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Notice of Planning Board Hearing

Relative to Proposed Zoning By-Law Amendments Pursuant to M.G.L. c. 40A, § 5

The Planning Board of the Town of MEDFIELD will hold a public hearing to discuss proposed amendments to the town's zoning by-laws. The public hearing will be held as follows:

Place: Town Hall, 2nd Floor, Chenery Room
Date: Monday, January 6, 2020
Time: 8:05 pm

The subject matter of the proposed amendments is/are as indicated below (*attach additional sheets if necessary*). The complete text and maps relative to the proposed amendments are available for inspection during regular business hours at the following place(s):¹

Place: Planning Department, Town Hall, 459 Main St., Medfield, MA

Place: Town Clerk, Town Hall, 459 Main St., Medfield, MA

Place: Medfield Public Library, 468 Main St., Medfield, MA

Place: www.medfield.net > Planning Board > Proposed Zoning Bylaw Amendments (Contact Sarah Raposa, Town Planner, with any questions or comments: sraposa@medfield.net or (508) 906-3027)

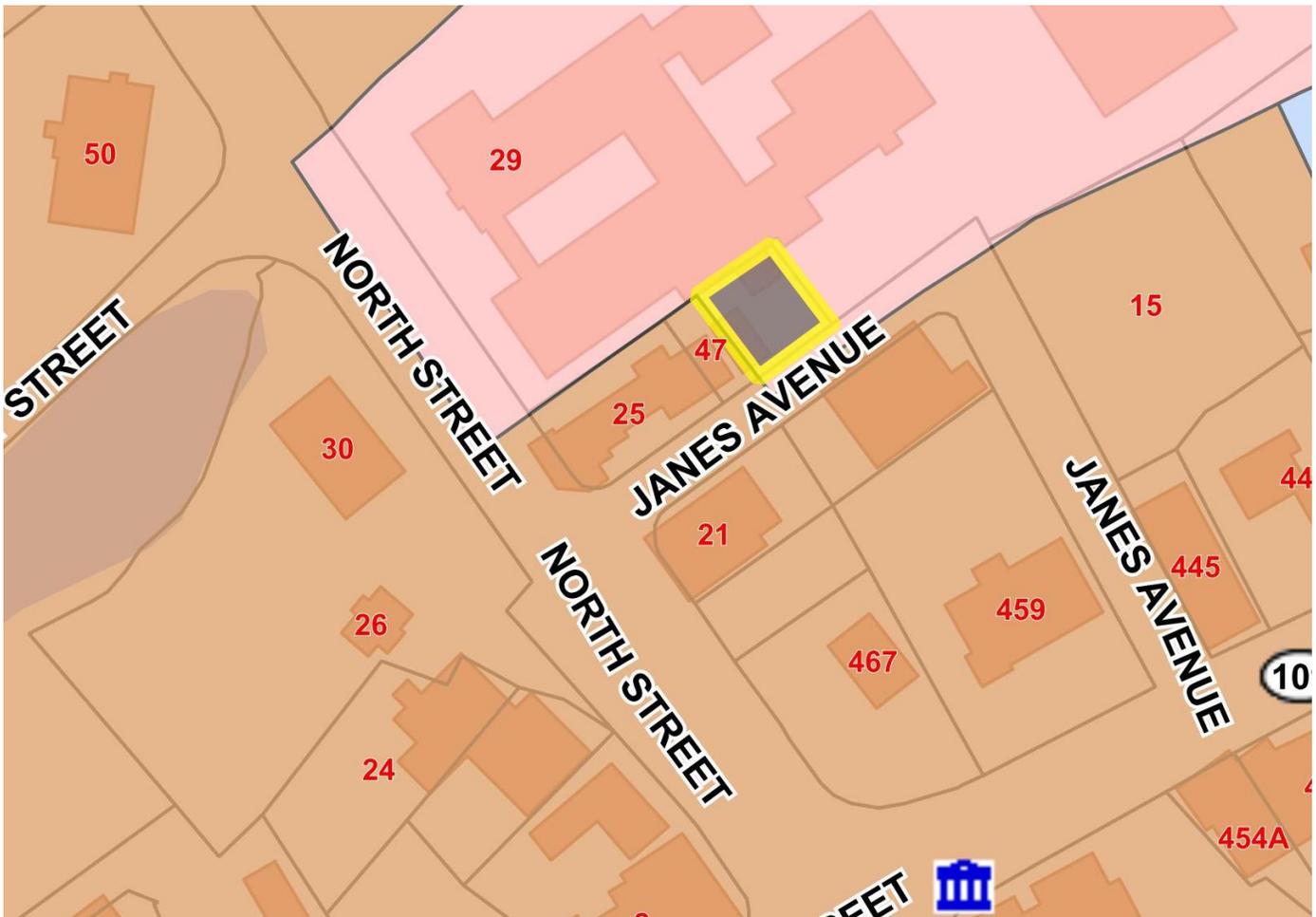
Article Number ###	Subject Matter of Proposed Amendments Sufficient for Identification
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Pursuant to the provisions of MGL ch. 40A §5, the Medfield Planning Board will hold a public hearing at 8:05 p.m. on Monday, January 6, 2020, at the Medfield Town House, 459 Main Street, for the purpose of accepting public comments on the following proposed amendments to the Town of Medfield Zoning By-laws:

1. JANES AVE REZONE

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

¹ **Note:** The above information is *strictly required* by M.G.L. c. 40A, § 5.



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

2. VAPE STORE PROHIBITION

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

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

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

Adult-only retail tobacco store: An establishment that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale but not for resale, tobacco products and tobacco paraphernalia, in which the sale of other products or offer of services is merely incidental, and in which the entry of persons under the minimum legal sales age is prohibited at all times, and which maintains a valid permit for the retail sale of tobacco products as required by the Medfield Board of Health.

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

3. FOOD TRUCKS

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

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

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

4. SPECIAL PERMIT PROCESS FOR DECKS AND PORCHES INTO SETBACK

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

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) Uncovered decks, porches, or similar features are subject to the requirements of the Table of Area Regulations adopted in accordance with § 300-6.2 of the Medfield Zoning Bylaw, except that the Board of Appeals may, in Districts RE, RT, RS and RU, by special permit as specified in § 300-14.10E, allow a lesser setback not to exceed 10% of the required setback for the zoning district. Any covered portion of the structure must be within the required setback and also comply with other dimensional requirements including lot coverage.**

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

Example:

Zoning District	Front Setback	Side Setback	Rear Setback
RE			
existing	40'	25'	50'
<i>proposed</i>	36'	22.5'	45'
RT			
existing	40'	15'	50'
<i>proposed</i>	36'	13.5	45'
RS			
existing	30'	12'	40'
<i>proposed</i>	27'	10'9.6"	36'
RU			
existing	20'	12'	30'
<i>proposed</i>	18'	10.8'	27'

5. ACCESSORY STRUCTURES

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

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

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

6. SITE PLAN APPROVAL PROCESS FOR ROOFTOP SOLAR PANELS AND PV PARKING CANOPIES

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

Use	A	RE	RT	RS	RU	B	BI	IE
4. Commercial/Business (See Article 14)								
<u>PROPOSED</u> 4.33. Rooftop PV on permitted primary and accessory structures (see Article 21)								

New Article 21:

20. Solar Energy Systems:

NEW DEFINITIONS

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating. Solar Energy Systems include the following system types:

a) **Solar Energy System, Active:** A solar energy system whose primary purpose is to harvest solar energy into another form of energy or to transfer heat from a collector to another medium using mechanical, electrical, or chemical means. Active Solar Energy Systems include, but are not limited to, the following installation types:

i) **Solar Energy System, Building-mounted:** An Active Solar Energy System that is structurally mounted to a building or structure.

1) **Solar Energy System, Roof-mounted:** A special application of a Building-mounted Solar Energy System that is structurally mounted to the roof of a building or structure.

ii) **Solar Energy System, Ground-mounted:** An Active Solar Energy System that is structurally mounted to the ground.

1) **Solar Energy System, Small-Scale Ground-mounted:** A Ground-mounted Solar Energy System that occupies 1,750 square feet of surface area or less.

2) **Solar Energy System, Medium-Scale Ground-mounted:** A Ground-mounted Solar Energy System that occupies more than 1,750 square feet, but less than 40,000 square feet of surface area.

3) **Solar Parking Canopy:** A special application of a Ground-mounted Solar Energy System that is installed on top of a parking surface or paved surface that maintains the function of the area beneath the canopy.

iii) **Solar Energy System, Building-integrated Photovoltaic (BIPV):** An Active Solar Energy System that consists of integrating solar photovoltaic (PV) modules into the surface of a building or structure, where the solar panels themselves function as, or are integrated into, a building material (i.e., roof shingles, siding, windows, skylights) or structural element (i.e., façade). The generation of solar energy is secondary to the function of the building material or structural element.

iv) **Solar Energy System, Surface-integrated:** An Active Solar Energy System that is not building-mounted and is integrated into a ground-level surface, such as a driveway, walkway, patio surface, path, or parking area, where the solar panels themselves function as, or are integrated into, the surface material. The generation of solar energy is secondary to the function of the surface element.

b) **Solar Energy System, Passive:** A Solar Energy System that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

a. Roof-mounted Solar Energy Systems shall be permitted in all use districts.

b. The installation of Roof-mounted Solar Energy Systems that:

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 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.

c. In residential districts: Small-scale Ground-mounted Solar Energy Systems and Solar Parking Canopies shall be permitted by right in accordance with the provisions of the table of Area regulations (Table 2). Medium-scale Ground-mounted Solar Energy Systems shall be permitted subject to site plan review by the Planning Board.

d. In nonresidential districts: Small-scale Ground-mounted Solar Energy Systems shall comply with the *area regulations in Table 2*. Solar Parking Canopies are permitted subject to site plan review by the Planning Board. The same regulations shall apply in residential districts for exempted uses as defined by M.G.L. c.40A s.3, or

other state and federal statutes.

e. Where Solar Energy Systems would be installed in a Historic District, the system shall require approval by the Historic District Commission.

f. Maximum Percentage (%) Lot Coverage

1) Active Solar Energy Systems are not buildings as defined in the Medfield Zoning By-Laws and should not be treated as such. However, for the purpose of regulating lot coverage, the area of Active Solar Energy Systems shall count toward the Maximum Percentage (%) Lot Coverage as defined in *the Table 3 provided in the Medfield Zoning By-Laws*.

2) An Active Solar Energy System’s contribution toward Maximum Percentage (%) Building Coverage shall be calculated as the total area of the system’s panels. For example, if a system includes ten (10) panels that are each three (3) feet by five (5) feet, the system’s contribution to Maximum Percentage (%) Lot Coverage would equal 150 square feet.

3) Such part of a Building-mounted Solar Energy System or Solar Parking Canopy that extends beyond the impervious area over which it is placed shall count toward Maximum Percentage (%) Lot Coverage.

4) For Ground-mounted Solar Energy Systems, the total surface area of the Solar Energy System shall count toward Maximum Percentage (%) Lot Coverage.

5) To avoid double counting, the surface area of any Active Solar Energy System that is above an existing impervious surface shall not be included in the calculation of Maximum Percentage (%) Building Coverage (i.e. the addition of a Roof-mounted Solar Energy System shall not increase the calculated Maximum Percentage Building Coverage on a lot because it will be located within a surface area - the building’s footprint - that is already counted).

g. Height

1) Building-mounted Solar Energy Systems:

<u>System Type</u>	<u>Roof Pitch</u>	<u>Siting</u>	<u>Maximum Height</u>
Roof-mounted Solar Energy System	Pitch is greater than or equal to 3.2:12 (a fifteen (15) degree angle)	All districts	Roof-mounted Solar Energy Systems may extend up to one (1) foot above the roof surface on which the system is installed beyond applicable building height limits. Systems shall be surface-mounted and installed parallel to the roof surface.
Roof-mounted Solar Energy System	Pitch is less than 3.2:12 (a fifteen (15) degree angle)	All districts	Roof-mounted Solar Energy Systems may extend up to three (3) feet above the roof surface on which the system is installed beyond applicable building height limits. If the surface on which the system is to be mounted is below maximum building height, the Roof-mounted Solar Energy System may extend up to six (6) feet above the roof surface on which the system is installed, provided it does not exceed building height limits by more than three (3) feet; and provided further that any Roof-mounted Solar Energy System that extends more than three (3) feet above the roof surface on which the system is installed must be installed at least three (3) feet from the roof’s edge.
Other Building-mounted Solar Energy System (e.g., awnings)	Not Applicable	All Districts	No greater than the highest point of the roof

2) Ground-mounted Solar Energy Systems:

<u>System Type</u>	<u>Siting</u>	<u>Maximum Height</u>
Solar Parking Canopy	Residential	The maximum height allowed on the lot or the height of the principal structure, whatever is less.
Solar Parking Canopy	Non-residential	Subject to site plan review by the Planning Board

h) Setbacks

- 1) Ground-mounted Solar Energy Systems that move along an axis, unfold, or open shall be located so that the entirety of the equipment's reach at all angles falls within the setback requirements.
- 2) Solar Parking Canopies in residential districts shall meet setback requirements for Accessory Structures.
- 3) Solar Parking Canopies and Surface-integrated Solar Energy Systems in non-residential zones shall be allowed where parking is permitted in accordance with requirements defined in Section 8.3, Parking and Loading Space Standards.
- 4) Any reach of a Building-Mounted Solar Energy System shall comply with the setback requirements for that building.

i) BIPV Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Medfield Zoning By-Laws that relate to the material or structural element into which the system is integrated or functions as. For example, solar roofing would be subject to regulations for roofing; solar pavement would be subject to regulations for pavement.

j) The impervious portion of Ground-mounted Solar Energy Systems and Surface-integrated Solar Energy Systems shall be subject to any requirements in the Medfield Zoning By-Laws that relate to paving, including impervious lot coverage requirements within the Aquifer Protection District. The systems shall also comply with regulations identified in the Town of Medfield Stormwater Management By-Law, Article 235 of the Medfield Code.

k) Site Plan Review: Medium-scale Ground-mounted Solar Energy Systems in all districts and Solar Parking Canopies in non-residential districts are subject to site plan review by the Special Permit Granting Authority prior to construction, installation or modification as provided in this section and in accordance with Section VI-DD - Special Permit Procedures and Site Plan Review. The Planning Board will serve as the Special Permit Granting Authority for these systems.

1) Site Plan Document Requirements: The project proponent shall provide a Final Site Plan to the Special Permit Granting Authority in compliance with Section 300-14.12 and/or 300-14.15 In addition, applicants should submit the following:

- i) Name, address, and contact information for proposed system installer.
- ii) Name, address, contact information and signature of the project proponent, as well as all co-proponents or property owners, if any.
- iii) The name, contact information and signature of any agents representing the project proponent.
- iv) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.
- v) Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the Solar Energy System.

- vi) Documentation of the major system components to be used, including the panels, mounting system, and inverter.
- vii) Operation and Maintenance Plan including measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
- viii) Locations of active farmland, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and “Important Wildlife Habitat” mapped by the Massachusetts Department of Environmental Protection (MassDEP) in relation to the site.
- ix) Locations of local or National Historic Districts in relation to the site.

2) Site Plan Review Design Standards: The Special Permit Granting Authority shall consider the following criteria and standards, in addition to those listed in Section 300-12 and/or 300-14.15 when reviewing submittals made under this section:

- (i) Utility Notification: No solar photovoltaic system shall be installed until evidence has been given to the Special Permit Granting Authority that the owner has submitted notification to the utility company of the customer’s intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
- (ii) Utility Connections: Reasonable efforts, as determined by the Special Permit Granting Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- (iii) Safety: The owner or operator shall provide a copy of the Site Plan Review application to the Medfield Fire Department and shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- (iv) Height and Layout: The Special Permit Granting Authority shall also review the height and physical layout of the Solar Energy Systems, utility connections, and appurtenant infrastructure as it relates to the convenience and safety of emergency vehicles, private vehicles and pedestrian movement on the site.
- (v) Visual Impact: Reasonable efforts, as determined by the Special Permit Granting Authority, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.
- (vi) 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 ground-mounted solar energy systems or as otherwise prescribed by applicable laws, regulations, and By-Laws.
- (vii) Lighting: The Special Permit Granting Authority shall review the physical lighting of the site, including the methods of exterior lighting for convenience, safety and security within the site, and in consideration of impacts of neighboring properties and excessive light pollution. Where feasible, lighting of the Solar Energy System shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

ALL INTERESTED PERSONS SHOULD ATTEND THE PUBLIC HEARING. A COPY OF THE ENTIRE PROPOSAL IS ON FILE WITH THE TOWN CLERK AND PLANNING DEPARTMENT, AND MAY BE INSPECTED DURING REGULAR BUSINESS HOURS.

SARAH T. LEMKE, CHAIR
MEDFIELD PLANNING BOARD

THE PRESS:

December 13, 2019

December 20, 2019