer needed to cover potential abatements, exemptions and uncollectible taxes to overlay surplus.

**A. Calculation of Excess Overlay**

**1. Statutory Definition**

Excess overlay is the amount of the overlay account that exceeds:

- a. Property Tax Receivables – The total real and personal property taxes, including omitted and revised assessments, (1) still outstanding against the collector's warrant (property tax receivables) for all prior fiscal years, and (2) anticipated to be outstanding against the collector's warrant for the current fiscal year. Outstanding real property taxes secured by a tax title need not be included, except for an amount, if any, the assessors estimate may be abated as uncollectible after tax title disclaimer.

PLUS

- b. Potential Abatements - The assessors' estimate of the amount of (1) potential abatements and exemptions of paid property taxes for all prior fiscal years and (2) anticipated abatements and exemptions of committed property taxes for the current fiscal year.

**Example 1.**

Facts:

- The overlay account balance June 30 at the end of FY1 is \$2,000,000.
- All outstanding real estate taxes for years before FY1 have been moved into tax title accounts.
- Outstanding real estate taxes for FY1 are \$900,000 and are not yet in tax title.
- Outstanding personal property taxes for FY1 and all prior years are \$300,000.
- All abatement and exemption applications for FY1 have been processed, but there are several appeals for FY1 and prior fiscal years pending at the ATB. The assessors estimate those cases could result in abatements of up to \$900,000 if the taxpayers prevail.
- Based on historical data, the assessors also expect to have to abate \$50,000 in real estate taxes secured by tax titles as uncollectible.

Conclusion:

No excess overlay exists on June 30 FY1 because the \$2,000,000 overlay account balance is less than property tax receivables (\$1,200,000) plus potential abatements (\$950,000).

**Example 2.**

Facts:

- The overlay account balance June 30 at the end of FY1 is \$2,000,000.
- As of August 1 of FY2, the outstanding FY1 real estate taxes have been moved into tax title accounts.
- In addition, due to payments made after the FY1 demands were issued, the outstanding personal property taxes for FY1 and all prior years are now \$250,000.
- Based on historical data, the assessors expect to abate or exempt \$550,000 in FY2 taxes and anticipate there will be about \$100,000 in FY2 personal property taxes that will be outstanding.
- There are several appeals for FY1 and prior fiscal years pending at the ATB. The assessors estimate those cases could result in abatements of up to \$900,000 if the taxpayers prevail.
- Based on historical data, the assessors also expect to abate \$50,000 in real estate taxes secured by tax titles as uncollectible.

Conclusion:

There is now excess overlay of \$150,000 [\$2,000,000 overlay account balance (FY1) – \$1,850,000 (\$350,000 in prior year and estimated FY2 personal property tax receivables) + \$1,500,000 (\$900,000 in potential ATB abatements and \$600,000 in potential prior year and estimated FY2 abatements and exemptions).

**Example 3.**

**Facts:**

- The overlay account balance June 30 at the end of FY1 is \$2,000,000.
- As of August 1 of FY2, the outstanding FY1 real estate taxes have been moved into tax title accounts. All prior year outstanding real estate taxes are now secured by tax titles.
- Outstanding personal property taxes for FY1 and all prior years still equal \$250,000.
- In October of FY2, the ATB orders an abatement of \$10,000 in one pending case with no further appeal taken.
- In November of FY2, the assessors settled several years of cases involving the same taxpayer for a total abatement of \$250,000. The abatements for the settled cases were less than the amount estimated and reserved to fund them. The assessors now expect the amount needed to cover remaining ATB cases is \$400,000.
- Based on historical data, the assessors expect to abate or exempt \$550,000 in FY2 taxes and anticipate there will be about \$100,000 in FY2 personal property taxes that will be outstanding.
- In recent years, the assessors raised between \$500,000 - \$600,000 for overlay in the tax rate, but no additional amount was raised when the FY2 tax rate was set in December.
- Based on historical data, the assessors also expect to abate \$50,000 in real estate taxes secured by tax titles as uncollectible.

**Conclusion:**

As of January 1 of FY2, there is now excess overlay of \$390,000 [\$1,740,000 overlay account balance – \$1,350,000 (\$350,000 in prior year and estimated FY2 personal property receivables + \$1,000,000 in potential prior year and estimated FY2 abatements and exemptions)].

**2. Use of Records**

In making their determination, the assessors must use the overlay account balance and property tax receivables that appear in the accounting officer's records. The accounting officer is the city auditor, town accountant or other officer having similar duties in the city, town or district.

- a. Overlay Account Balance - If there is a variance in the overlay account balance between the assessors' and accounting officer's records, the assessors must use the lesser of the two amounts.
- b. Property Tax Receivables - If there is a variance in the property tax receivables between the collector's and accounting officer's records, the assessors must use the greater of the two amounts.

**B. Timing of Determination**

The amount of excess overlay, if any, may be determined by the assessors on their own motion at any time and must be determined by them within 10 days of a written request by the community's chief executive officer. The chief executive officer is the manager in any city having a manager and in a town having a city form of government, the mayor in any other city, the selectboard in any other town and the district commissioners, prudential committee or other officer or body designated to perform the function in a district.

**C. Transfer to Overlay Surplus**

Whenever the assessors determine there is excess overlay, they must vote to certify the amount to be transferred to overlay surplus and must notify the accounting officer in writing of their vote. If the determination is made after the chief executive officer's written request, the assessors must also take the vote within 10 days of the request and so notify the chief executive in writing.

**D. Verification of Transferred Amount**

Before recording any voted transfer, the accounting officer must verify that the amount voted by the assessors is excess overlay under G.L. c. 59, § 25. See Section III-A-1 and 2 above. If the accounting officer determines that the amount voted is greater than excess overlay, the assessors' action is not effective to the extent of that portion of the amount voted that is greater. The accounting officer may not record a transfer of the ineffective amount to overlay surplus and must so notify the assessors and chief executive officer if the assessors' vote was made after a written request of the officer, in writing immediately.

**E. Sanctions for Excessive Transfers**

The Commissioner may take any of the following actions where the assessors certify and the accounting officer records a transfer from overlay to overlay surplus greater than excess overlay under G.L. c. 59, § 25:

- Reduce certified free cash by the excessive transfer.
- Treat any appropriation from overlay surplus as an appropriation from free cash.
- Require local action to remedy the excessive transfer before approving the tax rate.

**F. Use of Overlay Surplus**

A city, town, or district may appropriate overlay surplus for any lawful purpose. Any amount not appropriated by June 30 closes to undesignated fund balance in the general fund. In the normal course of events, this will increase certified free cash.

**G. Management of Overlay Account**

Excess overlay may be declared whenever the statutory standard explained in Section III-A-1 and 2 above is met. However, communities are encouraged to manage the overlay account in a prudent manner in order to reduce the additional amounts budgeted and raised for overlay, or to avoid raising overlay deficits, in future years' tax levies. They might consider, for example, a general policy of maintaining excess overlay to eliminate or reduce amounts that would otherwise have to be budgeted and raised for overlay in future fiscal years, including covering potential deficits.

SCHEDULE OL-1  
OVERLAY WORKSHEET - Fiscal Year 2025

Overlay Available									
1.	Overlay Balance as of 6/30/2024	616,312.19							
2.	Overlay from FY 2025 (Tax Rate Recap Page 2 lld)	204,476.74							
3.	Overlay Balance Available (Add lines 1 and 2)	820,788.93							
Overlay Use									
4.	Overlay Transferred to Overlay Surplus after 7/1/2024	0.00							
5.	Other Overlay Charges after 7/1/2024	0.00							
6.	5 year Average Abatements And Exemptions Granted thru 6/30/2024	141,720.60	FY 2024	FY 2023	FY 2022	FY 2021	FY 2020		
7.	Overlay Balance Needed (Add lines 4 thru 6)	141,720.60	138,790.03	149,273.52	101,966.21	159,464.40	159,108.84		
			5-year average FY 2020 to FY 2024				141,720.60		
8.	Overlay Balance Available in excess of Overlay Balance Needed								
	(negative indicates a Shortfall) (subtract line 7 from line 3)	679,068.33							
Potential Future Liabilities									
9.	Real Estate Tax Receivables as of 6/30/2024	399,257.28							
10.	Personal Property Tax Receivables as of 6/30/2024	7,361.97							
11.	Pending ATB or Court decision(s)	0.00							
12.	Total Potential Future Liabilities	406,619.25							

Signatures

Accounting Officer

Andrew Foster, Town Accountant , Medfield , afoster@medfield.net 508-906-3021 | 11/5/2024 8:59 AM

Assessor

YVONNE REMILLARD, Principal Assessor , Medfield , yremillard@medfield.net 508-906-3016 | 11/5/2024 3:51 PM

FISCAL YEAR	2018	2019	2020	2021	2022	2023	2024	2025
OVERLAY BEGINNING	\$203,837.88	\$223,480.64	\$188,579.14	\$198,486.17	\$216,326.81	\$206,873.74	\$214,265.55	\$204,476.74
EXEMPTIONS & SRTW	(\$115,277.23)	(\$142,509.03)	(\$149,775.68)	(\$153,447.31)	(\$101,751.94)	(\$149,117.68)	(\$137,351.02)	(\$134,513.56)
ABATEMENTS	(\$3,600.18)	(\$4,219.11)	(\$9,297.50)	(\$5,981.57)	(\$179.43)	(155.84)	(1,355.67)	(1,429.22)
BALANCE	\$84,960.47	\$76,752.50	\$29,505.96	\$39,057.29	\$114,395.44	\$57,600.22	\$75,558.86	
A.T.B.LIABILITY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-	-	
UNCOLLECTED TAXES	(\$34.06)	(\$35.74)	(\$35.66)	(\$35.52)	(\$90.39)	(27.79)		
RESERVE BALANCE	\$84,926.41	\$76,716.76	\$29,470.30	\$39,021.77	\$114,305.05	\$57,572.43	\$75,558.86	\$68,533.96
RELEASE 6 FY 2021								
RELEASE FOR FY 24 TM	(\$11,259.39)							
RELEASE FOR FY 25 TM	\$73,667.02	\$76,716.76	\$29,470.30	\$39,021.77	\$114,305.05	\$57,572.43	\$75,558.86	\$68,533.96
REMAINING BALANCE								

total \$534,846.15

**6. How does the change to G.L. c. 60A, § 1 effect the veteran motor vehicle excise process?**

This section changes how eligibility for the motor vehicle exemption for a veteran with a service-connected disability is established under G.L. c. 60A, § 1. Currently, the Medical Advisory Board (MAB) within the Registry of Motor Vehicles (RMV) determines that the veteran has the qualifying disability. Under the amendment, eligibility will be based on a disability determination by the U.S. Department of Veteran Affairs (VA), as is the case with other motor vehicle and property tax exemptions available to veterans. Now, a veteran will qualify for a motor vehicle exemption if the VA determines they have a 100% disability rating or deems them unemployable due to their service-connected disability.

**7. What is the impact in a community that adopts both Clause 22I and 22J?**

Both Clauses would operate together. For example, if a Clause 22 recipient will receive a \$400 exemption and the community accepts Clause 22I, and the CPI increases by 5%, the total exemption amount would increase to \$420. If the community further accepts Clause 22J (or G.L. c. 59, § 5C½) and increases by the maximum 100% the amount of the tax exemption granted to veterans, in this example, the total exemption will increase to \$840.

**8. Do any of these provisions effect the state reimbursement?**

As Clauses 22I and 22J are local options that must be accepted by a city or town to apply in that municipality, there is no additional state reimbursement for the cost of the additional exemptions.

Conversely, the veteran exemptions granted pursuant to the new provisions in G.L. c. 60A, § 1 will be fully reimbursed by the Commonwealth.

**SAMPLE ACCEPTANCE VOTES  
(Consult with municipal counsel)**

**ADJUSTED EXEMPTION AMOUNT CLAUSE 22I**

VOTED: That the city/town accept General Laws Chapter 59, Section 5, Clause 22I, which authorizes an annual increase in the amount of the exemption granted under General Laws Chapter 59, Section 5, Clause 22, Clause 22A, Clause 22B, Clause 22C, Clause 22E and Clause 22F by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for the previous year as determined by the Commissioner of Revenue, to be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, \_\_\_\_\_.

**OPTIONAL ADDITIONAL VETERAN EXEMPTION CLAUSE 22J**

VOTED: That the city/town accept General Laws Chapter 59, Section 5, Clause 22J, which authorizes an annual increase in the amount of the exemption granted under General Laws Chapter 59, Section 5, Clause 22, Clause 22A, Clause 22B, Clause 22C, Clause 22E and Clause 22F by [insert percentage increase up to 100% e.g., 50%, 70%, 100%] of the personal exemption amount, subject to the conditions in Clause 22J, to be effective for applicable exemptions granted for any fiscal year beginning on or after July 1, \_\_\_\_\_.

## **SAMPLE ACCEPTANCE VOTES**

(Consult with municipal counsel)

### **ADJUSTED EXEMPTION AMOUNT FOR CLAUSE 17s**

VOTED: That the city/town accept General Laws Chapter 59, Section 5, Clause 17F, which authorizes an annual increase in the amount of the exemption granted to senior citizens, surviving spouses and surviving minors under General Laws Chapter 59, Section 5, Clause [insert clause used in community, e.g., Clause 17D], by up to 100% of the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for the previous year as determined by the Commissioner of Revenue, and to fix that annual increase at [insert method of fixing increase e.g., 100% of CPI; 2.5% or 100% of the CPI, whichever is less] to be effective for exemptions granted for any fiscal year beginning on or after July 1, \_\_\_\_\_.

### **ADJUSTED ASSET LIMIT FOR CLAUSE 17s**

VOTED: That the city/town accept General Laws Chapter 59, Section 5, Clause 17E, which authorizes an annual increase in the asset (whole estate) limit for exemptions granted to senior citizens, surviving spouses and surviving minors under General Laws Chapter 59, Section 5, Clause [insert clause used in community, e.g., Clause 17D], by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, \_\_\_\_\_.

### **ADJUSTED INCOME AND ASSET LIMITS FOR CLAUSE 41s**

VOTED: That the city/town accept General Laws Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens under General Laws Chapter 59, Section 5, Clause [insert clause used in community, e.g., Clause 41C], by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after July 1, \_\_\_\_\_.

## WHAT IS AN EXEMPTION?

As used in the context of real estate taxes, an exemption is a release from the obligation to pay all or a portion of the taxes assessed on a parcel of property. Exemptions are conferred by the state legislature (Massachusetts General Laws, Chapter 59, Section 5) on particular categories of persons on whom exemptions are conferred, **for their primary domicile and subject to certain qualifications**, are listed below, together with an explanation of the eligibility requirements for each. Exemptions are not abatements in that they do not affect the valuation of property, but simply reduce the taxes owed.

## APPLICATIONS

Applications are available from the Assessors' office. An application must be filed with the Assessors **each year**, by April 1. It is at that time that the exemptions will be processed. The filing of the exemption application does not stay the collection of the tax, which should be paid as assessed. An exemption even if received in prior years is not automatically conferred but must be specifically acted upon by the Board of Assessors. The Assessors' action is discretionary only insofar as they determine that an applicant, according to the documentation he or she provides, does or does not meet the eligibility requirements. Notice of the Assessors' action will be sent to each applicant.

## DOCUMENTATION

As exemptions are granted only for the primary residence, and as some exemptions are age dependent and / or means tested, an applicant must provide whatever information the Assessors deem to be reasonably required to establish eligibility. The information that an

applicant may be requested to furnish includes, but is not limited to: (1) birth certificates, (2) evidence of domicile and occupancy, (3) income tax, (4) bank statements.

## EXEMPTIONS

### CLAUSE 17D

Surviving Spouse/Minor Child/Elderly Person

**Amount:** UP TO \$350,000 (For fiscal year 2025)

**Eligibility:** As of July 1 of the tax year, an individual must be either (1) a surviving spouse or surviving minor child who owns and occupies the property as his or her domicile; or (2) a person at least 70 years old who has owned and occupied the property as his or her domicile for at least five preceding years.

**Income:** There are no income guidelines for Clause 17D.

**Whole Estate:** The applicant's whole estate (cash, bank balances, stocks, bonds, some types of personal property, etc.) excluding the value of the domicile (up to three living units) cannot exceed \$40,000, (For fiscal year 2025).

### CLAUSE 22 - Veterans

**Amount:** UP TO \$800 to a full exemption, depending on the nature and extent of the disability.

**Eligibility:** As of July 1 of the tax year, an individual must have lived in Massachusetts for at least the five preceding years or must have been domiciled in Massachusetts for at least six months prior to entering the service and must either be either (1) a veteran or a spouse of a veteran who has a service connected disability of at least 10% (as verified by the veterans administration); or (2) a veteran or spouse of a veteran who was awarded a purple heart / silver star; or (3) the parent of a serviceman who lost his or her life during wartime.

**Income:** There are no income guidelines for Clause 22.

**Whole Estate:** There are no whole estate guidelines for Clause 22.

### CLAUSE 37A – Blind Persons

**Amount:** UP TO \$1000

**Eligibility:** As of July 1 of the tax year, an individual who is blind must own and occupy the property as his or her primary domicile. A certificate of blindness from the Commissioner for the Blind must be provided annually with the application for exemption.

**Income:** There are no income guidelines for Clause 37A.

**Whole Estate:** There are no whole estate guidelines for Clause 37A.

### CLAUSE 41C – Elderly

**Amount:** UP TO \$2000

**Eligibility:** As of July 1 of the tax year, an individual must be at least 65 years old, must have owned and occupied the property for at least the five preceding years, and must have lived in Massachusetts for at least the ten preceding years.

**Income:** The applicant's gross receipts from all sources in the year preceding the application cannot have exceeded \$20,000, if single; \$30,000, if married. (For fiscal year 2025)

**Whole Estate:** The applicant's whole estate, excluding the value of the domicile (up to three living units) cannot exceed \$40,000, if single; \$50,000, if married. (For fiscal year 2025)

# Accessory Dwelling Unit Bylaw Update

---

Proposed Bylaw Rewrite for 2025 Town Meeting

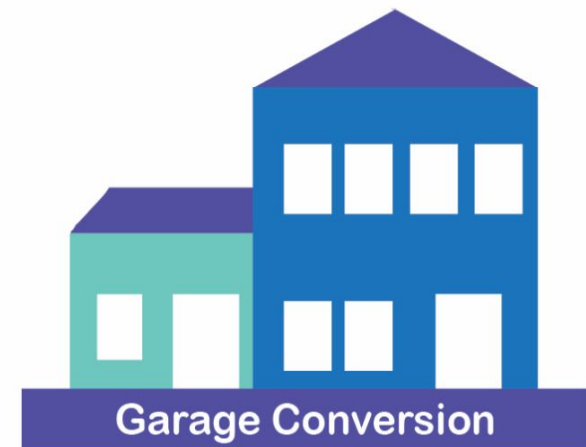


# WHAT IS AN ADU?

---

**Accessory Dwelling Unit (ADU).** A self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building and Fire Code for safe egress. ADUs may be detached, attached, or internal to the Principal Dwelling. General references to ADUs in this by-law include both Protected Use ADUs and Local ADUs.

# What do ADUs look like?





# The State passed a new housing law: “Protected Use” ADUs are now allowed by-right

---

**Governing Laws: Section 8 of Chapter 150 of the Acts of 2024 & 760 CMR 71.00**

- **The State now allows By-Right ADUs, if they meet certain criteria:**
  - Maximum size: 900 SF or 50% of the principal dwelling’s gross floor area (whichever is smaller). This called a “Protected Use ADU”
  - Allowed in single-family residential zones without requiring special permits or variances.
  - Owner-occupancy cannot be required for either the ADU or main dwelling.
- **The State is allowing for municipal regulations:**
  - Towns may enforce REASONABLE setbacks, height restrictions, and site plan reviews, or sometimes, under very limited circumstances, special permit review.
  - Municipalities may prohibit or regulate short-term rentals (31 days or fewer).
- **This new law went into effect on February 2, 2025**

# What happens if we don't pass our own bylaw?

---

## **State Law Will Apply—With or Without a Local Bylaw**

If we do not adopt an updated, tailored Accessory Dwelling Unit (ADU) bylaw:

- Medfield's current bylaw—which permits only family or in-law apartments through a special permit—would become obsolete and unenforceable, yet would remain on record, causing confusion for residents and applicants.
- State regulations allowing ADUs by right would supersede local control, meaning any ADU up to 900 square feet or 50% of the main dwelling's gross floor area could be built simply with a building permit—no local review would be permitted.
- Without a local bylaw, Medfield would lose the ability to:
  - Review or mitigate potential impacts on neighboring homes and properties, including proximity concerns.
  - Implement stormwater management measures to protect against increased flooding and runoff resulting from unchecked construction.
  - Permit larger ADUs in appropriate locations where the property size and conditions can support them.
- Ultimately, without adopting an updated bylaw, Medfield forfeits critical local oversight necessary to ensure responsible, community-aligned growth and development.

# Summary of the Bylaw

IF...	THEN...
<ul style="list-style-type: none"><li>- Your ADU is <b>under 900 sq ft</b>.</li><li>- You <b>meet</b> all dimensional setbacks (including lot coverage).</li><li>- You are <b>not</b> in an aquifer protection district <b>or</b> a flood zone.</li></ul>	<b>By-right approval</b> (Building Permit only)
<ul style="list-style-type: none"><li>- Your ADU is <b>under 900 sq ft</b>, but:</li><li>- You <b>do not meet</b> dimensional setbacks (including lot coverage), <b>or</b></li><li>- You <b>increase</b> an existing nonconformity, <b>or</b></li><li>- You <b>create</b> a new nonconformity,</li></ul> <b>and</b> <ul style="list-style-type: none"><li>- You are <b>not</b> in an aquifer protection district or flood zone.</li></ul>	<b>Site Plan Approval</b> (Planning Board)
<ul style="list-style-type: none"><li>- Your ADU is <b>under 900 sq ft</b> and is a <b>conversion of a pre-existing non-residential structure</b>.</li></ul>	<b>Site Plan Approval</b> (Planning Board)
<ul style="list-style-type: none"><li>- Your ADU is <b>over 900 sq ft</b> (no matter what dimensional or overlay conditions apply).</li></ul>	<b>Special Permit</b> (Zoning Board of Appeals) <b>(Capped at 1,200 sq ft)</b>
<ul style="list-style-type: none"><li>- Your ADU is a <b>conversion of a pre-existing non-residential structure</b> and is <b>over 900 sq ft</b>.</li></ul>	<b>Special Permit</b> (Zoning Board of Appeals)
<ul style="list-style-type: none"><li>- Your ADU <b>is</b> in an aquifer protection district <b>or</b> a flood zone.</li></ul>	<b>Special Permit</b> (Zoning Board of Appeals) <b>(Floodplain ADU special permit applies only for new footprints)</b>



# Other highlights

---

- ❑ **Owner Occupancy:** Not required under State law.
- ❑ **Short-Term Rentals (STRs):** Prohibited for ADUs.  
*(State law allows towns to choose whether to permit or prohibit STRs for ADUs. Medfield currently prohibits STRs town-wide, so this aligns with existing bylaws.)*
- ❑ **Limit of One ADU per Lot:** State law permits towns to cap ADUs at one per property or allow multiple units through special permits. Medfield proposes limiting to one ADU per lot.
- ❑ **Parking Requirements:** One dedicated parking space required per ADU. This is the maximum we can require under State Law.

## **300-14.17 Accessory Dwelling Units (ADUs)**

### **A. Purpose**

The purpose of this Section 300-14.17 is to allow for Accessory Dwelling Units (ADUs), as defined under M.G.L. c. 40A, §1A, to be built as of right in Single-Family Residential Zoning Districts in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units. This bylaw provides for by-right ADUs to accomplish the following:

1. Increase housing production to address local and regional housing needs across all income levels and at all stages of life.
2. Develop small-scale infill housing that fits in the context of zoning districts that allow single-family housing while providing “gentle” or “hidden” density.
3. Provide a more moderately priced housing option to serve smaller households, households with lower incomes, seniors, and people with disabilities.
4. Enable property owners to age in place, downsize, or earn supplemental income from investing in their properties.

### **B. Definitions**

For purposes of this Section 300-14.17, the following definitions shall apply:

1. **Accessory Dwelling Unit (ADU).** A self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building and Fire Code for safe egress. ADUs may be detached, attached, or internal to the Principal Dwelling. General references to ADUs in this by-law include both Protected Use ADUs and Local ADUs.
2. **Design Standards.** Clear, measurable and objective provisions of zoning, or general ordinances or by-laws, which are made applicable to the exterior design of, and use of materials for an ADU when those same design standards apply to the Principal Dwelling to which the ADU is an accessory.
3. **Dwelling Unit.** A single-housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. This can include a housing unit within a single-family, duplex, or multi-unit development.
4. **EOHLC.** The Executive Office of Housing and Livable Communities.

5. **Gross Floor Area.** The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches, and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.
6. **Historic District.** A district in a municipality established pursuant to M.G.L. c. 40C or other State Law that is characterized by the historic or architectural significance of buildings, structures, and sites, and in which exterior changes to and the construction of buildings and structures are subject to regulations adopted by the municipality pursuant to M.G.L. c. 40C or other state law.
7. **Local ADUs.** An ADU that is not a Protected Use ADU but includes rules specific to the Town of Medfield.
8. **Lot.** An area of land with definite boundaries that is used, or available for use, as the site of a structure, or structures, regardless of whether the site conforms to requirements of zoning.
9. **Modular Dwelling Unit.** A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems, in compliance with the Building and Fire Code, prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.
10. **Pre-Existing Nonconforming Structure.** A structure that does not conform to zoning.
11. **Principal Dwelling.** A structure, regardless of whether it, or the Lot it is situated on, conforms to zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.
12. **Protected Use ADU.** An attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is not larger in Gross Floor Area than 1/2 the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller, provided that only one ADU on a Lot may qualify as a Protected Use ADU. An ADU that is nonconforming to zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.
13. **Short-Term Rental.** An owner-occupied, tenant-occupied, or non-owner occupied property as defined in M.G.L. c. 64G § 1, including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant for a period of 31 consecutive days or less; and (ii)

all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

**14. Single-Family Residential Dwelling Unit.** A structure on a Lot containing not more than one Dwelling Unit.

**15. Single-Family Residential Zoning District.** Any zoning district where Single-Family Residential Dwellings are a permitted or an allowable use, including any zoning district where Single-Family Residential Dwellings are allowed as of right, or by Special Permit.

**16. Transit Station.** A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

- a. A Bus Station includes any location serving as a point of embarkation for any bus operated by a transit authority.
- b. A Subway Station includes any of the stops along the Massachusetts Bay Transportation Authority Red Line, Green Line, Orange Line, Silver Line, or Blue Line, including any extensions or additions to such lines.
- c. A Commuter Rail Station includes any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.
- d. A Ferry Terminal includes any location where passengers embark and disembark from a ferry service with year-round service with ferries departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

### C. General Provisions for All ADUs

- a. **By-Right Allowance.** One Protected Use ADU may be established as of right on a Lot in a Single-Family Residential Zoning District, subject to the dimensional and parking requirements below.
  - b. **Code Compliance.** All ADUs shall maintain a separate entrance sufficient to meet safe egress under the Building Code and Fire Code.
  - c. ADU construction shall comply with 310 CMR 15.000 (Title 5) for wastewater/septic, consistent with a Single-Family Residential Dwelling in the district.
2. **Short-Term Rentals.** ADUs shall **not** be operated as Short-Term Rentals as defined in M.G.L. c. 64G §1. A Short-Term rental is hereby deemed to be a rental of 31 days or fewer.
  3. **Owner-Occupancy Not Required.** Neither the Principal Dwelling nor the ADU need be owner-occupied.
  4. **Transfer of Ownership.** The right to maintain an ADU runs with the land and transfers automatically upon conveyance of the property, so long as the ADU remains in compliance with zoning and building regulations.

### D. Protected Use ADUs (By-Right)

A Protected Use ADU is permitted by right if it meets all the following conditions:

1. **Size Limitation.** The ADU shall be no larger in Gross Floor Area than (i) 900 square feet or (ii) half of the Principal Dwelling's Gross Floor Area, whichever is smaller.
2. **Dimensional Standards.**
  - a. For setbacks, bulk, and height, a Protected Use ADU shall not be subject to stricter dimensional standards than those applying to a Single-Family Residential Dwelling or an accessory structure in the same district.
  - b. Where the Principal Dwelling is itself nonconforming, the Protected Use ADU may still be approved by right so long as it is consistent with the Building Code and does not create a new dimensional nonconformity beyond what is necessary to comply with safe egress or other code requirements.
3. **Parking.** One additional off-street parking space is required for a Protected Use ADU if the property is located more than 1/2 mile from a Transit Station.

A Building Permit for a Protected Use ADU shall be issued by the Zoning Enforcement Officer in an as-of-right manner upon determination that the above conditions are met. If the Lot or structure is nonconforming, the Zoning Enforcement Officer shall apply the "Dover analysis" under 760 CMR 71.03(3)(a) and waive any local requirement deemed unreasonable.

#### **E. Local ADUs (Special Permit)**

An ADU that is larger than allowed under "Protected Use ADU" (i.e., exceeding 900 square feet or exceeding half of the Principal Dwelling's GFA, whichever is smaller) or that fails to satisfy any other by-right requirement above may be approved as a Local ADU via Special Permit from the Zoning Board of Appeals (ZBA).

1. **Maximum Gross Floor Area.** A Local ADU may not exceed 1,200 square feet.
2. **Dimensional Requirements.** The Local ADU shall comply with any local dimensional standards for accessory structures or single-family dwellings in the district.
3. **Parking.** At least one (1) additional off-street parking space is required for a Local ADU if the property is located more than 1/2 mile from a Transit Station.

#### **F. ADUs on Floodplains or Aquifer Protection Districts**

A Protected Use or Local Accessory Dwelling Unit (ADU) is permitted within a Floodplain District (as regulated by Article 10 of the Zoning Bylaws) or an Aquifer Protection District (as regulated by Article 16 of the Zoning Bylaws) only by special permit, in accordance with § 300-14.10. This applies to new construction or expansions to the existing building footprint.

#### **G. Multiple ADUs on One Lot**

Where a Protected Use ADU or a Local Use ADU already exists on a Lot, no additional ADU(s) are allowed.

## **H. Nonconformities**

### **1) Pre-Existing Nonconforming Structures.**

- a) A Protected Use ADU is allowed by right within or on a Lot with a Pre-Existing Nonconforming Structure, so long as the ADU meets Building Code and Fire Code requirements.
- b) A finding under M.G.L. c. 40A §6 (that any alteration of a pre-existing nonconformity is not substantially more detrimental) shall be made administratively by the Building Commissioner, without requiring a separate special permit, for a Protected Use ADU.

### **2) Increase to Nonconformities.**

- a) If the creation or expansion of an ADU creates a new dimensional nonconformity or increases an existing nonconformity beyond what is permissible under this bylaw, Site Plan Approval is required.
- b) If a proposed ADU involves converting a pre-existing non-residential building to residential use, and it qualifies as a Protected Use ADU, Site Plan Approval is needed before issuance of a Building Permit.
- c) If a proposed ADU involves converting a pre-existing non-residential building to residential use, and it does not qualify as a Protected Use ADU, a Special Permit is needed before issuance of a Building Permit. The maximum allowable cap as defined in 300-14.17(E)(1) does not apply in case of conversions.

## **I. Owner Occupancy and Rental Conditions**

- 1. **No Owner-Occupancy Requirement.** There shall be no requirement that either the Principal Dwelling or the ADU be owner-occupied.
- 2. **Short-Term Rentals Prohibited.** An ADU shall not be rented, leased, or occupied for a period of 31 consecutive days or fewer.

## **J. Changes in Ownership**

The right to maintain an ADU runs with the land and automatically transfers upon sale or transfer. Subsequent owners may continue to operate the ADU by right so long as the ADU remains compliant with all local and state requirements. No new permit or special permit is required for a lawful, pre-existing ADU.

## **K. Architectural Compatibility**

Property owners are encouraged to design newly constructed ADUs so that the exterior materials, roof pitch, window detailing, and other design elements remain consistent with the Principal Dwelling. For properties in a **Historic District**, applicants must also comply with local historic preservation guidelines to ensure architectural cohesion.

#### **L. Administration and Enforcement**

1. **Zoning Enforcement Officer.** The Zoning Enforcement Officer shall administer and enforce this bylaw and shall issue Building Permits for ADUs when the applicable requirements are met.
2. **Certificates of Occupancy.** No ADU shall be occupied until a certificate of occupancy (where required) is issued.
3. **Dover Analysis (760 CMR 71.03(3)(a)).** In processing a Protected Use ADU application, the Zoning Enforcement Officer shall waive any local zoning requirement deemed unreasonable under 760 CMR 71.03(3)(a).
4. **Violations.** Any violations of this bylaw are subject to enforcement under M.G.L. c. 40A and any local regulations pertaining to zoning enforcement.

March 21, 2025

Mr. Stephen Callahan  
Mr. Robert Sliney  
Ms. Ashley Leduc  
Warrant Committee  
Town of Medfield  
459 Main Street  
Medfield, MA 02052

RE: Medfield Conservation Commission  
2025 Annual Town Meeting Warrant Articles (FY2026)

Dear Messrs. Callahan and Sliney and Ms. LeDuc:

Mr. John Woodhull and I are writing on behalf of the Medfield Conservation Commission which seeks the Warrant Committee's support of the Commission's remaining two Articles on the 2025 Annual Town Meeting Warrant (addressing FY 2026). The Commission voluntarily has withdrawn its third Article seeking to amend the Town's Zoning Bylaw to apply water conservation restrictions to private well owners. The Commission intends to submit this "Water Conservation/Private Well Restrictions" Article for the 2026 Annual Town Meeting Warrant after engaging in public education and outreach efforts anticipated to begin this June, well in advance of submission of the Article for town meeting consideration in 2026.

The remaining Articles for your consideration include Danielson Pond Dam and Conservation Trust Fund discussed following.

**Danielson Pond Dam**

To see if the Town will vote to appropriate a sum of \$50,000.00 and determine in what manner said sum shall be raised for the purpose of funding safety-related work at Danielson Pond Dam, including tree removal, the employ of consultants, engineers, and/or contractors/subcontractors, to advise on the scope of necessary work and undertake safety-related work in accordance with the Commonwealth's dam safety regulations or do or act anything in relation thereto.

The information specific to the Danielson Pond request is attached in a Power Point summary that provides a brief chronology of the events that identified Danielson Pond dam safety concerns resulting in state mandated response actions by the town with associated costs. We believe the Power Point information will assist the Warrant Committee in understanding the nature and extent of the concerns at Danielson Pond and the time and cost constraints associated with addressing those concerns. John Woodhull and I will be available on March 25 to answer any questions you may have.

### **Conservation Trust Fund**

To see if the Town will vote to appropriate and transfer the sum of \$5,000 from Certified Free Cash to the Conservation Trust Fund to be used by the Conservation Commission for any purpose authorized by Chapter 40, Section 8C of the Massachusetts General Laws; or do or act anything in relation thereto.

In recent history (from the at least the mid-2000s), the Commission (up through 2018) annually requested the amount of \$5,000.00 to deposit in the Conservation Trust Fund, those funds to be used by the Commission for the purposes authorized by G.L. c. 40, sec. 8C. A copy of this statute is attached. The Commission used the Conservation Trust funds to purchase land (supporting the acquisition of Red Gate Farm, for example) and to manage the town properties under the Commission's care, custody and control, which properties total slightly more than 50% of the town's open space. Research suggests that the Commission's requests for funds for the Conservation Trust Fund historically were addressed through the capital budget process.

In 2019, the Commission voted to transfer from the Conservation Trust Fund the amount of \$30,000.00 to help defray the costs associated with DPW/Pare Engineering's efforts to respond to the Commonwealth's request for evidence of compliance with the 2018 Danielson Pond Dam Safety Order. (The Danielson Pond Power Point provides additional detail with respect to the need for this funding in 2019.) At the time of that transfer in 2019, the Conservation Trust Fund had a balance of about \$50,000.00 (subject to confirmation from the town accountant). The \$30,000.00 substantially reduced the balance in the Conservation Trust Fund which today has a balance of approximately \$16,144.84 (again, subject to confirmation by the town accountant).

The Commission has not received any amounts for deposit in the Conservation Trust Fund since 2018 according to reports from the town. The balance in the Conservation Trust Fund as noted above reflects interest/investment earnings and losses. The Commission presently requests the amount of \$5,000.00 to deposit into the Conservation Trust Fund to help begin to replenish amounts spent in 2019 and not recovered in any measure to date.

The Commission will continue to request updated information from the town, and Mr. Woodhull and I will be available on March 25 to answer any additional questions

pertaining to the Conservation Trust Fund request.

Thank you for your consideration of the Conservation Commission's 2025 Annual Town Meeting Warrant Articles. We look forward to meeting with you on March 25. Please feel free to reach out with any questions in the meantime.

Sincerely,  
On behalf of the Medfield Conservation Commission

/s/ Deborah J. Bero  
Deborah J. Bero

/s/ John Woodhull  
JohnWoodhull

cc: Finn Kelley, Conservation Commission Agent



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

Massachusetts General Laws Annotated

Part I. Administration of the Government (Ch. 1-182)

Title VII. Cities, Towns and Districts (Ch. 39-49a)

Chapter 40. Powers and Duties of Cities and Towns (Refs & Annos)

M.G.L.A. 40 § 8C

§ 8C. Conservation commission; establishment; powers and duties

Currentness

A city or town which accepts this section may establish a conservation commission, hereinafter called the commission, for the promotion and development of the natural resources and for the protection of watershed resources of said city or town. Such commission shall conduct researches into its local land areas and shall seek to co-ordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work. Among such plans may be a conservation and passive outdoor recreation plan which shall be, as far as possible, consistent with the town master plan and with any regional plans relating to the area. The commission may, from time to time, amend such plan. Such plan shall show open areas including marsh land, swamps and other wetlands, and shall show which areas are subject to restrictions or wetland zoning provisions and any other matters which may be shown on a plat index under [section thirty-three of chapter one hundred and eighty-four](#). Acquisitions of interests in land under this section and other municipal open lands shall be shown thereon as well as lands owned by other entities kept open through any legal requirement. Such plan shall show other areas which public necessity requires to be retained for conservation and passive recreation use. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint a director, clerks, consultants and other employees, and may contract for materials and services within available funds insofar as the same are not supplied by other departments. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having or operating under a Plan D or Plan E form of city charter, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. When a commission is first established, the terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may receive gifts, bequests or devises of personal property or interests in real property of the kinds mentioned below in the name of the city or town, subject to the approval of the city council in a city or of the selectmen in a town. It may purchase interests in such land with sums available to it. If insufficient funds are available or other reasons so require, a city council or a town meeting may raise or transfer funds so that the commission may acquire in the name of the city or town by option, purchase, lease or otherwise the fee in such land or water rights, conservation restrictions, easements or other contractual rights including conveyances on conditions or with limitations or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces in land and water areas within its city or town, and it shall manage and control the same. For the purposes of this section a city or town may, upon the written request of the commission, take by eminent domain under chapter seventy-nine, the fee or any lesser interest in any land or waters located in such city or town, provided such taking has first been approved by a two-thirds vote of the

city council or a two-thirds vote of an annual or special town meeting, which land and waters shall thereupon be under the jurisdiction and control of the commission. Upon a like vote, a city or town may expend monies in the fund, if any, established under the provisions of this section for the purpose of paying, in whole or in part, any damages for which such city or town may be liable by reason of any such taking. The commission may adopt rules and regulations governing the use of land and waters under its control, and prescribe penalties, not exceeding a fine of one hundred dollars, for any violation thereof. No action taken under this section shall affect the powers and duties of the state reclamation board or any mosquito control or other project operating under or authorized by chapter two hundred and fifty-two, or restrict any established public access. Lands used for farming or agriculture, as defined in [section one A](#) of chapter one hundred and twenty-eight, shall not be taken by eminent domain under the authority of this section.

A city or town may appropriate money in any year to a conservation fund of which the treasurer shall be the custodian. Prior to the adoption of any rule or regulation which seeks to further regulate matters established by [section forty of chapter one hundred and thirty-one](#) or regulations authorized thereunder relative to agricultural or aquacultural practice, the commission shall, no later than seven days prior to the commission's public hearing on the adoption of said rules and regulations, give notice of the said proposed rules and regulations to the farmland advisory board established pursuant to [section forty of chapter one hundred and thirty-one](#). He may deposit or invest the proceeds of said fund in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation, or national banks, or invest it in paid up shares and accounts of and in co-operative banks or in shares of savings and loan associations or in shares of federal savings and loan associations doing business in the commonwealth, and any income therefrom shall be credited to the fund. Money in said fund may be expended by said commission for any purpose authorized by this section; provided, however, that no expenditure for a taking by eminent domain shall be made unless such expenditure has been approved in accordance with this section.

#### Credits

Added by St.1957, c. 223, § 1. Amended by St.1961, c. 258; St.1965, c. 768, § 2; St.1967, c. 885; St.1971, c. 893, §§ 1 to 3; St.1975, c. 18; [St.1989, c. 687, §§ 15, 16](#); [St.1996, c. 258, § 15](#).

#### [Notes of Decisions \(15\)](#)

M.G.L.A. 40 § 8C, MA ST 40 § 8C

Current through Chapter 284 of the 2024 2nd Annual Session. Some sections may be more current, see credits for details.

# Danielson Pond March 2025



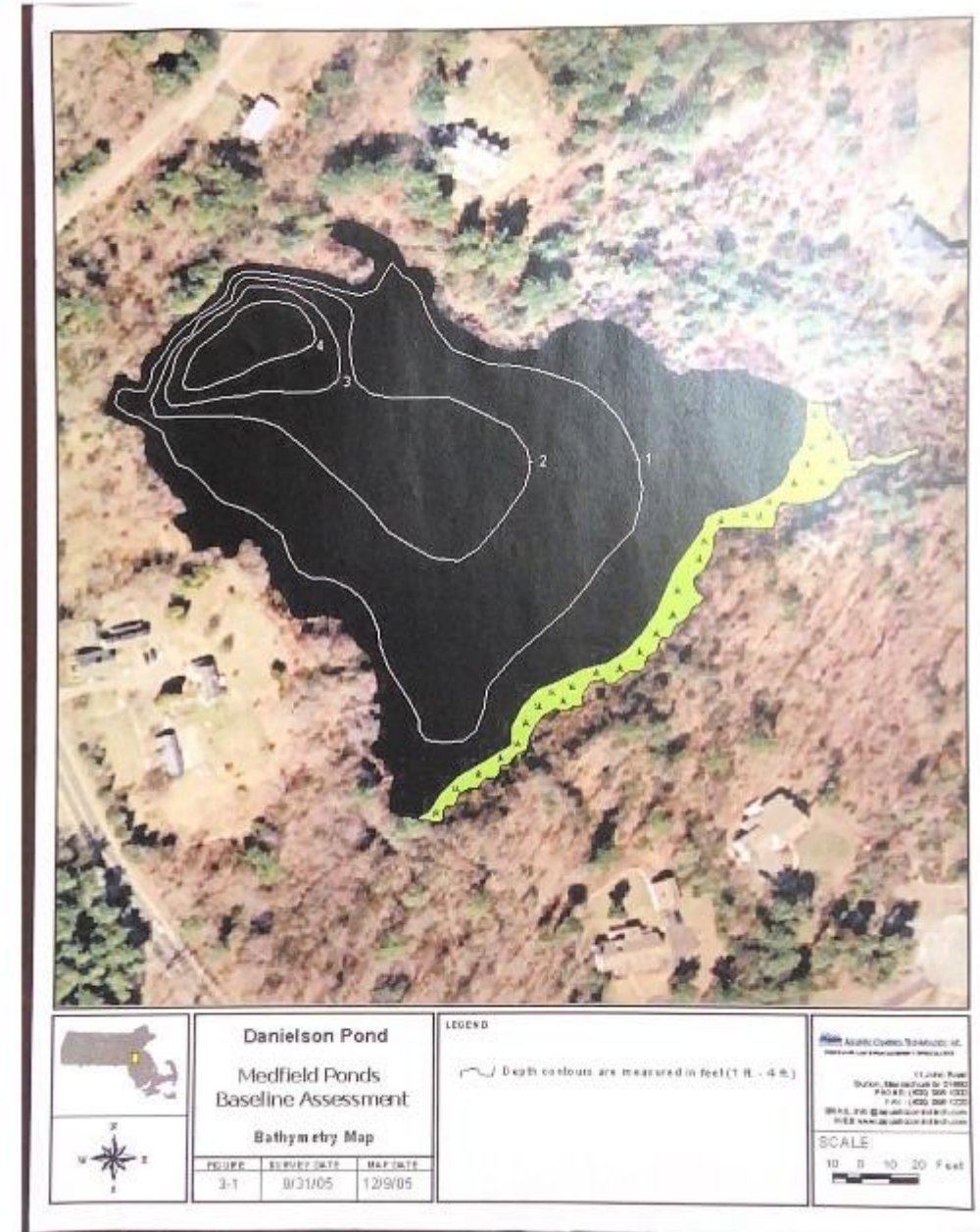
# Danielson Pond

- Pond created by dam in ~1880, allows sawmill and ice harvesting..
- Dam and pond donated to Town by Ritchie family in 1993 – deed calls for administration by Conservation Commission.
- Dam inspections in 2014, 2017 and 2018 by 3 different consultants all find dam to be in poor condition.



# Results of Three Danielson Inspections

- Vegetation and trees on dam.
- Structural deficiencies.
- Unprotected and eroded upstream slope.
- Areas of seepage.
- Voids and failing walls at spillway.
- Spillway capacity: 20 cfs actual capacity; 210 cfs required capacity for 100-yr storm (actual capacity is 10 x less than required)
  - Active dam operation (removal of all stoplogs) allows higher flows to be passed without overtopping if the additional pond storage volume and spillway capacity are included.
- Priority recommended actions include removal of vegetation/trees (large return for relatively small investment).



# Danielson Dam Safety Order

- Certificate of non-compliance and dam safety order sent to Selectboard 12 Feb 2018.
- Dam inspections required every 6 months.
- More in-depth Phase I inspection required every 5 years.
- Town must complete a Phase II Inspection and Investigation which includes a plan for dam repair or removal and a schedule for completion with funding.
- Dam must be brought into compliance by January 31, 2019.



February 12, 2018  
Certified Mail No. 7009 1680 0000 6390 9880  
Return Receipt Requested

Town of Medfield  
c/o Board of Selectmen  
459 Main Street  
Medfield, MA 02052

**Subject: CERTIFICATE OF NON-COMPLIANCE and DAM SAFETY ORDER**

<b>Dam Name:</b>	Danielson Mill Dam
<b>Location:</b>	Medfield
<b>National ID No:</b>	MA03351
<b>Known Condition:</b>	Poor
<b>Hazard Potential:</b>	Significant
<b>Norfolk Registry of Deeds:</b>	Book 10282, Page 155

Dear Board of Selectmen:

In accordance with 302 CMR 10.08, the Department of Conservation and Recreation (DCR), Office of Dam Safety (ODS) has determined that Danielson Mill Dam does not meet accepted dam safety standards and is a potential threat to public safety. Therefore, DCR hereby issues a **CERTIFICATE OF NON-COMPLIANCE and DAM SAFETY ORDER**.

ODS records indicate that the Town of Medfield is the Owner of the Danielson Mill Dam, National Inventory of Dams No. MA03351. ODS classifies the dam as a **Small Size, Significant Hazard Potential** Structure. Significant Hazard Potential Dams are dams that may cause the loss of life and property damage in the event of dam failure.

COMMONWEALTH OF MASSACHUSETTS • EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation  
251 Causeway Street, Suite 600  
Boston MA 02114-2119  
617-626-1250 617-626-1351 Fax  
[www.mass.gov/dcr](http://www.mass.gov/dcr)



Charles D. Baker  
Governor

Karyn Polito  
Lt. Governor

Matthew A. Beaton, Secretary  
Executive Office of Energy & Environmental Affairs

Leo Roy, Commissioner  
Department of Conservation & Recreation

# Progress on Dam Safety Order

- Certificate of non-compliance and dam safety order sent to Selectboard 12 Feb 2018 requiring full compliance by January 31, 2019.
- Initial Phase I Inspection completed in June 2020 (next Phase I Inspection is due in 2025), 6-month update inspections ongoing.
- Most elements of Phase II Inspection and Investigation completed in 2021; however, the cost data is now out-of-date.
- Selection/Implementation of a plan for Dam Upgrade or Removal (part of the Phase II Inspection) is pending.
- Drafts have been prepared for O&M Manual and Emergency Action Plan Update. Next step is circulation to EAP recipients for review and comment.
- Warrant article requests funding in FY26 for removal of trees from Danielson Pond Dam (a very high priority for dam safety).

# State Funding Options for Dam Repair

- Executive office of Energy and Environmental Affairs has Dam and Seawall Repair and Removal Fund.
- Applications for design and permitting of improvements submitted in February 2021 and February 2023
- To date, all applications for state funding have been denied.

# State Requests for Status Updates

- 17 July 2024 letter from the Office of Dam Safety for formal status update for bringing the dam into compliance.
- Letter sent in response by Conservation Commission in September 2024 noting dam repairs, conceptual design for repairs by Pare and requests for funding.
- Draft of Updated Emergency Action Plan completed.
- Drafts of O&M Plans for Danielson and Kingsbury Pond Dams completed.



July 17, 2024

Town of Medfield  
Board of Selectmen  
459 Main St  
Medfield, MA 02052

**Subject:** Request for status update concerning outstanding Certificate(s) of Non-Compliance and Dam Safety Order(s)

**Dam Name:** Danielson Mill Dam  
**Location of Dam:** Medfield  
**National ID No.:** MA03351  
**Hazard Potential:** Significant  
**Known Condition:** POOR

Dear Dam Owner,

You are receiving this notice as the above-listed dam(s) remain under an outstanding Certificate of Non-Compliance and Dam Safety Order, copy(ies) enclosed for your reference. The Office of Dam Safety (ODS) is contacting you to request a formal status update concerning your efforts and timeline to bring the dam(s) into compliance, including your chosen alternative of repair, partial breach, or complete removal; the status of design and permitting efforts to date; and estimated construction start date(s).

The ODS would also like to share some available grant funding information with you. The following are a list of grant opportunities for which municipalities are eligible to apply for various phases of dam related projects:

- Dam and Seawall Repair or Removal Program: <https://www.mass.gov/service-details/dam-and-seawall-repair-or-removal-program-grants-and-funds>
- Municipal Vulnerability Preparedness Program: <https://www.mass.gov/municipal-vulnerability-preparedness-mvp-program>
- Section 319 Nonpoint Source Competitive Grants Program: <https://www.mass.gov/info-details/grants-financial-assistance-watersheds-water-quality>
- Department of Fish & Game, Division of Ecological Restoration: <http://www.mass.gov/der>, Chris Hirsch, [Chris.Hirsch@mass.gov](mailto:Chris.Hirsch@mass.gov)

Please note, the ODS is not affiliated with the above-listed grant programs. If interested, you will need to inquire directly with each program for eligibility criteria and any guidance pertaining to the application process and deadlines.

Please contact the ODS to provide a status update concerning your timeline to bring the dam into compliance at [dam.safety@mass.gov](mailto:dam.safety@mass.gov). ODS can also be reached at 617-620-8583 with any questions you may have relating to dam safety regulations.



# Danielson O&M Plan

- Regular inspections by dam engineer every 6-months.
- Active level control using stoplogs – removal of one stoplog/board doubles spillway capacity and increases storage.
- Active status monitoring by DPW; particular emphasis prior to and during storms.
- Monitoring/control of animal burrows and spillway blockage.
- Funding request for tree removal from the earthen dam.
- Photo shows flow resulting from 1.81" rainfall on 11-30-20 exceeding spillway capacity with all stoplogs in place.
- Design Storm (1-in-100-year) is 8.83" rainfall.



# Budget for ODS-Required Inspections

Fiscal Year	Danielson Fall Inspection (Annual)	Danielson Spring Inspection (Annual)	Phase I Danielson Inspection (5 years)	Danielson Tree Removal	Danielson Total (by FY)
25	\$1850		\$5600		\$5600
26	\$1900	\$1900		\$67,487	\$71,287
27	\$1950	\$1950			\$3900
28	\$2000	\$2000			\$4000
29	\$2050	\$2050			\$4100
30	\$2100		\$6500		\$8600

# Pond Inspection/Repair

- 2019 Town Meeting Warrant Article 17 Appropriated \$90,000 for repairs to Danielson/Ritchie's Pond Dam.
- Residual amount is \$26,887 after contracted work.
- FY 2026 request for \$50,000 (\$76,887 total)
- \$5,600 needed for the Phase I inspection of Danielson Mill Dam (required at 5-year intervals) plus \$1,900 x 2 for 6-month inspections in FY 26.
- \$23,000 Pare quote - tree removal engineering; notes and sketches, Ch. 253 permitting (state), construction observation and closeout.
- \$20,000 to cut 15 trees over 8" diameter.
- \$24,487 allowance for removal of woody vegetation, root balls, and filling resulting voids with clay and rocks.

