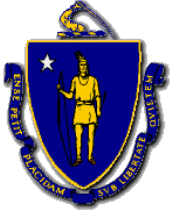




Board of Selectmen  
Meeting Packet  
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Commonwealth of Massachusetts  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

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**Compliance Guidelines for Multi-family Zoning Districts**  
**Under Section 3A of the Zoning Act**

**1. Overview of Section 3A of the Zoning Act**

Section 3A of the Zoning Act provides: *An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.*

The purpose of Section 3A is to encourage the production of multi-family housing by requiring MBTA communities to adopt zoning districts where multi-family housing is allowed as of right, and that meet other requirements set forth in the statute.

The Department of Housing and Community Development, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. DHCD promulgated preliminary guidance on January 29, 2021. DHCD updated that preliminary guidance on December 15, 2021, and on that same date issued draft guidelines for public comment. These final guidelines supersede all prior guidance and set forth how MBTA communities may achieve compliance with Section 3A.

**2. Definitions**

“Adjacent community” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) is not an adjacent small town.

“Adjacent small town” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) either has a population density of less than 500 persons per square mile, or a population of not more than 7,000 year-round residents as determined in the most recently published United States Decennial Census of Population and Housing.

“Affordable unit” means a multi-family housing unit that is subject to a restriction in its chain of title limiting the sale price or rent, or limiting occupancy to an individual or household of a specified income, or both. Affordable units may be, but are not required to be, eligible for inclusion on DHCD’s Subsidized Housing Inventory. Nothing in these Guidelines changes the Subsidized Housing Inventory eligibility criteria, and no affordable unit shall be counted on the Subsidized Housing Inventory unless it satisfies the requirements for inclusion under 760 CMR 56.03(2) or any other regulation or guidance issued by DHCD.

“Age-restricted housing” means any housing unit encumbered by a title restriction requiring a minimum age for some or all occupants.

“As of right” means development that may proceed under a zoning ordinance or by-law without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

“Bus station” means a location with a passenger platform and other fixed infrastructure serving as a point of embarkation for the MBTA Silver Line. Upon the request of an MBTA community, DHCD, in consultation with the MBTA, may determine that other locations qualify as a bus station if (i) such location has a sheltered platform or other fixed infrastructure serving a point of embarkation for a high-capacity MBTA bus line, and (ii) the area around such fixed infrastructure is highly suitable for multi-family housing.

“Commuter rail community” means an MBTA community that (i) does not meet the criteria for a rapid transit community, and (ii) has within its borders at least 100 acres of developable station area associated with one or more commuter rail stations.

“Commuter rail station” means any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service, including stations under construction and scheduled to being service before the end of 2023, but not including existing stations at which service will be terminated, or reduced below regular year-round service, before the end of 2023.

“Compliance model” means the model created by DHCD to determine compliance with Section 3A’s reasonable size, gross density, and location requirements. The compliance model is described in further detail in Appendix 2.

“Determination of compliance” means a determination made by DHCD as to whether an MBTA community has a multi-family zoning district that complies with the requirements of Section 3A. A determination of compliance may be determination of interim compliance or a determination of district compliance, as described in section 9.

“Developable land” means land on which multi-family housing can be permitted and constructed. For purposes of these guidelines, developable land consists of: (i) all privately-owned land except lots or portions of lots that meet the definition of excluded land, and (ii) developable public land.

“Developable public land” means any publicly-owned land that (i) is used by a local housing authority; (ii) has been identified as a site for housing development in a housing production plan approved by DHCD; or (iii) has been designated by the public owner for disposition and

redevelopment. Other publicly-owned land may qualify as developable public land if DHCD determines, at the request of an MBTA community and after consultation with the public owner, that such land is the location of obsolete structures or uses, or otherwise is suitable for conversion to multi-family housing, and will be converted to or made available for multi-family housing within a reasonable period of time.

“Developable station area” means developable land that is within 0.5 miles of a transit station.

“DHCD” means the Department of Housing and Community Development.

“EOHED” means the Executive Office of Housing and Economic Development.

“Excluded land” means land areas on which it is not possible or practical to construct multi-family housing. For purposes of these guidelines, excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following:

- (i) All publicly-owned land, except for lots or portions of lots determined to be developable public land.
- (ii) All rivers, streams, lakes, ponds and other surface waterbodies.
- (iii) All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by title 5 of the state environmental code.
- (iv) Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries).
- (v) All public rights-of-way and private rights-of-way.
- (vi) Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.
- (vii) Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university.

“Ferry terminal” means the location where passengers embark and disembark from regular, year-round MBTA ferry service.

“Gross density” means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no zoning restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“Listed funding sources” means (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; and (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

“Lot” means an area of land with definite boundaries that is used or available for use as the site of a building or buildings.

“MassGIS data” means the comprehensive, statewide database of geospatial information and mapping functions maintained by the Commonwealth's Bureau of Geographic Information, within the Executive Office of Technology Services and Security, including the lot boundaries and use codes provided by municipalities.

“MBTA” means the Massachusetts Bay Transportation Authority.

“MBTA community” means a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.

“Multi-family housing” means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

“Multi-family unit capacity” means an estimate of the total number of multi-family housing units that can be developed as of right within a multi-family zoning district, made in accordance with the requirements of section 5.b below.

“Multi-family zoning district” means a zoning district, including a base district or an overlay district, in which multi-family housing is allowed as of right; provided that the district shall be in a fixed location or locations, and shown on a map that is part of the zoning ordinance or by-law.

“One Stop Application” means the single application portal for the Community One Stop for Growth through which (i) the Executive Office of Housing and Economic Development considers requests for funding from the MassWorks infrastructure program; (ii) DHCD considers requests for funding from the Housing Choice Initiative, (iii) EOHEd, DHCD and other state agencies consider requests for funding from other discretionary grant programs.

“Private rights-of-way” means land area within which private streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Publicly-owned land” means (i) any land owned by the United States or a federal agency or authority; (ii) any land owned by the Commonwealth of Massachusetts or a state agency or authority; and (iii) any land owned by a municipality or municipal board or authority.

“Public rights-of-way” means land area within which public streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Rapid transit community” means an MBTA community that has within its borders at least 100 acres of developable station area associated with one or more subway stations, or MBTA Silver Line bus rapid transit stations.

“Residential dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Section 3A” means section 3A of the Zoning Act.

“Sensitive land” means developable land that, due to its soils, slope, hydrology, or other physical characteristics, has significant conservation values that could be impaired, or vulnerabilities that could be exacerbated, by the development of multi-family housing. It also includes locations where multi-family housing would be at increased risk of damage caused by flooding. Sensitive land includes, but is not limited to, wetland buffer zones extending beyond the title 5 setback area; land subject to flooding that is not a wetland resource area; priority habitat for rare or threatened species; DEP-approved wellhead protection areas in which development may be restricted, but is not prohibited (Zone II and interim wellhead protection areas); and land areas with prime agricultural soils that are in active agricultural use.

“Site plan review” means a process established by local ordinance or by-law by which a local board reviews, and potentially imposes conditions on, the appearance and layout of a specific project prior to the issuance of a building permit.

“Subway station” means any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line, including any extensions to such lines now under construction and scheduled to begin service before the end of 2023.

“Transit station” means an MBTA subway station, commuter rail station, ferry terminal or bus station.

“Transit station area” means the land area within 0.5 miles of a transit station.

“Zoning Act” means chapter 40A of the Massachusetts General Laws.

### **3. General Principles of Compliance**

These compliance guidelines describe how an MBTA community can comply with the requirements of Section 3A. The guidelines specifically address:

- What it means to allow multi-family housing “as of right.”
- The metrics that determine if a multi-family zoning district is “of reasonable size.”

- How to determine if a multi-family zoning district has a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code.
- The meaning of Section 3A’s mandate that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.”
- The extent to which MBTA communities have flexibility to choose the location of a multi-family zoning district.

The following general principles have informed the more specific compliance criteria that follow:

- MBTA communities with subway stations, commuter rail stations and other transit stations benefit from having these assets located within their boundaries and should provide opportunity for multi-family housing development around these assets. MBTA communities with no transit stations within their boundaries benefit from proximity to transit stations in nearby communities.
- The multi-family zoning districts required by Section 3A should encourage the development of multi-family housing projects of a scale, density and aesthetic that are compatible with existing surrounding uses, and minimize impacts to sensitive land.
- “Reasonable size” is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a multi-family zoning district that is “reasonable” in one city or town may not be reasonable in another city or town.
- When possible, multi-family zoning districts should be in areas that have safe, accessible, and convenient access to transit stations for pedestrians and bicyclists.

#### **4. Allowing Multi-Family Housing “As of Right”**

To comply with Section 3A, a multi-family zoning district must allow multi-family housing “as of right,” meaning that the construction and occupancy of multi-family housing is allowed in that district without the need for a special permit, variance, zoning amendment, waiver, or other discretionary approval. DHCD will determine whether zoning provisions allow for multi-family housing as of right consistent with the following guidelines.

##### *a. Site plan review*

The Zoning Act does not establish nor recognize site plan review as an independent method of regulating land use. However, the Massachusetts courts have recognized site plan review as a permissible regulatory tool, including for uses that are permitted as of right. The court decisions establish that when site plan review is required for a use permitted as of right, site plan review involves the regulation of a use and not its outright prohibition. The scope of review is therefore limited to imposing reasonable terms and conditions on the proposed use, consistent with applicable



case law.<sup>1</sup> These guidelines similarly recognize that site plan review may be required for multi-family housing projects that are allowed as of right, within the parameters established by the applicable case law. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review should not unreasonably delay a project nor impose conditions that make it infeasible or impractical to proceed with a project that is allowed as of right and complies with applicable dimensional regulations.

*b. Affordability requirements*

Section 3A does not include any express requirement or authorization for an MBTA community to require affordable units in a multi-family housing project that is allowed as of right. It is a common practice in many cities and towns to require affordable units in a multi-family project that requires a special permit, or as a condition for building at greater densities than the zoning otherwise would allow. These inclusionary zoning requirements serve the policy goal of increasing affordable housing production. If affordability requirements are excessive, however, they can make it economically infeasible to construct new multi-family housing.

For purposes of making compliance determinations with Section 3A, DHCD will consider an affordability requirement to be consistent with as of right zoning as long as the zoning requires not more than 10 percent of the units in a project to be affordable units, and the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income. Notwithstanding the foregoing, DHCD may, in its discretion, approve a greater percentage of affordable units, or deeper affordability for some or all of the affordable units, in either of the following circumstances:

- (i) The affordability requirements applicable in the multi-family zoning district are reviewed and approved by DHCD as part of a smart growth district under chapter 40R, or under another zoning incentive program administered by DHCD; or
- (ii) The affordability requirements applicable in the multi-family zoning district are supported by an economic feasibility analysis, prepared for the municipality by a qualified and independent third party acceptable to DHCD, and using a methodology and format acceptable to DHCD. The analysis must demonstrate that a reasonable variety of multi-family housing types can be feasibly developed at the proposed affordability levels, taking into account the densities allowed as of right in the district, the dimensional requirements applicable within the district, and the minimum number of parking spaces required.

In no case will DHCD approve alternative affordability requirements that require more than 20 percent of the units in a project to be affordable units, except in a smart growth zoning district under chapter 40R with a 25 percent affordability requirement approved and adopted prior to the

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<sup>1</sup> See, e.g., *Y.D. Dugout, Inc. v. Board of Appeals of Canton*, 357 Mass. 25 (1970); *Prudential Insurance Co. of America v. Board of Appeals of Westwood*, 23 Mass. App. Ct. 278 (1986); *Osberg v. Planning Bd. of Sturbridge*, 44 Mass. App. Ct. 56, 59 (1997) (Planning Board “may impose reasonable terms and conditions on the proposed use, but it does not have discretionary power to deny the use”).

issuance of these guidelines, including any such existing district that is expanded or amended to comply with these guidelines.

c. *Other requirements that do not apply uniformly in the multi-family zoning district*

Zoning will not be deemed compliant with Section 3A's requirement that multi-family housing be allowed as of right if the zoning imposes requirements on multi-family housing that are not generally applicable to other uses. The following are examples of requirements that would be deemed to be inconsistent with "as of right" use: (i) a requirement that multi-family housing meet higher energy efficiency standards than other uses; (ii) a requirement that a multi-family use achieve a third party certification that is not required for other uses in the district; and (iii) a requirement that multi-family use must be combined with commercial or other uses on the same lot or as part of a single project. Mixed use projects may be allowed as of right in a multi-family zoning district, as long as multi-family housing is separately allowed as of right.

## 5. **Determining "Reasonable Size"**

In making determinations of "reasonable size," DHCD will take into consideration both the land area of the multi-family zoning district, and the multi-family zoning district's multi-family unit capacity.

a. *Minimum land area*

A zoning district is a specifically delineated land area with uniform regulations and requirements governing the use of land and the placement, spacing, and size of buildings. For purposes of compliance with Section 3A, a multi-family zoning district should be a neighborhood-scale district, not a single development site on which the municipality is willing to permit a particular multi-family project. DHCD will certify compliance with Section 3A only if an MBTA community's multi-family zoning district meets the minimum land area applicable to that MBTA community, if any, as set forth in Appendix 1. The minimum land area for each MBTA community has been determined as follows:

- (i) In rapid transit communities, commuter rail communities, and adjacent communities, the minimum land area of the multi-family zoning district is 50 acres, or 1.5% of the developable land in an MBTA community, whichever is *less*. In certain cases, noted in Appendix 1, a smaller minimum land area applies.
- (ii) In adjacent small towns, there is no minimum land area. In these communities, the multi-family zoning district may comprise as many or as few acres as the community determines is appropriate, as long as the district meets the applicable minimum multi-family unit capacity and the minimum gross density requirements.

In all cases, at least half of the multi-family zoning district land areas must comprise contiguous lots of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement. If the multi-family unit capacity and gross density requirements can be achieved in a district of fewer than 5 acres, then the district must consist entirely of contiguous lots.

b. *Minimum multi-family unit capacity*

A reasonably sized multi-family zoning district must also be able to accommodate a reasonable number of multi-family housing units as of right. For purposes of determinations of compliance with Section 3A, DHCD will consider a reasonable multi-family unit capacity for each MBTA community to be a specified percentage of the total number of housing units within the community, with the applicable percentage based on the type of transit service in the community, as shown on Table 1:

Table 1.

<b><u>Category</u></b>	<b><u>Percentage of total housing units</u></b>
Rapid transit community	25%
Commuter rail community	15%
Adjacent community	10%
Adjacent small town	5%

To be deemed in compliance with Section 3A, each MBTA community must have a multi-family zoning district with a multi-family unit capacity equal to or greater than the minimum unit capacity shown for it in Appendix 1. The minimum multi-family unit capacity for each MBTA community has been determined as follows:

- (i) First, by multiplying the number of housing units in that community by 0.25, 0.15, 0.10, or .05 depending on the MBTA community category. For example, a rapid transit community with 7,500 housing units is required to have a multi-family zoning district with a multi-family unit capacity of  $7,500 \times 0.25 = 1,875$  multi-family units. For purposes of these guidelines, the number of total housing units in each MBTA community has been established by reference to the most recently published United States Decennial Census of Population and Housing.
- (ii) Second, when there is a minimum land area applicable to an MBTA community, by multiplying that minimum land area (up to 50 acres) by Section 3A's minimum gross density requirement of 15 units per acre. The product of that multiplication creates a floor on multi-family unit capacity. For example, an MBTA community with a minimum land area of 40 acres must have a district with a multi-family unit capacity of at least 600 ( $40 \times 15$ ) units.
- (iii) The minimum unit capacity applicable to each MBTA community is *the greater of* the numbers resulting from steps (i) and (ii) above, but subject to the following limitation: In no case does the minimum multi-family unit capacity exceed 25% of the total housing units in that MBTA community.

*Example: The minimum multi-family unit capacity for an adjacent community with 1,000 housing units and a minimum land area of 50 acres is determined as follows: (i) first, by multiplying  $1,000 \times .1 = 100$  units; (ii) second, by multiplying  $50 \times 15 = 750$  units; (iii) by taking the larger number, but adjusting that number down, if necessary, so that unit capacity is no more than 25% of  $1,000 = 250$  units. In this case, the adjustment in step (iii) results in a minimum unit capacity of 250 units.*

c. *Methodology for determining a multi-family zoning district's multi-family unit capacity*

MBTA communities seeking a determination of compliance must use the DHCD compliance model to provide an estimate of the number of multi-family housing units that can be developed as of right within the multi-family zoning district. The multi-family unit capacity of an existing or proposed district shall be calculated using the unit capacity worksheet described in Appendix 2. This worksheet produces an estimate of a district's multi-family unit capacity using inputs such as the amount of developable land in the district, the dimensional requirements applicable to lots and buildings (including, for example, height limitations, lot coverage limitations, and maximum floor area ratio), and the parking space requirements applicable to multi-family uses.

Minimum unit capacity is a measure of whether a multi-family zoning district is of a reasonable size, not a requirement to produce housing units. Nothing in Section 3A or these guidelines should be interpreted as a mandate to construct a specified number of housing units, nor as a housing production target. Demonstrating compliance with the minimum multi-family unit capacity requires only that an MBTA community show that the zoning allows multi-family housing as of right and that a sufficient number of multi-family housing units could be added to or replace existing uses and structures over time—even though such additions or replacements may be unlikely to occur soon.

If an MBTA community has two or more zoning districts in which multi-family housing is allowed as of right, then two or more districts may be considered cumulatively to meet the minimum land area and minimum multi-family unit capacity requirements, as long as each district independently complies with Section 3A's other requirements.

d. *Water and wastewater infrastructure within the multi-family zoning district*

MBTA communities are encouraged to consider the availability of water and wastewater infrastructure when selecting the location of a new multi-family zoning district. But compliance with Section 3A does not require a municipality to install new water or wastewater infrastructure, or add to the capacity of existing infrastructure, to accommodate future multi-family housing production within the multi-family zoning district. In most cases, multi-family housing can be created using private septic and wastewater treatment systems that meet state environmental standards. Where public systems currently exist, but capacity is limited, private developers may be able to support the cost of necessary water and sewer extensions. While the zoning must allow for gross average density of at least 15 units per acre, there may be other legal or practical limitations, including lack of infrastructure or infrastructure capacity, that result in actual housing production at lower density than the zoning allows.

The multi-family unit capacity analysis does not need to take into consideration limitations on development resulting from existing water or wastewater infrastructure within the multi-family zoning district, or, in areas not served by public sewer, any applicable limitations under title 5 of the state environmental code. For purposes of the unit capacity analysis, it is assumed that housing developers will design projects that work within existing water and wastewater constraints, and that developers, the municipality, or the Commonwealth will provide funding for infrastructure upgrades as needed for individual projects.

## 6. **Minimum Gross Density**

Section 3A expressly requires that a multi-family zoning district—not just the individual lots of land within the district—must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. The Zoning Act defines “gross density” as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.”

### a. *District-wide gross density*

To meet the district-wide gross density requirement, the dimensional restrictions and parking requirements for the multi-family zoning district must allow for a gross density of 15 units per acre of land within the district. By way of example, to meet that requirement for a 40-acre multi-family zoning district, the zoning must allow for at least 15 multi-family units per acre, or a total of at least 600 multi-family units.

For purposes of determining compliance with Section 3A’s gross density requirement, the DHCD compliance model will not count in the denominator any excluded land located within the multi-family zoning district, except public rights-of-way, private rights-of-way, and publicly-owned land used for recreational, civic, commercial, and other nonresidential uses. This method of calculating minimum gross density respects the Zoning Act’s definition of gross density—“a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses”—while making it unnecessary to draw patchwork multi-family zoning districts that carve out wetlands and other types of excluded land that are not developed or developable.

### b. *Achieving district-wide gross density by sub-districts*

Zoning ordinances and by-laws typically limit the unit density on individual lots. To comply with Section 3A’s gross density requirement, an MBTA community may establish reasonable sub-districts within a multi-family zoning district, with different density limits for each sub-district, provided that the gross density for the district as a whole meets the statutory requirement of not less than 15 multi-family units per acre. DHCD will review sub-districts to ensure that the density allowed as of right in each sub-district is reasonable and not intended to frustrate the purpose of Section 3A by allowing projects of a such high density that they are not likely to be constructed.

### c. *Wetland and septic considerations relating to density*

Section 3A provides that a district of reasonable size shall have a minimum gross density of 15 units per acre, “subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A.” This directive means that even though the zoning district must permit 15 units per acre as of right, any multi-family housing produced within the district is subject to, and must comply with, the state wetlands protection act and title 5 of the state environmental code—even if such compliance means a proposed project will be less dense than 15 units per acre.

## 7. **Determining Suitability for Families with Children**

Section 3A states that a compliant multi-family zoning district must allow multi-family housing as of right, and that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.” DHCD will deem a multi-family zoning district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions, and does not limit or restrict the size of the units, cap the number of bedrooms, the size of bedrooms, or the number of occupants, or impose a minimum age of occupants. Limits, if any, on the size of units or number of bedrooms established by state law or regulation are not relevant to Section 3A or to determinations of compliance made pursuant to these guidelines.

## 8. **Location of Districts**

### *a. General rule for determining the applicability of Section 3A’s location requirement*

Section 3A states that a compliant multi-family zoning district shall “be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.” When an MBTA community has only a small amount of transit station area within its boundaries, it may not be possible or practical to locate all of the multi-family zoning district within 0.5 miles of a transit station. Transit station area may not be a practical location for a multi-family zoning district if it does not include developable land where multi-family housing can actually be constructed. Therefore, for purposes of determining compliance with Section 3A, DHCD will consider the statute’s location requirement to be “applicable” to a particular MBTA community only if that community has within its borders at least 100 acres of developable station area. DHCD will require more or less of the multi-family zoning district to be located within transit station areas depending on how much total developable station area is in that community, as shown on Table 2:

Table 2.

<b><u>Total developable station area within the MBTA community (acres)</u></b>	<b><u>Portion of the multi-family zoning district that must be within a transit station area</u></b>
0-100	0%
101-250	20%
251-400	40%
401-600	50%
601-800	75%
801+	90%

The percentages specified in this table apply to both the minimum land area and the minimum multi-family unit capacity. For example, in an MBTA community that has a total of 500 acres of transit station area within its boundaries, a multi-family zoning district will comply with Section 3A’s location requirement if at least 50 percent of the district’s minimum land area is located within the transit station area, and at least 50 percent of the district’s minimum multi-family unit capacity is located within the transit station area.

A community with transit station areas associated with more than one transit station may locate the multi-family zoning district in any of the transit station areas. For example, a rapid transit community with transit station area around a subway station in one part of town, and transit station area around a commuter rail station in another part of town, may locate its multi-family zoning district in either or both transit station areas.

*b. MBTA communities with limited or no transit station area*

When an MBTA community has less than 100 acres of developable station area within its boundaries, the MBTA community may locate the multi-family zoning district anywhere within its boundaries. To encourage transit-oriented multi-family housing consistent with the general intent of Section 3A, MBTA communities are encouraged to consider locating the multi-family zoning district in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that qualifies as an “eligible location” as defined in Chapter 40A—for example, near an existing downtown or village center, near a regional transit authority bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.

*c. General guidance on district location applicable to all MBTA communities*

When choosing the location of a new multi-family zoning district, every MBTA community should consider how much of a proposed district is sensitive land on which permitting requirements and other considerations could make it challenging or inadvisable to construct multi-family housing. For example, an MBTA community may want to avoid including in a multi-family zoning district areas that are subject to flooding, or are known habitat for rare or threatened species, or have prime agricultural soils in active agricultural use.

## **9. Determinations of Compliance**

Section 3A provides that any MBTA community that fails to comply with Section 3A’s requirements will be ineligible for funding from any of the listed funding sources. DHCD will make determinations of compliance with Section 3A in accordance with these guidelines to inform state agency decisions on which MBTA communities are eligible to receive funding from the listed funding sources. Determinations of compliance also may inform funding decisions by EOHED, DHCD, the MBTA and other state agencies which consider local housing policies when evaluating applications for discretionary grant programs, or making other discretionary funding decisions.

DHCD interprets Section 3A as allowing every MBTA community a reasonable opportunity to enact zoning amendments as needed to come into compliance. Accordingly, DHCD will recognize both *interim* compliance, which means an MBTA community is taking active steps to enact a multi-family zoning district that complies with Section 3A, and *district* compliance, which is achieved when DHCD determines that an MBTA community has a multi-family zoning district that complies with Section 3A. The requirements for interim and district compliance are described in more detail below.

Table 3.

<b>Transit Category (# of municipalities)</b>	<b>Deadline to Submit Action Plan</b>	<b>Deadline to Submit District Compliance Application</b>
Rapid transit community (12)	January 31, 2023	December 31, 2023
Commuter rail community (71)	January 31, 2023	December 31, 2024
Adjacent community (58)	January 31, 2023	December 31, 2024
Adjacent small town (34)	January 31, 2023	December 31, 2025

*a. Process to achieve interim compliance*

Many MBTA communities do not currently have a multi-family zoning district of reasonable size that complies with the requirements of Section 3A. Prior to achieving district compliance (but no later than the deadlines set forth in Table 3), these MBTA communities can achieve interim compliance by taking the following affirmative steps towards the creation of a compliant multi-family zoning district.

- i. *Creation and submission of an action plan.* An MBTA community seeking to achieve interim compliance must first submit an action plan on a form to be provided by DHCD. An MBTA community action plan must provide information about current zoning, past planning for multi-family housing, if any, and potential locations for a multi-family zoning district. The action plan also will require the MBTA community to establish a timeline for various actions needed to create a compliant multi-family zoning district.
- ii. *DHCD approval of an action plan.* DHCD will review each submitted action plan for consistency with these guidelines, including but not limited to the timelines in Table 3. If DHCD determines that the MBTA community's action plan is reasonable and will lead to district compliance in a timely manner, DHCD will issue a determination of interim compliance. DHCD may require modifications to a proposed action plan prior to approval.
- iii. *Implementation of the action plan.* After DHCD approves an action plan and issues a determination of interim compliance, an MBTA community must diligently implement the action plan. DHCD may revoke a determination of interim compliance if an MBTA community has not made sufficient progress in implementing an approved action plan. DHCD and EOHED will review an MBTA community's progress in implementing its action plan prior to making an award of funds under the Housing Choice Initiative and Massworks infrastructure program.
- iv. *Deadlines for submitting action plans.* To achieve interim compliance for grants made through the 2023 One Stop Application, action plans must be submitted by no later than January 31, 2023. An MBTA community that does not submit an action plan by that date may not receive a DHCD determination of interim compliance in time to receive an award of funds from the listed funding sources in 2023. An MBTA community that does not achieve interim compliance in time for the 2023 One Stop Application may submit an action plan to become eligible for a subsequent round of the One Stop Application, provided that an action plan must be submitted



by no later than January 31 of the year in which the MBTA community seeks to establish grant eligibility; and provided further that no action plan may be submitted or approved after the applicable district compliance application deadline set forth in Table 3.

b. *Assistance for communities implementing an action plan.*

MBTA communities are encouraged to communicate as needed with DHCD staff throughout the process of implementing an action plan. DHCD will endeavor to respond to inquiries about whether a proposed multi-family zoning district complies with Section 3A prior to a vote by the municipal legislative body to create or modify such a district. Such requests shall be made on a form to be provided by DHCD and should be submitted at least 90 days prior to the vote of the legislative body.

c. *Requests for determination of district compliance*

When an MBTA community believes it has a multi-family zoning district that complies with Section 3A, it may request a determination of district compliance from DHCD. Such a request may be made for a multi-family zoning district that was in existence on the date that Section 3A became law, or for a multi-family zoning district that was created or amended after the enactment of Section 3A. In either case, such request shall be made on an application form required by DHCD and shall include, at a minimum, the following information. Municipalities will need to submit:

- (i) A certified copy of the municipal zoning ordinance or by-law and zoning map, including all provisions that relate to uses and structures in the multi-family zoning district.
- (ii) An estimate of multi-family unit capacity using the compliance model.
- (iii) GIS shapefile for the multi-family zoning district.
- (iv) In the case of a by-law enacted by a town, evidence that the clerk has submitted a copy of the adopted multi-family zoning district to the office of the Attorney General for approval as required by state law, or evidence of the Attorney General's approval.

After receipt of a request for determination of district compliance, DHCD will notify the requesting MBTA community within 30 days if additional information is required to process the request. Upon reviewing a complete application, DHCD will provide the MBTA community a written determination either stating that the existing multi-family zoning district complies with Section 3A, or identifying the reasons why the multi-family zoning district fails to comply with Section 3A and the steps that must be taken to achieve compliance. An MBTA community that has achieved interim compliance prior to requesting a determination of district compliance shall remain in interim compliance for the period during which a request for determination of district compliance, with all required information, is pending at DHCD.

## **10. Ongoing Obligations; Rescission of a Determination of Compliance**

After receiving a determination of compliance, an MBTA community must notify DHCD in writing of any zoning amendment or proposed zoning amendment that affects the compliant multi-family zoning district, or any other by-law, ordinance, rule or regulation that limits the development

of multi-family housing in the multi-family zoning district. DHCD may rescind a determination of district compliance, or require changes to a multi-family zoning district to remain in compliance, if DHCD determines that:

- (i) The MBTA community submitted inaccurate information in its application for a determination of compliance;
- (ii) The MBTA community failed to notify DHCD of a zoning amendment that affects the multi-family zoning district;
- (iii) The MBTA community enacts or amends any by-law or ordinance, or other rule or regulation, that materially alters the minimum land area and/or the multi-family unit capacity in the multi-family zoning district;
- (iv) A board, authority or official in the MBTA community does not issue permits, or otherwise acts or fails to act, to allow construction of a multi-family housing project that is allowed as of right in the multi-family zoning district;
- (v) The MBTA community takes other action that causes the multi-family zoning district to no longer comply with Section 3A; or
- (vi) An MBTA community with an approved multi-family zoning district has changed transit category as a result of a newly opened or decommissioned transit station, or the establishment of permanent, regular service at a transit station where there was formerly intermittent or event-based service.

## **11. Changes to MBTA Service**

Section 3A applies to the 175 MBTA communities identified in section 1A of the Zoning Act and section 1 of chapter 161A of the General Laws. When MBTA service changes, the list of MBTA communities and/or the transit category assignments of those MBTA communities in Appendix 1 may change as well.

The transit category assignments identified in Appendix 1 of these guidelines reflect certain MBTA service changes that will result from new infrastructure now under construction in connection with the South Coast Rail and Green Line Extension projects. These service changes include the opening of new Green Line stations and commuter rail stations, as well as the elimination of regular commuter rail service at the Lakeville station. These changes are scheduled to take effect in all cases a year or more before any municipal district compliance deadline. Affected MBTA communities are noted in Appendix 1.

Municipalities that are not now identified as MBTA communities and may be identified as such in the future are not addressed in these guidelines or included in Appendix 1. New MBTA communities will be addressed with revisions to Appendix 1, and separate compliance timelines, in the future.

Future changes to Silver Line routes or stations may change district location requirements when expanded high-capacity service combined with new facilities creates a bus station where there was not one before. Changes to other bus routes, including the addition or elimination of bus stops or reductions or expansions of bus service levels, do not affect the transit categories assigned to MBTA communities and will not affect location requirements for multi-family zoning districts. Any future changes to MBTA transit service, transit routes and transit service levels are determined by the MBTA Board of Directors consistent with the MBTA's Service Delivery Policy.

**List of Appendices:**

Appendix 1: MBTA Community Categories and Requirements

Appendix 2: Compliance Methodology/Model



## MANAGE TOWN FINANCES IN A FISCALLY PRUDENT MANNER THAT STRIKES A PROPER BALANCE BETWEEN FUNDING OF IMPORTANT TOWN SERVICES AND AFFORDABILITY FOR TAXPAYERS

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**GOAL #1:** Charting a course for the town calls for an unwavering commitment to prudently impose financial burdens on taxpayers, while also ensuring that essential, or, in some cases, highly desired services are provided to the town's residents and businesses. The natural tension between these two imperatives requires that a thoughtful balance between the two be maintained.

Key Focus Areas	Long-term (5 - 10 yr timeframe)	2023 Goals
Maintain a Responsible/Fiscally Prudent Financial Position	Keep the Town's Operating Budgets within the limits imposed by Prop 2 1/2 and overall town debt at or below the size of the town budget	<p>Work with Town Planner to identify parcels of land that could be rezoned as commercial. Present recommendations to the Planning Board – <b>NOT DONE YET</b></p> <ol style="list-style-type: none"> <li>Identify at least 1 parcel of land, not town-owned, even if zoned residential, that could be commercially developed. Work with Town Planner/Planning Board <u>and neighbors</u> to evaluate potential to be re-zoned.</li> <li>Rezone the business district in the downtown to provide more business/retail spaces. Find ways to extend the downtown business district to enhance areas like Park Street as integral components of the downtown business district. – <b>IN PROCESS</b></li> <li><del>Support a process for redesigning the Gun Range in support of the Trinity project</del></li> <li><u>Pursue reuse of the Town Landfill for solar energy generation</u></li> <li><u>Set a budget target to build a Prop 2 1/2 taxation buffer in anticipation of the impact the new school project will have on real estate taxes</u></li> </ol>
Reduce Reliance on the Residential Tax Base for Revenues by either diversifying the tax base and/or building revenue positive housing	Generate 10% of the Town's Tax Revenue from Non-Residential Sources and/or the net gain on revenue positive housing (i.e., tax revenue - added cost to town)	<u>Explore the feasibility/ attractiveness of introducing senior tax relief options</u>
Promote a "Business Friendly" Atmosphere to Retain Current and Attract Potential New Businesses		<del>Work with the downtown business community and residents to identify a committee to assume the responsibilities previously held by the Downtown Study Committee and the Economic Development Committee with a goal of promoting economic development in the extended downtown area that balances business needs and the needs of downtown residents. (Probably under the leadership of the Town Planner) – DO WE STILL WANT TO</del>

		<p><del>DO THIS?</del> Reestablish an Economic Development Committee to promote business development, primarily in the downtown area</p> <p>Explore ideas for making the downtown area more attractive for people to come to in the wintertime. (e.g., look at building a “greenhouse”-type structure in the area of the gazebo)</p>

***GOAL #2: Many decisions made by the town carry long-term financial implications that can easily be missed, if they are not consciously taken into account. Hiring decisions; major capital acquisitions; program expansions; and even public or state "seed money" contributions in support of new initiatives can all introduce long-term financial ramifications for the town that should be recognized up front before an initial financial decision is made. Unexpected major capital requirements; significant structural budget deficits; and unfunded long-term financial liabilities should rarely, if ever, arise***

Key Focus Areas	Long-term (5 - 10 yr timeframe)	2023 Goals
Proactively plan for the maintenance and upgrade of town buildings	Maintain and update (annually?) a 20-year plan for building maintenance expenditures	<p><del>Develop a</del>Update the plan to fund those building improvements/repairs deemed necessary and appropriate for funding from the 20-year capital plan</p> <p>Update/ revise the Capital Maintenance Plan?</p>
Ensure adequate funding for the ongoing maintenance and upkeep of the town's transportation, water, and sewer infrastructure	<p>Establish and annually update a 20-year capital plan for Water &amp; Sewer System</p> <p>Establish and annually update a road maintenance plan</p> <p>Align long-range plans with financing policies that are capable of supporting those plans</p>	<p>Meet with W &amp; S board/town administration and determine solutions for issues identified by W &amp; S Board, develop plan going forward – IN PROCESS?</p> <p>Develop a sidewalk development plan for the town that lays out specific plans, priorities, and sequencing to increase the extent and quality of the sidewalks in town. —IN PROCESS?</p> <p>Tap ARPA funding to accelerate progress on sidewalk construction?</p> <p>Are there other things that need to be done in this area?</p>
Recognize and plan for the full costs associated with expansions of town staff, programs, and services	Double the current level of funding for the Town's OPEB obligation	Establish procedures to ensure that full long-term financial obligations of the town are taken into account when hiring staff. Increase public visibility into the full financial implications associated with staff hiring decisions. —IN PROCESS

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	<p>Apply funds obtained through major capital sales of town assets to the town's long-term financial obligations</p> <p>Restructure department budgets to reflect the full costs of staff, programs, and services, including benefits costs that are currently consolidated in separate town-wide budgets</p>	
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### **PURSUE COMMUNITY HOUSING GOALS TO MAINTAIN AN ECONOMICALLY STABLE AND SOCIALLY BALANCED TOWN POPULATION THAT ALLOWS MEDFIELD TO BE A SELF-SUFFICIENT AND ACCESSIBLE COMMUNITY**

***GOAL #3: Medfield does a good job of producing responsible citizens who live with confidence in the safety and support of their community, regardless of economic or social status. Medfield residents can be confident that the town cares about them and will support them where possible. One of the most visible ways for the town to demonstrate its commitment to its residents is to work to address specific housing needs of long-standing town residents and other residents with particular needs that the town is in a position to help address. –***

Key Focus Areas	Long-term (5 - 10 yr timeframe)	2023 Goals
Achieve 408 Affordable Housing Goals to Enable Medfield to Control Its Development Path	<p>Achieve 10% Affordable Housing mandate imposed by Chapter 408 within the next 8 years</p>	<p>Complete construction of all SHI-eligible housing required to achieve the town's 408 goal. <u>Figure out the best way to get the remaining units required to meet the town's 10% affordable housing goal on a timely basis that minimizes any time the town spends out of "Safe Harbor" status.</u></p>
Provide Housing for Medfield's Adults Who Are Capable of Living Independently with Assistance	<p>Develop 8 units of housing for adults with intellectual disabilities</p>	<p>Do we need a goal for group home development here? <u>Yes, Work with the AHT to identify the best way to do this. Explore alternative financing approaches for supporting group home development (i.e., state funding, private funding, etc.)</u></p> <p><u>Identify one or more sites in town that are capable of supporting a group home.</u></p>

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Increase Availability of Senior Housing to Enable Seniors to Afford to Live in Medfield	Provide a minimum of 120 additional units of senior housing across the economic spectrum over the next 6 years	What's the current number of senior housing units?
<u>Promote the timely redevelopment of the State Hospital campus</u>	<u>Promote the timely completion of the redevelopment project being undertaken by Trinity (projected completion date – 2026)</u>	<del>Gun Range action could also go here instead of further forward</del> <u>Drive/ support state actions to address the noise issue from the current police gun range on North Meadows Road. (This is a “show-stopper” issue for the Trinity project)</u>

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## PROMOTE THE HEALTHY AND RESPONSIBLE DEVELOPMENT OF MEDFIELD'S YOUTH

**GOAL #4:** *Medfield has a long-standing tradition of consciously working to instill in Medfield's youth an appreciation for what it takes to form a vibrant, respectful, and supportive community to provide the best life possible for all who live in it. This appreciation doesn't arise on its own. It is the result of conscious action by teachers, adult leaders, community leaders, neighbors, and youth organizations to introduce the town's youth to town history, principles of democracy in action, public events and activities that encourage reflection and involvement in actions to bring a community together. Town government isn't always the initiator or driver of these activities, but town government should always remain cognizant of them and should work to support these activities where needed and feasible.*

Key Focus Areas	Long-term (5 – 10 yr timeframe)	2023 Goals
Maintain/ Improve the School System's Solid Academic Performance	Plan for the replacement of the Dale Street School	Update the Feasibility Study for the replacement of the Dale Street School/ Develop a revised concept for the new school
Support the Cultural/ Physical/ Emotional/ Civic Development of Our Children	Develop and implement a thoughtful framework for addressing the full range of challenges confronting the town's young people  Support and strengthen the opportunities available to the town's young people to help them realize their full potential in life	Implement the Connections program to enhance contact between the town's seniors and the town's youth (grant funded) – IN PROCESS?  Medfield Outreach action here as follow up to strategic plan development??
Provide Appropriate Opportunities for the Town's Young People to Observe and Participate in Town Governance		Work with the School Department and the Town Departments to assess the potential for identifying opportunities for town youth to get involved with town operations with a goal of promoting a deeper appreciation of the importance of a citizen-led local government – CURRENT STATUS?  What else? (Fire Department Cadet program, Police Dept internships, Town Hall internships?)

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***GOAL #5: Medfield is a unique town because of its character, history and heritage. Built upon the principles, ideals and values of our country, Medfield has taken that foundation and refined it to build a town that recognizes the importance of preserving the heritage, values, and culture that have made Medfield the community that it has become. This goal focuses on ensuring that the best parts of Medfield are preserved for future generations and that Medfield retains its unique identity and character.***

Key Focus Areas	Long-term (5 – 10 yr timeframe)	2023 Goals
Preserve/ Protect the Town's Character, Understanding of its History, and its Historic/ Cultural Resources		Rationalize responsibilities between DPW, Parks & Recreation, and the School Department for maintaining natural town assets, including parks, athletic fields, building grounds, and other maintained open space. Make appropriate adjustments to department maintenance budgets to reflect adjustments in responsibilities.
Support Environmental Protection Efforts and Promote the Public's Responsible Use of Our Natural Resources		Town Administrator coordinate with the DPW Head to develop a public tree inventory and tree planting plan – SHOULD THIS BE ON KRISTINE'S GOAL LIST?  Does Sarah's work in this area fit here?
Support and Protect/ Maintain Attractive Open Space Acquisitions to Enhance Recreational Opportunities and to Maintain the Open Character of the Town		The prerequisite action here is to answer the maintenance question –(CORPS Plan? – Conservation, Open-Space, Recreation, Public Spaces Plan)

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## MAINTAIN ENVIRONMENTAL QUALITY AND THE SUSTAINABILITY OF OUR COMMUNITY

(NEW DRAFT GOAL AREA)

*GOAL #6: Medfield has historically been closely tied to the natural environment. From the earliest point in its history, Medfield has taken advantage of its natural habitat to support agriculture, the arts, and recreation. More recently, as the importance of maintaining a healthy, resilient, and sustainable has become more apparent to all, Medfield's commitment to preserving and protecting its natural environment has only grown stronger, ~~as evidenced by the approval of Climate Goals Article 22 at Town Meeting May 2021~~. Medfield's open space, as a percentage of its total land area, is among the highest of any town in Massachusetts. The town's residents are strongly committed to ~~meeting the town's responsibilities for~~ conscientious environmental stewardship of the town's open spaces and natural habitats, ~~as well as to pursuing the Net Zero 2050 goal~~ to ensure the sustained health and vibrancy of the town's ~~residents and~~ natural environment.*

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Key Focus Areas	Long-term (5 - 10 yr timeframe)	2023 Goals
Environmental Sustainability and Resilience	Maintain and Update the Town's Environmental Resiliency Plans	
Climate Action	<p>Support the State 2030 Climate Goals <del>by implementing priority actions of TOMCAP</del></p> <p>Ensure that Medfield is on a track to pursue feasible 2050 Net Zero goals</p> <p><del>Hire a Sustainability Director to support departmental climate action, project development, grant writing, and public outreach</del></p> <p><del>Follow the state's example of making</del> Make climate considerations part of all relevant decision making</p>	
Preservation and Protection of Water Resources	<p>Identify and Assess Long-Term Threats to the Town's Water Purity</p> <p>Develop Adequate Long-Term Capital Plans to Ensure the Adequacy of the Town's Water and Sewer Systems – to Include Well Field Capacity</p> <p>Improve Wildlife Habitats to Support the Health and Growth of the Town's Native Wildlife</p>	

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**Commented [GM1]:** The reference to TOMCAP isn't appropriate before we have an actual approved plan

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**Commented [GM2]:** This is an action, not a goal. This could be a decision we might make in support of a goal, but it's not a goal, in and of itself.

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	<p><del>Private</del>Require private well compliance with drought restrictions imposed on town residents using town water</p> <p>Manage use of pesticides – mosquito and tick control (when and how to spray), lawn care products to minimize adverse environmental impacts to the town</p>	
Open Space Protection and Management	<p>Develop a Comprehensive Plan for the Ongoing Maintenance and Improvement of Open Spaces, <del>including a plan to combat invasive species on public, and private, property</del></p> <p>Improve Public Access to Information About the Town’s Open Spaces</p> <p>Continue/ expand efforts to limit the use of plastics</p> <p><del>Adopt “No Mow May” for appropriate public spaces – and encourage adoption with appropriate private property in town</del></p>	
Forest/ Wildlife Management	<p>Maintain and enhance the town’s forests, <del>wetlands and soils</del> to support carbon sequestration and the development of saleable carbon offsets</p>	

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Key Focus Areas	Long-term (5 - 10 year timeframe)	2022 - 2023 Goals





**TOWN OF  
MEDFIELD**  
*Office of the*  
**BOARD OF  
SELECTMEN**

***Board of Selectmen***  
Gustave H. Murby, Chair  
Osler L. Peterson, Clerk  
Eileen Murphy, Member

TOWN HOUSE, 459 MAIN  
STREET  
MEDFIELD,  
MASSACHUSETTS 02052-0315  
(508) 906-3011 (phone)  
(508) 359-6182 (fax)

**Kristine Trierweiler**  
*Town Administrator*

**Frank Gervasio**  
*Assistant Town Administrator*

Andrea Harris-Long  
Raul Gonzalez  
Technical Assistance Program Coordinators  
Metropolitan Area Planning Council  
60 Temple Street  
Boston, MA 02111

Dear. Ms. Harris-Long and Mr. Gonzalez,

On behalf of Medfield's Board of Selectmen, I write to support the Cultural Alliance of Medfield's (CAM) application to MAPC's Technical Assistance Program.

Since CAM acquired its 99-year lease on two buildings at the former Medfield State Hospital (MSH) for a performing arts and education center, they have made significant progress in launching an outdoor performing arts series attracting 10,000 visitors and achieved 30% of their capital campaign goal. CAM's project is consistent with the Town's 2018 master plan to improve the site.

The Town has also made progress in rezoning the property and voting to sell the surrounding buildings to Trinity Financial for historic preservation and creation of 334 housing units, with 25% affordable. Trinity anticipates construction will begin in early 2024 and be completed by May, 2026. Trinity is also assuming responsibility for installing new infrastructure.

CAM anticipates a second phase of new construction for visual and culinary arts on property Trinity will own. To that end, it's important for CAM to complete its study in 2023 and realize efficiencies when Trinity installs the new infrastructure. We understand from CAM's updated market analysis that the regional economic activity from their combined facilities could be \$7 million annually.

We strongly encourage MAPC to support CAM's application.

Sincerely,

Gusave H. Murby  
Chair, Board of Selectmen







December 9, 2022

Mr. Andrew Foster  
Town Accountant  
Town of Medfield  
459 Main Street  
Medfield, MA 02052

**Re: Engagement Letter for Other Post-Employment Benefits Actuarial Consulting Services**

Dear Mr. Foster:

The following is an engagement letter for Stone Consulting, Inc. ("the Consultant") to provide actuarial consulting services to the Town of Medfield. This letter covers consulting services from January 1, 2023, through December 31, 2024. We value our relationship with the Town of Medfield and are committed to providing the Town and its staff excellent technical services, and professional consulting advice.

The projects to be performed by Stone Consulting, Inc. include

- An actuarial valuation of Other Post-Employment Benefits as of January 1, 2023.
- A report for GASB Statement No. 74 and 75 for FY2023, based on the January 1, 2023, valuation.
- A report for GASB Statement No. 74 and 75 for FY2024, based on the January 1, 2023, valuation.

Terms of the engagement, including a more detailed scope of services and the fees for those services, are presented in the following pages of this letter. Any changes to the terms (e.g., due to changes to applicable laws and/or GASB Standards) will be made in writing with the approval of the Town. If the terms of the engagement letter are satisfactory, please sign both copies of the letter and return one copy to my attention. We look forward to working with you.

Sincerely,

Joan H. Moreau, ASA, FCA, MAAA  
President

## Scope of Services

The Consultant shall assist the Town by preparing a report to satisfy GASB Statements No. 74 and 75 based on the Other Post-Employment Benefits (OPEB) provided by the Town for their members under Massachusetts General Law Chapter 32B. Included as part of the project will be the following:

- 88 Total OPEB Liability (past service liability for active members, retirees and survivors),
- 89 Fiduciary Net Position
- 90 Net OPEB Liability
- 91 OPEB Expense and Service Cost
- 92 Deferred Outflows and Inflows of Resources, due to experience, changes in assumptions, and difference between expected and actual return on plan assets
- 93 Required Supplementary Information (of an actuarial nature)
- 94 Calculation of a single discount rate based on blending a long-term rate of return and the 20-year municipal bond rate as of the measurement date, according to a cash flow analysis of projected OPEB-related payments
- 95 Calculation of a Money-weighted rate of return for the OPEB Trust, based on cash flows to and from the Trust during the measurement period
- 96 Sensitivity analysis for discount rate and trend rates
- 97 Total number of active members and retirees (including beneficiaries), health plan distribution chart
- 98 Actuarial methods and assumptions
- 99 Analysis of plan participation
- 90 Descriptions of plan provisions
- 91 Certification of results by a qualified actuary
- 92 A meeting to present results of the January 1, 2023 actuarial valuation

We will also be available for telephone consultations.

## Fees

The budget for the projects to be completed by the Consultant are as follows:

- 93 January 1, 2023, OPEB valuation and Fiscal Year 2023 GASB 74/75 report: \$10,250
- 94 Roll-forward of liabilities and Fiscal Year 2024 GASB 74/75 report: \$4,950

#### Billing Terms

The fee above assumes timely receipt of complete data. Additional services (e.g., including meetings beyond those proposed or work with auditors, etc.) will be billed at an hourly rate of \$395 for a senior consultant and \$295 for a consultant and analyst.

If the Town desires Stone Consulting, Inc. to perform additional services beyond the study's scope, as outlined in this engagement letter, we will provide a fee quote for the additional work. We will not proceed to perform additional services until we have written authorization to do so. Examples of additional work are work with auditors other than providing member data, meetings in addition to those listed on the prior page, studies, and a funding valuation.

We do not charge for expenses, such as short-run production of reports, mileage, or computer usage. We bill monthly for work completed in the prior month. Our billing terms are net 30 days.

#### **Additional Terms**

##### Data Requirements

While Stone Consulting, Inc. does not audit data, we do check for general reasonableness. This requires data to be transmitted to us which contains sensitive or personal information such as social security numbers. Any data containing sensitive material will be sent either by fax, or if sent electronically, using encryption or a secure portal.

The Town takes full responsibility that the data is reasonable and appropriate. All plan participant and member data will be provided in a machine-readable format. The Town agrees to provide us with all information relevant to the services to be performed. Failure to do so may result in additional fees and extensions of any deadline.

##### Use of Email Communication

The Town consents to the use of electronic mail in communication and in transfer of information and documents. Both parties will carry procedures to protect the integrity of the data. Risks of the use of electronic communication are borne by the Town and are not the responsibility of the Consultant.

##### Fiduciary Responsibility

The Town understands that Stone Consulting, Inc. is not acting in the capacity of a fiduciary.

##### Actuarial Results

Actuarial results include projections of future events – these are meant as a best estimate of future experience, not an outright prediction. The Town understands that actual experience may and is in fact likely to diverge from any projection. The actuarial results prepared for funding and for GASB disclosures and intended for those purposes and may not be sufficient for other purposes such as plan termination.

The Town agrees not to use actuarial results or reports to mislead other parties. These results and reports are meant for the internal use of the Town, the OPEB Trust, and its auditors. They are not intended, and may not be suitable, for any other purpose.

#### Actuarial Methods and Assumptions

Actuarial Methods and Assumptions will be selected by the Town with guidance from and information provided by the Consultant. The Town staff will assume responsibility for assuring that the actuarial assumptions and methodology are reasonable and appropriate. The Consultant will perform actuarial valuations in accordance with generally accepted actuarial practices and any applicable standards, as well as the actuarial Code of Conduct, and applicable law.

#### Indemnity

The Consultant will not be held liable for any damages (including loss of profit/revenue) for any reason, including without limitation any breach/termination of this agreement, regardless of the basis on which it is asserted, and regardless of whether the Consultant has been advised of the potential for such damages.

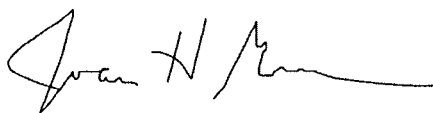
#### Resolution of Conflict

Should any disagreement arise which is not resolved mutually, in the interest of minimizing time and expense to both parties, the Town and the Consultant agree not to demand a trial by jury in any action/counterclaim relating to this agreement.

#### Termination of Agreement

In the event that either the Town or the Consultant believes the other party is not fulfilling its obligations, it shall notify the contact person of the other party in writing specifying such failure. If the other party does not resolve such failure to the reasonable satisfaction of the notifying party within 30 days, the notifying party may terminate this agreement by written notice by first class mail to the other party. Nothing herein shall prevent the Consultant from suspending the performance of services when its invoices have not been paid per our billing terms identified above. Upon termination of this Agreement, the Town shall promptly pay Stone Consulting, Inc. for all expenses and services performed prior to such termination.

Accepted:



For Stone Consulting, Inc.

Date:

December 9, 2022

Accepted:

For the Town of Medfield

Date:





December 9, 2022

Mr. Andrew Foster  
Town Accountant  
Town of Medfield  
459 Main Street  
Medfield, MA 02052

**Re: Engagement Letter for Other Post-Employment Benefits Actuarial Funding Study**

Dear Mr. Foster:

The following is an engagement letter for Stone Consulting, Inc. ("the Consultant") to provide an actuarial OPEB funding study for the Town of Medfield. This study will be performed between July 1, 2023, and June 30, 2024. We value our relationship with the Town of Medfield and are committed to providing the Town and its staff excellent technical services, and professional consulting advice.

Terms of the engagement, including a more detailed scope of services and the fees for those services, are presented in the following pages of this letter. Any changes to the terms (e.g., due to changes to applicable laws and/or Actuarial Standards of Practice) will be made in writing with the approval of the Town. If the terms of the engagement letter are satisfactory, please sign both copies of the letter and return one copy to my attention. We look forward to working with you.

Sincerely,

---

Joan H. Moreau, ASA, FCA, MAAA  
President

### **Scope of Services**

The Consultant shall assist the Town by preparing a letter report in compliance with Actuarial Standard of Practice (ASOP) No 6, *Measuring Retiree Group Benefits Obligations and Determining Retiree Group Benefits Plan Costs or Contributions*, based on the Other Post-Employment Benefits (OPEB) provided by the Town for their members under Massachusetts General Law Chapter 32B. Included as part of the project will be the following:

- 26 Kickoff meeting to discuss alternative funding scenarios
- 28 Funding schedules under 2-3 alternative funding policies
- 29 Calculation of an Actuarially Determined Contribution (ADC)
- 29 A letter report to present results

We will also be available for telephone consultations.

### **Fees**

The budget for the projects to be completed by the Consultant are as follows:

- |  |         |
|--|---------|
| 30 Funding study with 2-3 alternative funding schedules: | \$2,500 |
|--|---------|



#### Billing Terms

The fee above assumes timely receipt of complete data. Additional services (e.g., including meetings beyond those proposed or work with auditors, etc.) will be billed at an hourly rate of \$395 for a senior consultant and \$295 for a consultant and analyst.

If the Town desires Stone Consulting, Inc. to perform additional services beyond the study's scope, as outlined in this engagement letter, we will provide a fee quote for the additional work. We will not proceed to perform additional services until we have written authorization to do so. Examples of additional work are work with auditors other than providing member data, meetings in addition to those listed on the prior page, studies, and a funding valuation.

We do not charge for expenses, such as short-run production of reports, mileage, or computer usage. We bill monthly for work completed in the prior month. Our billing terms are net 30 days.

#### Additional Terms

##### Data Requirements

While Stone Consulting, Inc. does not audit data, we do check for general reasonableness. This requires data to be transmitted to us which contains sensitive or personal information such as social security numbers. Any data containing sensitive material will be sent either by fax, or if sent electronically, using encryption or a secure portal.

The Town takes full responsibility that the data is reasonable and appropriate. All plan participant and member data will be provided in a machine-readable format. The Town agrees to provide us with all information relevant to the services to be performed. Failure to do so may result in additional fees and extensions of any deadline.

##### Use of Email Communication

The Town consents to the use of electronic mail in communication and in transfer of information and documents. Both parties will carry procedures to protect the integrity of the data. Risks of the use of electronic communication are borne by the Town and are not the responsibility of the Consultant.

##### Fiduciary Responsibility

The Town understands that Stone Consulting, Inc. is not acting in the capacity of a fiduciary.

##### Actuarial Results

Actuarial results include projections of future events – these are meant as a best estimate of future experience, not an outright prediction. The Town understands that actual experience may and is in fact likely to diverge from any projection. The actuarial results prepared for funding and for GASB disclosures and intended for those purposes and may not be sufficient for other purposes such as plan termination.

The Town agrees not to use actuarial results or reports to mislead other parties. These results and reports are meant for the internal use of the Town, the OPEB Trust, and its auditors. They are not intended, and may not be suitable, for any other purpose.

#### Actuarial Methods and Assumptions

Actuarial Methods and Assumptions will be selected by the Town with guidance from and information provided by the Consultant. The Town staff will assume responsibility for assuring that the actuarial assumptions and methodology are reasonable and appropriate. The Consultant will perform actuarial valuations in accordance with generally accepted actuarial practices and any applicable standards, as well as the actuarial Code of Conduct, and applicable law.

#### Indemnity

The Consultant will not be held liable for any damages (including loss of profit/revenue) for any reason, including without limitation any breach/termination of this agreement, regardless of the basis on which it is asserted, and regardless of whether the Consultant has been advised of the potential for such damages.

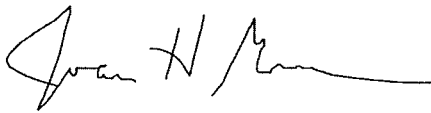
#### Resolution of Conflict

Should any disagreement arise which is not resolved mutually, in the interest of minimizing time and expense to both parties, the Town and the Consultant agree not to demand a trial by jury in any action/counterclaim relating to this agreement.

#### Termination of Agreement

In the event that either the Town or the Consultant believes the other party is not fulfilling its obligations, it shall notify the contact person of the other party in writing specifying such failure. If the other party does not resolve such failure to the reasonable satisfaction of the notifying party within 30 days, the notifying party may terminate this agreement by written notice by first class mail to the other party. Nothing herein shall prevent the Consultant from suspending the performance of services when its invoices have not been paid per our billing terms identified above. Upon termination of this Agreement, the Town shall promptly pay Stone Consulting, Inc. for all expenses and services performed prior to such termination.

Accepted:



For Stone Consulting, Inc.

Date:

December 9, 2022

Accepted:

For the Town of Medfield

Date:



**PROPOSAL to the TOWN OF MEDFIELD**  
**8<sup>th</sup> Annual Hunter's Run 5K and 1 mile Fun Run**  
**April 2, 2023**

I am seeking approval to hold the 8<sup>th</sup> Annual Hunter's Run on April 2, 2023. This will be our 8<sup>th</sup> year raising funds for the best Children's Hospital in the World. We hope to inspire our community to get outside and moving! I have approval from Chief Guerette of the Medfield Police and it is on their calendar. We are passionate about our community having knowledge of Organ Donation. With the funds raised, we have been able to give back to local charities as well as continually support our cause at Boston Children's Hospital Pediatric Transplant Center and Donate Life.

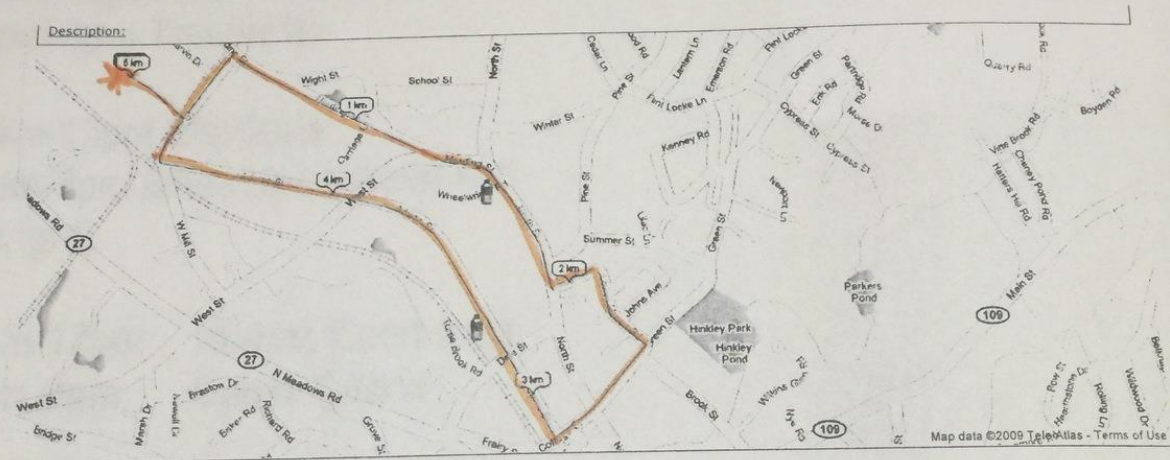
Our hope is to have Hunter either attend, or potentially ride his bike. He ran the 5K for the first time in 2022! Sadly, in October he was diagnosed with a rare cancer. Hunter will be nearing the end of his treatment around the time of the race, and we hope to have him healthy enough to participate. All along, while undergoing chemotherapy, he still gets up and gets moving every day he is able. He hopes to inspire others to do the same.

I do have help in organizing the event through my work, friends, and the countless number of kind people I know around town who have offered to help. I also have approval from Chief Guerette of the Medfield Police. I am a Health Coach, so getting our community moving more is also a desire of mine. Plus, I feel the time of the year is great, hopefully the snow will be melted and it will be a fun way to get people outdoors.

**PROPOSED ROUTE INFORMATION**

All route information is the same as the prior years. I am an employee at Kingsbury Club. They have a certified 5K route that begins and ends at the end of Ice House Road. I propose to use this route as well as the facility for restrooms, and parking. I have permission to use the Kingsbury Club for the event. The course is as follows, a certified 5K:

## Kingsbury Classic 5K Route



- Left out of driveway onto West Mill Street
- Right onto Harding Street (turns into North Street)
- Left onto Lowell Mason Road to end
- Right onto Green Street
- Cross North Street onto Cottage Street
- Right onto Adams Street, through stop sign
- Right onto West Mill Street
- Finish at Kingsbury Club on left

Thank you for considering my event. Please contact me via phone or via email, my information is as follows:

Kristen Williams  
7 Earle Kerr Rd  
Health Coach, Kingsbury Club  
MS Health & Wellness Promotion  
508.314.8795  
swierky43@comcast.net



January 3rd, 2023

The Select People of Medfield  
Medfield Town House  
459 Main St  
Medfield, MA  
02052

cc:Chief Guerette  
Maurice Goulet

Dear Select People,

We are writing to you for permission to host our annual Soles of Medfield 10k on April the 22nd 2023. We have changed our focus of fundraising for safer streets for the runners, walkers, bikers et al around town. You may have seen the yard signs around town encouraging drivers to drive safer. The Soles and all the runners thank you for allowing the race to take place.

This year we are looking to change the location of the start and finish to allow for a better pre/post race experience for the runners while keeping the course somewhat the same. The start and finish are planned to be located at MSH grounds along with post race festivities. We are coordinating this with the Cultural Alliance for a great experience for all.

The route is posted below with turn by turn directions and should you have any questions please feel free to reach out.

Schedule:  
April 22nd, 2023  
10:00am start time  
Last runner should finish around 12:30

Sincerely,  
The Soles of Medfield

Adam Graber  
Race Director  
[agraber13@gmail.com](mailto:agraber13@gmail.com)  
617-459-7906



## Soles of Medfield 10k route 2022

Start at MSH

Run around the grounds to the cut through at the top of Longmeadow

Down Longmeadow then take a left onto Spring Valley then again on Evergreen Way.

At the end of Evergreen Way take a right on Harding St, then a quick left onto Hickory.

From Hickory a right onto Farm St, then a right onto Blacksmith around to Colonial and back to Blacksmith.

Coming out of Blacksmith take a right onto Farm then a right onto the Bay Colony Trail.

Along the Bay Colony Trail, to the end then take a right onto Ice House Rd.

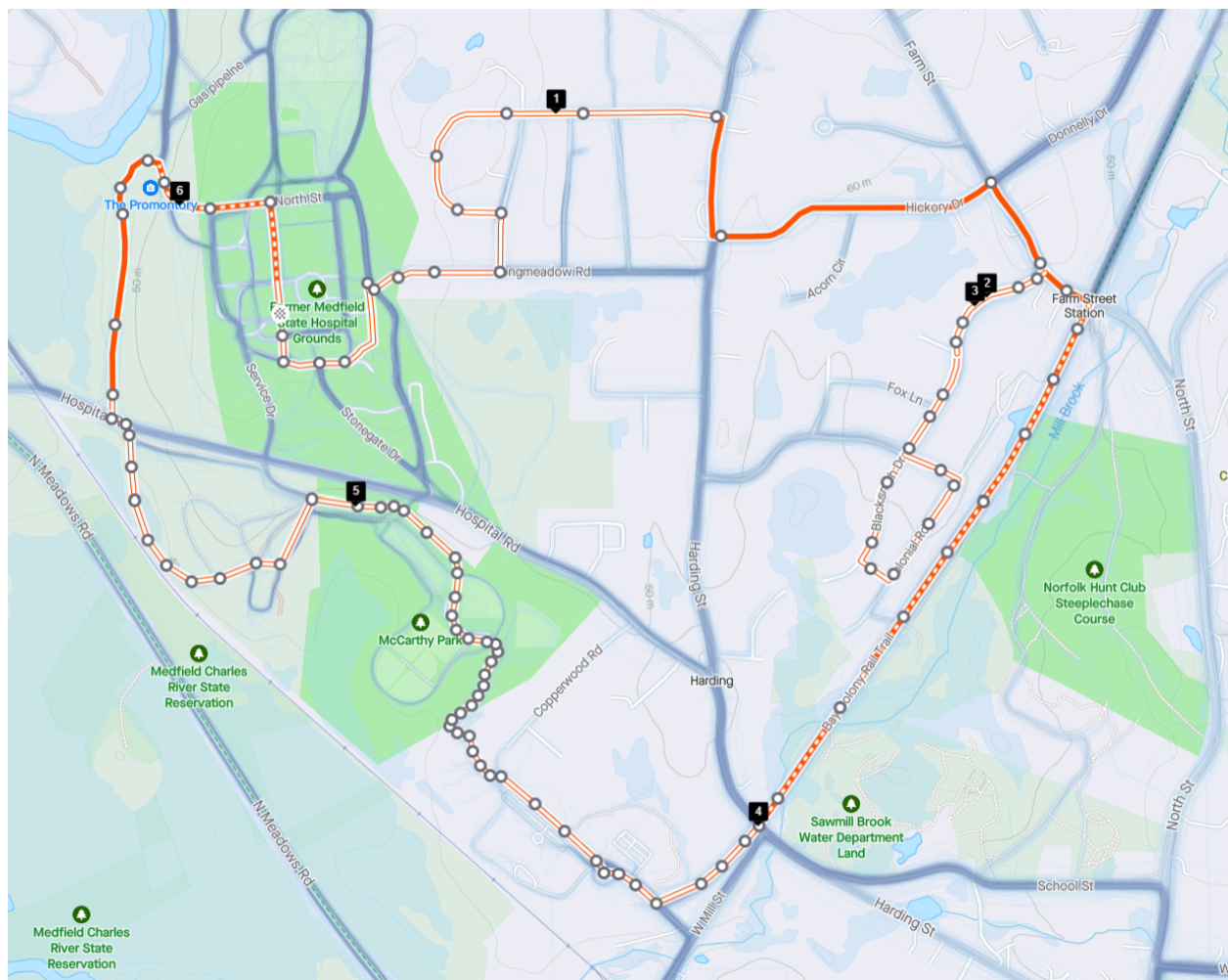
Through the end of the Ice House Rd, to the trail into McCarthy Field.

Once on McCarthy Field, follow the road to the split and take a left down the Bay Colony Trail.

Looping around the bottom of the sledding hill to Hospital Rd, crossing over Hospital Rd

Enter the trail leading up to the overlook, up the hill to the back parking lot of MSH.

Once in the quad take a right onto West St to the finish.





Informational

December 27, 2022

Ms. Kristine Trierweiler  
Medfield Town Administrator  
459 Main Street  
Medfield, MA 02052

Re: Notice of Recording of Activity and Use Limitation and  
Notice of Recording of Activity and Use Limitation Termination  
Former Medfield State Hospital – C&D Area  
45 Hospital Road  
Medfield, Massachusetts  
RTN 2-3020799

Dear Ms. Trierweiler:

The purpose of this letter is to inform you that on December 2, 2022, a Notice of Activity and Use Limitation ("AUL"), a copy of which is attached, was recorded at the Norfolk County Registry of Deeds (Book 40953, Page 23) for the above referenced property.

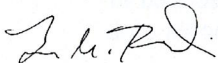
As detailed in the attached, the AUL applies to a Portion of the Property located at 45 Hospital Road (the Site). The AUL identifies activities and uses which are consistent with maintaining a condition of No Significant Risk (NSR) to human health and the environment and those obligations and conditions necessary to ensure that a condition of NSR continues to exist at the Site for the foreseeable future. The AUL also identifies certain activities and uses which are inconsistent with maintaining a condition of NSR.

Additionally, this letter is provided to inform you that on December 2, 2022, a Notice of AUL Termination, a copy of which is attached, was recorded at the Norfolk County Registry of Deeds (Book 40953, Page 19) to terminate a previously recorded AUL for the Portion of the Property.

This public notification is being provided pursuant to the Massachusetts Contingency Plan, 310 CMR 40.1403(7)(a). If you have any comments or questions regarding this notification, please do not hesitate to contact me at 978-573-4040.

Sincerely,

WESTON & SAMPSON ENGINEERS, INC.



Frank Ricciardi, PE, LSP  
CEO

Attachment: Notice of AUL, Notice of AUL Termination  
cc: MassDEP, Central Regional Office

CERTIFY

*William P. O'Donnell*  
WILLIAM P. O'DONNELL, REGISTER

Form 1075

Note: Pursuant to 310 CMR 40.1074(5), upon transfer of any interest in or a right to use the property or a portion thereof that is subject to this Notice of Activity and Use Limitation, the Notice of Activity and Use Limitation shall be incorporated either in full or by reference into all future deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer. Within 30 days of so incorporating the Notice of Activity and Use Limitation in a deed that is recorded or registered, a copy of such deed shall be submitted to the Department of Environmental Protection.

NOTICE OF ACTIVITY AND USE LIMITATION  
M.G.L. c. 21E, § 6 and 310 CMR 40.0000

Disposal Site Name: Medfield State Hospital Power Plant, 45 Hospital Road, Medfield, Massachusetts  
DEP Release Tracking No.: 2-3020799

This Notice of Activity and Use Limitation ("Notice") is made as of this 29 day of November, 2022, by the COMMONWEALTH OF MASSACHUSETTS, acting by and through its Division of Capital Asset Management and Maintenance, One Ashburton Place, Boston, Massachusetts 02108 together with his/her/its/their successors and assigns (collectively "Owner").

WITNESSETH:

WHEREAS, the COMMONWEALTH OF MASSACHUSETTS, is the owner in fee simple of those certain parcels of land located in Medfield, Norfolk County, Massachusetts pursuant to a deed (Transfer of Control) recorded with the Norfolk County Registry of Deeds in Book 5101, Page 672;

WHEREAS, said parcels of land, which are more particularly bounded and described in Exhibit A, attached hereto and made a part hereof ("Property") is subject to this Notice of Activity and Use Limitation. The Property is shown on a plan recorded in the Norfolk County Registry of Deeds in Plan Book 635, Plan 76 of 2014, and on a plan recorded in the Norfolk County Registry of Deeds in Plan Book 717, Plan 44 of 2022;

WHEREAS, a portion of the Property ("Portion of the Property") is subject to this Notice of Activity and Use Limitation. The Portion of the Property is more particularly bounded and described in Exhibit A-1 and A-2, attached hereto and made a part hereof. The Portion of the Property is shown on a plan recorded with the Norfolk Registry of Deeds in Plan Book 717, Plan 43 of 2022;

WHEREAS, the Portion of the Property comprises part of a disposal site as the result of a release of oil and/or hazardous material. Exhibit B is a sketch plan showing the relationship of the Portion of the Property subject to this Notice of Activity and Use Limitation to the boundaries of said disposal site existing within the limits of the Property and to the extent such boundaries have been established. Exhibit B is attached hereto and made a part hereof; and

WHEREAS, one or more response actions have been selected for the Portion of the Disposal Site in accordance with M.G.L. c. 21E ("Chapter 21E") and the Massachusetts Contingency Plan, 310 CMR 40.0000 ("MCP"). Said response actions are based upon (a) the restriction of human access to and contact

SEE PLAN FILED IN

PLAN BOOK 717 PAGE 43 + 44

45 HOSPITAL ROAD, MEDFIELD

with oil and/or hazardous material in soil and/or (b) the restriction of certain activities occurring in, on, through, over or under the Portion of the Property. A description of the basis for such restrictions, and the oil and/or hazardous material release event(s) or site history that resulted in the contaminated media subject to the Notice of Activity and Use Limitation is attached hereto as Exhibit C and made a part hereof;

NOW, THEREFORE, notice is hereby given that the activity and use limitations set forth in this Notice of Activity and Use Limitation are as follows:

1. Activities and Uses Consistent with Maintaining No Significant Risk Conditions. The following Activities and Uses are consistent with maintaining a Permanent Solution and a condition of No Significant Risk and, as such, may occur on the Portion of the Property pursuant to 310 CMR 40.0000:

- (i) Use of the Portion of the Property as vacant land. Permitted activities include passive recreational activities (such as walking, jogging, sitting, bird watching), routine landscaping maintenance activities (such as mowing of grass and/or removal of vegetation), maintaining settlement monuments, and maintaining stormwater structures, provided that direct contact with contaminated soil and asbestos containing material remains restricted through the use and maintenance of Cover Systems, as described in Paragraph 3(i) below;
- (ii) Excavation activities provided that the activities are conducted in accordance with the applicable Obligations and Conditions set forth in Paragraph 3 (vi and vii) below;
- (iii) Such other activities and uses which, in the Opinion of a Licensed Site Professional (LSP), shall present no greater risk of harm to health, safety, public welfare, or the environment than the activities and uses set forth in this Paragraph; and,
- (iv) Such other activities and uses not identified in Paragraph 2 as being Activities and Uses Inconsistent with maintaining No Significant Risk Conditions.

2. Activities and Uses Inconsistent with Maintaining No Significant Risk Conditions. The following Activities and Uses are inconsistent with maintaining a Permanent Solution and a condition of No Significant Risk pursuant to 310 CMR 40.0000, and, as such, may not occur on the Portion of the Property:

- (i) Use of the Portion of the Property as a school, day care center, playground, for residential structures, for commercial / industrial structures, or for the growth of agricultural products for human consumption or livestock consumption;
- (ii) Any activity or use in absence of the constructed Cover Systems identified in Obligations and Conditions Paragraph 3(i);
- (iii) Any activity and use that may damage the Cover Systems;
- (iv) The alteration or removal of the Cover Systems unless an LSP Opinion is rendered which states that such alteration or removal is consistent with maintaining a condition of No Significant Risk, as indicated in Obligations and Conditions Paragraph 3(i);

- (v) Any excavation activity or subsurface activity at the Portion of the Property that is not performed in accordance with the applicable Obligations and Conditions set forth in Paragraph 3 (vi and/or vii), below;

3. Obligations and Conditions. The following obligations and/or conditions are necessary and shall be undertaken and/or maintained at the Portion of the Property to maintain a Permanent Solution and a condition of No Significant Risk:

- (i) The constructed Cover Systems (the as-built locations described in Exhibit A-2 and described and shown on Exhibit B) consisting of:

AUL Sub Area No. 1 / Cover System: a five (5) feet thick cover system consisting of one (1) foot of loam, overlying two (2) feet of clean fill, overlying a non-woven geotextile, overlying two (2) feet of crushed concrete, overlying an orange demarcation layer geotextile;

AUL Sub Area No. 2 / Cover System: a three (3) feet thick cover system consisting of one (1) foot of loam, overlying two (2) feet of clean fill, overlying an orange demarcation layer geotextile;

must be permanently maintained, repaired or replaced as necessary with a comparable barrier, to prevent exposures to contaminated soil and/or asbestos containing material located beneath the Cover Systems, unless an LSP Opinion is rendered which states that removal or alteration of the cover system is consistent with maintaining a condition of No Significant Risk.

- (ii) The Cover Systems must be inspected on a bi-annual (twice a year) basis for any deficiencies, (including; subsidence, sloughing, breaches, burrows, lack of vegetation or other erosion process), to confirm its ability to effectively prevent exposure to underlying contaminated soil and/or asbestos containing material. Inspections must also include periodic monitoring of installed settlement monuments shown in Exhibit B to evaluate for potential settlement and/or subsidence. If necessary, repairs to the Cover System must be performed as soon as reasonably possible and within 60 days of inspection to stabilize the Cover System; and as soon as reasonably possible and within 6 month of the inspection to complete any required repairs to the Cover System. All repairs must be performed under the oversight of an LSP. If inspection identifies deficiency within the Cover System and asbestos containing material is exposed, access to the exposed material must be restricted within 48 hours and the area must be covered within 7 days to prevent access to the asbestos containing material prior to full Cover System repair.
- (iii) The area of the AUL Sub Area No. 1 / Cover System must be mowed on an as needed basis to remove overgrowth of vegetation which may impact the integrity of the Cover System.
- (iv) The area of the AUL Sub Area No. 2 / Cover System must be maintained on an as-needed basis to remove overgrowth of vegetation which may impact the integrity of the Cover System.



- (v) Stormwater structures located within the Portion of the Property and adjacent to the Cover Systems, as depicted in Exhibit B, must be inspected on a bi-annual basis for sediment/erosion buildup, overall vegetative health, and to confirm the structures are working properly. If deficiencies are identified maintenance and repairs of the structures will be performed as soon as reasonably possible and within 60 days of inspection to stabilize the structure; and as soon as reasonably possible and within 6 months of the inspection to complete any required repairs to the structure. All repairs must be performed under the oversight of a Professional Engineer (PE).
- (vi) Prior to the performance of any excavation or subsurface activity which may result in direct contact with and/or disturbance of contaminated soil within the Portion of the Property and/or asbestos containing material beneath the Cover Systems, a written Health and Safety Plan ("HSP") and a Soil Management Plan ("SMP") must be developed and implemented in accordance with the guidelines set forth below: The HSP must be prepared by a Certified Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety requirements. The HSP should specify the type of personal protection (i.e., clothing, respirators), engineering controls, and environmental monitoring necessary to prevent worker exposure to contaminated soil and/or potential asbestos containing material through dermal contact, ingestion, and/or inhalation. On-site workers who may come in contact with contaminated soil and/or potential asbestos containing material should be appropriately trained on the requirements of the HSP, and the plan must be available on the Portion of the Property throughout the course of a project.

An SMP must be prepared by a Licensed Site Professional (LSP) and a Licensed Asbestos Project Designer (if asbestos containing material will be managed) and implemented. The SMP should describe appropriate soil excavation, soil characterization, handling, storage, transport, and disposal procedures; and appropriate plans for asbestos containing material identification, characterization, handling, storage, transport and disposal procedures. The SMP should include a description of the engineering controls and monitoring procedures necessary to ensure that workers and receptors in the vicinity are not affected by fugitive dust or particulates. On-site workers who may come in contact with the contaminated soil and/or asbestos containing materials should be appropriately trained on the requirements of the SMP, and the plan must be available on-site throughout the course of a project. Notification to the Massachusetts Department of Environmental Protection ("MassDEP") and the Department of Labor Standards ("DLS") and any other regulating authority is required prior to any excavation or subsurface activity which may result in direct contact with and/or disturbance of asbestos containing material beneath the Cover System areas.

- (vii) Any excavation for maintenance or repair of the existing natural gas line located within AUL Sub Area No. 2 / Cover System (as shown in Exhibit B) must be performed in accordance with Paragraph 3 (vi). All materials excavated during such maintenance or repair activities shall be characterized, stored, transported, and disposed in accordance with the provisions of the MCP cited at 310 CMR 40.0030 et. seq. Excavated material cannot be re-deposited on-site and shall be disposed off-site. Required backfill shall meet all requirements for the specified use and shall be certified as clean by the supplier and, in all cases, shall contain



concentrations of oil and/or hazardous materials below their MCP Reportable Concentrations.

4. Proposed Changes in Activities and Uses. Any proposed changes in activities and uses at the Portion of the Property which may result in higher levels of exposure to oil and/or hazardous material than currently exist shall be evaluated by a Licensed Site Professional who shall render an Opinion, in accordance with 310 CMR 40.1080 *et seq.*, as to whether the proposed changes are inconsistent with maintaining a Permanent Solution and a condition of No Significant Risk. Any and all requirements set forth in the Opinion to meet the objective of this Notice shall be satisfied before any such activity or use is commenced.

5. Violation of a Permanent or Temporary Solution. The activities, uses and/or exposures upon which this Notice is based shall not change at any time to cause a significant risk of harm to health, safety, public welfare, or the environment or to create substantial hazards due to exposure to oil and/or hazardous material without the prior evaluation by a Licensed Site Professional in accordance with 310 CMR 40.1080 *et seq.*, and without additional response actions, if necessary, to maintain a condition of No Significant Risk.

If the activities, uses, and/or exposures upon which this Notice is based change without the prior evaluation and additional response actions determined to be necessary by a Licensed Site Professional in accordance with 310 CMR 40.1080 *et seq.*, the owner or operator of the Portion of the Property subject to this Notice at the time that the activities, uses and/or exposures change, shall comply with the requirements set forth in 310 CMR 40.0020.

6. Incorporation Into Deeds, Mortgages, Leases, and Instruments of Transfer. This Notice shall be incorporated either in full or by reference into all future deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the Property or a portion thereof is conveyed in accordance with 310 CMR 40.1074(5).

Owner hereby authorizes and consents to the filing and recordation and/or registration of this Notice, said Notice to become effective when executed under seal by the undersigned Licensed Site Professional, and recorded and/or registered with the appropriate Registry(ies) of Deeds and/or Land Registration Office(s).

WITNESS the execution hereof under seal this 29<sup>th</sup> day of November, 2022.

COMMONWEALTH OF MASSACHUSETTS

By: 

Name: Carol W. Gladstone

Title: Commissioner

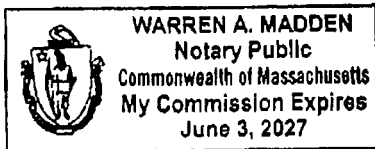
Division of Capital Asset Management  
and Maintenance

Commonwealth of Massachusetts

## COMMONWEALTH OF MASSACHUSETTS

Suffolk, ssNovember 29, 2022

On this 29<sup>th</sup> day of November, 2022 before me, the undersigned notary public, personally appeared Carol W. Gladstone, proved to me through satisfactory evidence of identification, which were personally known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as authorized signatory for COMMONWEALTH OF MASSACHUSETTS.

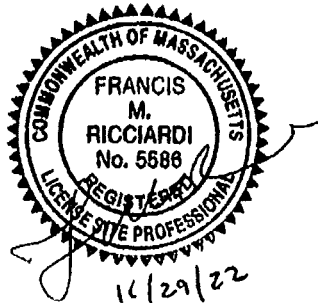


Warren A. Madden  
 (Official signature and seal of Notary)

The undersigned Licensed Site Professional hereby certifies that in his Opinion this Notice of Activity and Use Limitation is consistent with a Permanent Solution and maintaining a condition of No Significant Risk.

Date: November 29, 2022

Francis M. Ricciardi  
 Francis M. Ricciardi, LSP  
 [Licensed Site Professional SEAL]

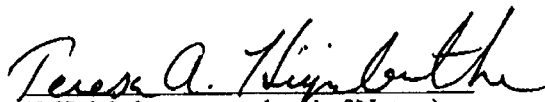


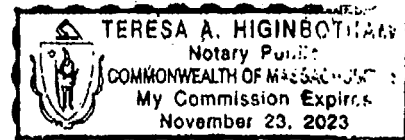
COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, SS

11/29/, 2022

On this 29<sup>th</sup> day of Nov., 2022, before me, the undersigned notary public, personally appeared Francis M. Ricciardi, proved to me through satisfactory evidence of identification, which were license, to be the person whose name is signed above, and acknowledged to me that he signed it voluntarily for its stated purpose as Licensed Site Professional.

  
(Official signature and seal of Notary)



Upon recording, return to:

Division of Capital Asset Management and Maintenance  
Attn: Carol W. Gladstone, Commissioner  
One Ashburton Place, Boston, Massachusetts 02108

**Exhibit A: Description of Property Parcels****Parcel No. 1:**

A certain piece or parcel of land located in the Town of Medfield, County of Norfolk, Massachusetts containing 37.8+/- acres and being shown as Parcel A-2 on a map entitled "Approval Not Required Plan in the Town of Medfield, Massachusetts, Norfolk County prepared for the Commonwealth of Massachusetts Division of Capital Asset Management and Maintenance on Behalf of the Department of Mental Health", by Nitsch Engineering, Inc., scale 1"=200', dated October 28, 2014, said Parcel A-2 being more particularly bounded and described as follows:

Beginning at an iron rod set on the northerly sideline of Hospital Road, said iron rod marking the southwest corner of land depicted as Remaining Area of Parcel A and the southeast corner of herein described parcel;

Thence running North 76° 49' 53" West, 467.88 feet and along a curve to the right having a radius of 1,969.62 feet and an arc length of 427.09 feet along said northerly sideline of Hospital Road to a point, said point being the southeast corner of land now or formerly of Commonwealth of Massachusetts Department of Conservation and Recreation and the southwest corner of herein described parcel;

Thence Running North 03° 07' 54" East, 985.00 feet, North 03° 42' 06" West, 390.00 feet and North 40° 52' 06" West, 592 feet+/- along said land now or formerly of Commonwealth of Massachusetts Department of Conservation and Recreation to the centerline of the Charles River;

Thence running easterly and northeasterly 1,008 feet+/- along said centerline of the Charles River to a point;

Thence running, North 89° 24' 51" East, 264.51 feet+/- along land now or formerly of Commonwealth of Massachusetts Department of Conservation and Recreation to an iron rod set, said iron rod being the northwest corner of said land depicted as Remaining Land of Parcel A and the northeast corner of herein described parcel;

Thence running South 03° 15' 09" East, 2,036.28 feet and South 11° 00' 57" East, 517.10 feet to the point and place of beginning.

**Parcel No. 2:**

A certain piece or parcel of land located in the Town of Medfield, County of Norfolk, Massachusetts containing 53.018+/- acres and being shown as Tax Parcel 70.005 on a map entitled "Boundary Survey Dept. of Conservation & Recreation Tax Parcel 70.005 Hospital Road, Town of Medfield Norfolk County, Massachusetts", by KCI Technologies, Inc., scale 1"=150', dated February 2022, said parcel being more particularly bounded and described as follows:

Beginning at a point on the northerly sideline of Hospital Road marking the southwest corner of land now or formerly of Commonwealth of Massachusetts Department of Conservation and Recreation, Parcel A-2 and the southeast corner of herein described parcel;

Thence running North  $64^{\circ} 24' 32''$  West, 410.55 feet and South  $87^{\circ} 28' 56''$  West, 63.76 feet along said northerly sideline of Hospital Road to a point on the easterly line of land now or formerly of Massachusetts Dept. of Transportation;

Thence Running North  $35^{\circ} 05' 59''$  West, 1,266.69 feet, northwesterly on a curve to the left having a radius of 2,897.93 feet, an arc length of 956.70 feet and North  $54^{\circ} 00' 54''$  West, 488 feet+/- along said land now or formerly of Massachusetts Dept. of Transportation to the centerline of the Charles River;

Thence running northeasterly and easterly 1,875 feet+/- along said centerline of the Charles River to a point;

Thence running, South  $40^{\circ} 52' 06''$  East, 807 feet+/-, South  $03^{\circ} 42' 06''$  East, 390.00 feet and South  $03^{\circ} 07' 54''$  West. 985.00 feet along land now or formerly of Commonwealth of Massachusetts Department of Conservation and Recreation, Parcel A-2 to the point and place of beginning.

**Exhibit A-1: Legal Description of Portion of Property / AUL Area****Portion Property / AUL Area**

A certain piece or parcel of land located in the Town of Medfield, County of Norfolk, Massachusetts containing 186,095 square feet and being shown as AUL Area on a map entitled "Exhibit Plan A, Activity and Use Limitation Area, Hospital Road, Town of Medfield, Norfolk County, Massachusetts", by KCI Technologies, Inc., scale 1"=40', dated November 2022, and recorded with the Norfolk Registry of Deeds in Plan Book 717, Plan 43 of 2022. Said AUL Area being more particularly bounded and described as follows:

Beginning at a point at the southwest corner of the AUL area, said point being located South 83° 02' 33" West, 151.20 feet from an angle point in the division line between land now or formerly of Commonwealth of Massachusetts, Parcel A-2 on the northeast and land now or formerly of Commonwealth of Massachusetts, Tax Parcel 70.005 on the southwest, when measured through land now or formerly of Commonwealth of Massachusetts, Tax Parcel 70.005;

Thence north 18 degrees, 41 minutes 55 seconds east by said southwest corner of the AUL Area a distance of 360.97 feet to a point;

Thence north 60 degrees, 15 minutes 49 seconds east a distance of 270.55 feet to a point;

Thence south 56 degrees, 13 minutes 17 seconds east a distance of 263.02 feet to a point on the access road;

Thence south 13 degrees, 50 minutes 19 seconds east a distance of 146.87 feet to a point on the access road;

Thence south 7 degrees, 31 minutes 09 seconds west a distance of 162.34 feet to a point just west of the parking lot;

Thence north 84 degrees, 21 minutes 51 seconds west a distance of 470.74 feet to a point;

Thence south 38 degrees, 29 minutes 33 seconds west a distance of 118.02 feet to a point;

Thence north 64 degrees, 19 minutes 31 seconds west a distance of 45.74 feet to the beginning point at the southwest corner of the AUL Area.

Said AUL area contains 186,095 square feet.

**Exhibit A-2: Legal Description of AUL Sub Areas****AUL Sub Area No. 1**

A certain piece or parcel of land located in the Town of Medfield, County of Norfolk, Massachusetts containing 50,076 square feet and being shown as AUL Sub Area No.1 on a map entitled "Exhibit Plan A, Activity and Use Limitation Area, Hospital Road, Town of Medfield, Norfolk County, Massachusetts", by KCI Technologies, Inc., scale 1"=40', dated November 2022, and recorded with the Norfolk Registry of Deeds in Plan Book 712, Plan 43 of 2022. Said AUL Sub Area 1 being more particularly bounded and described as follows:

Beginning at an iron pin set on the easterly side of the herein described parcel, said point being located North 68° 23' 05" West, 277.49 feet from the southwesterly corner of land now or formerly of Commonwealth of Massachusetts, known as the Laundry Parcel, when measured through land now or formerly of Commonwealth of Massachusetts, Parcel A-2;

Thence running South 32° 51' 38" West, 28.72 feet;

Thence running South 23° 23' 00" West, 118.98 feet;

Thence running North 67° 53' 36" West, 75.31 feet;

Thence running South 85° 21' 00" West, 61.12 feet;

Thence running Northerly on a curve to the right having a radius of 82.03 feet, an arc length of 147.67 feet;

Thence running northeasterly on a curve to left having a radius of 276.39 feet, an arc length of 86.46 feet;

Thence running northeasterly again on a curve to the right having a radius of 143.85 feet, an arc length of 116.19 feet;

Thence running easterly on a curve to the right having a radius of 49.98 feet, an arc length of 59.33 feet;

Thence running South 46° 25' 55" East, 46.05 feet;

Thence running South 24° 39' 11" West, 9.67 feet;

Thence running southerly on a curve to the left having a radius of 60.34 feet, an arc length of 41.25 feet;

Thence running southerly again on a curve to the right having a radius of 188.37 feet, an arc length of 70.87 feet through land now or formerly of Commonwealth of Massachusetts Department of Conservation and Recreation, Parcel A-2 to the point and place of beginning.

AUL Sub Area No. 2

A certain piece or parcel of land located in the Town of Medfield, County of Norfolk, Massachusetts containing 26,110 square feet and being shown as AUL Sub Area No. 2 on a map entitled "Exhibit Plan A, Activity and Use Limitation Area, Hospital Road, Town of Medfield, Norfolk County, Massachusetts", by KCI Technologies, Inc., scale 1"=40', dated November 2022, and recorded with the Norfolk Registry of Deeds in Plan Book 717, Plan 43 of 2022. Said AUL Area 2 being more particularly bounded and described as follows:

Beginning at a point on the easterly side of the herein described parcel, said point being located on the division line between land now or formerly of Commonwealth of Massachusetts, Parcel A-2 on the north and land now or formerly of Commonwealth of Massachusetts, Tax Parcel 70.005 on the south, said point further being located North 40° 52' 06" West, 95.92 feet from an angle point in said division line when measured along said division line;

Thence running South 24° 22' 17" West, 87.87 feet;

Thence running South 39° 58' 21" West, 28.18 feet,

Thence running North 64° 08' 44" West, 11.65 feet,

Thence running North 22° 44' 41" East, 74.16 feet,

Thence running North 67° 37' 48" West, 8.97 feet

Thence running North 13° 58' 58" East, 60.93 feet through land now or formerly of Commonwealth of Massachusetts Department of Conservation and Recreation, Tax Parcel 70.005 to a point on said division line;

Thence running North 13° 58' 58" East, 25.71 feet,

Thence running North 26° 25' 27" East, 170.89 feet,

Thence running North 09° 54' 14" East, 18.47 feet,

Thence running North 48° 00' 52" East, 69.12 feet,

Thence running North 59° 03' 14" East, 77.07 feet,

Thence running North 38° 46' 40" East, 33.71 feet,

Thence running North 83° 53' 56" East, 61.31 feet,

Thence running southeasterly on a curve to the right having a radius of 20.23 feet, an arc length of 28.64 feet,

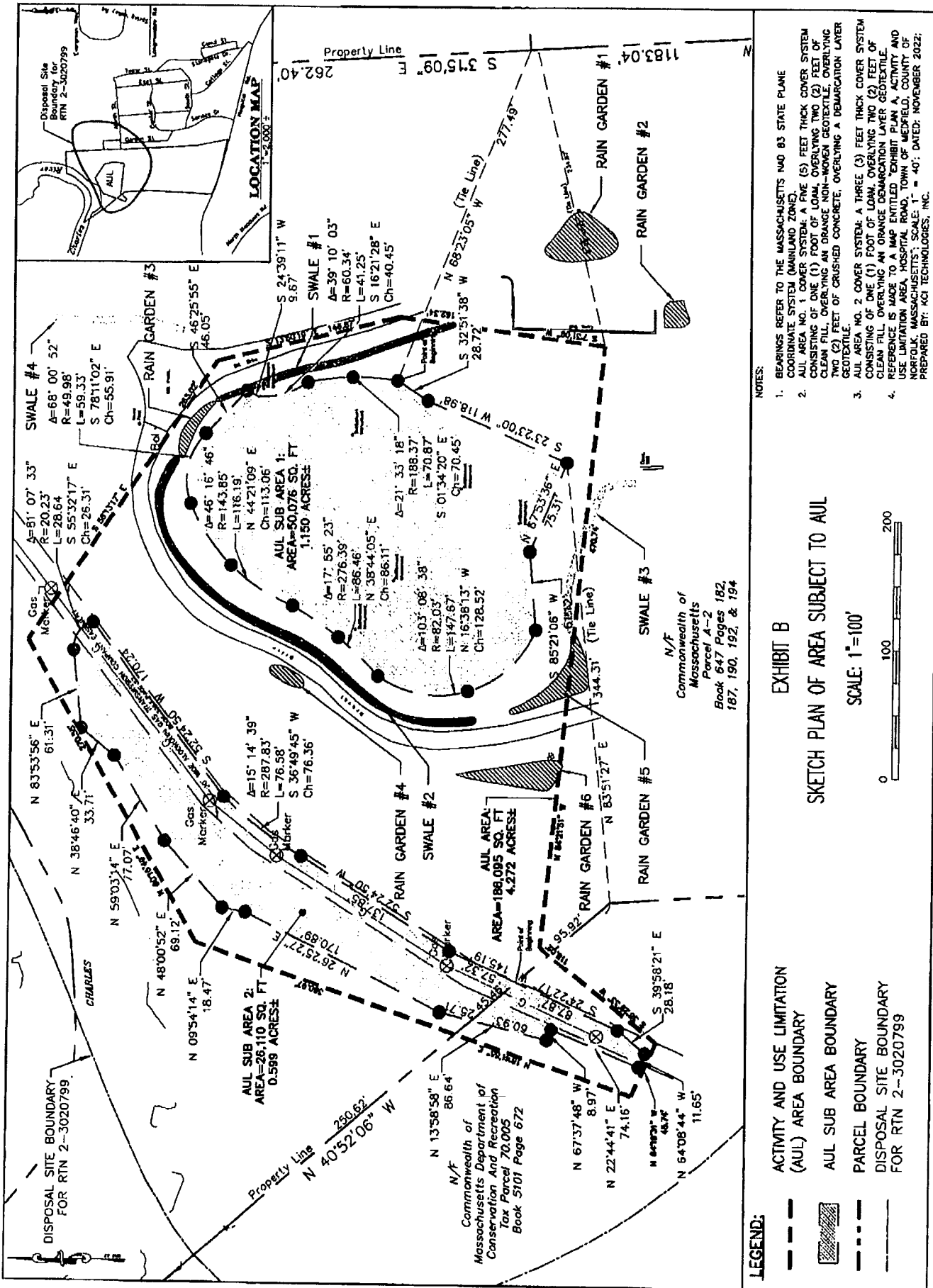


Thence running South  $52^{\circ} 24' 50''$  West, 170.24 feet,

Thence running southerly on a curve to the left having a radius of 287.83 feet, an arc length of 76.58 feet,

Thence running South  $31^{\circ} 47' 10''$  West, 137.85 feet and

Thence running South  $24^{\circ} 22' 17''$  West, 57.32 feet through land now or formerly of Commonwealth of Massachusetts Department of Conservation and Recreation, Parcel A-2 to the point and place of beginning.



**Exhibit C****Narrative Describing the Basis for Activity and Use Limitation**

This narrative describing the basis for the Activity and Use Limitation (AUL) was prepared in accordance with 310 CMR 40.1074(2)(e) through (g) of the Massachusetts Contingency Plan (MCP). The MCP requirements are shown in *bold italic text* in the following sections of this exhibit with the obligatory information provided in normal text.

***40.1074(2)(e): a statement that specifies why the Notice of Activity and Use Limitation is appropriate to maintain a Permanent Solution and condition of No Significant Risk;***

Subsurface investigations performed at the Construction and Demolition (C&D) Area of the former Medfield State Hospital (Site and Property) between 2004 and 2013 identified lead in soil at concentrations above applicable Massachusetts Department of Environmental Protection (MassDEP) Method 1 S-1 risk characterization standards. Buried asbestos containing materials were also identified. The soil impacts and buried asbestos containing materials were determined to have been placed during historic operations at the former hospital.

In accordance with 310 CMR 40.0990, a Method 3 risk characterization was performed to evaluate the potential risk to human health, safety, public welfare and the environment from impacted soil and buried asbestos containing material within the C&D Area. The risk characterization concluded that remedial action was required to achieve a condition of No Significant Risk (NSR) of harm to human health, safety, public welfare and the environment for current and future Site use. Therefore, a Phase IV Remedy Implementation Plan was developed and implemented. The RIP activities were completed in 2014 and 2015 and included the off-Site disposal of 550 cubic yards (CY) of lead-impacted soil and the on-Site relocation of 30,420 CY of fill to the Portion of the Property subject to this Notice of AUL. The relocated fill was placed in AUL Sub Area No.1. A five-foot thick Cover System was placed over the relocated fill. A three-foot Cover System was placed over AUL Sub Area No.2

Based on the Method 3 risk characterization an AUL is required to restrict use and establish obligations and conditions for the Portion of the Property. Restricted uses include use of the Portion of the Property as a school, day care center, playground, for residential structures, for commercial / industrial structures, or for the growth of agricultural products for human consumption or livestock consumption. Restrictions are also required relative to soil and/or asbestos containing material excavation and management within two Cover System Areas located at the Portion of the Property. The soil cover systems must be inspected on a bi-annual basis to confirm their ability to effectively prevent exposure(s) to underlying contaminated soil and asbestos containing material and must be permanently maintained, repaired or replaced as necessary with a comparable barrier, to prevent exposure to contaminated soil and asbestos containing material located beneath the Cover Systems. All excavation performed within the Portion of the Property must be conducted under a Site-specific Health and Safety Plan (HASP) with appropriate personal protective equipment (PPE) and a Soil Management Plan (SMP) prepared by a Licensed Site Professional.

***40.1074(2)(f): a concise summary of the oil and/or hazardous material release event(s) or site history (i.e., date of the release(s), to the extent known, release volume(s), and response actions taken to address the release(s)) that results in the contaminated media subject to the Notice of Activity and Use Limitation;***

Subsurface investigations performed within the C&D area in 2004 identified lead-impacted soil at levels above MassDEP Reportable Concentrations. Asbestos containing material and fill were also identified

within the soil. A Release Notification Form (RNF) was submitted to the MassDEP on February 6, 2006, and the MassDEP subsequently assigned RTN 2-3025651 to the release; this RTN was included in a Special Project Designation (SPD) permit with RTN 2-3020799. The soil impacts and buried asbestos containing materials were determined to have been placed during historic operations at the former hospital.

Between 2004 and 2012, subsurface investigations were performed within the C&D area to assess the nature and extent of impacted fill. The investigation identified approximately 30,970 CY of impacted fill within the C&D area.

Between 2014 and 2015, remedial actions were performed for the C&D Area and included the off-Site disposal of 550 CY of lead-impacted soil and the on-Site relocation of 30,420 CY of fill. The relocated fill was placed within the Portion of the Property subject to this AUL under a soil Cover System in AUL Sub Area No. 1. Fill material in the area of the natural gas line was left in-place under the soil Cover System in AUL Sub Area No. 2 due to pipe integrity and slope stability concerns.

Based on the results of a Method 3 risk characterization, with the Cover Systems in place, the relocated fill material does not represent a significant risk to human health and the environment for current passive recreational use. However, a condition of No Significant Risk requires an AUL to restrict future use and establish obligations and conditions for the Portion of the Property.

***40.1074(2)(g); a description of the contaminated media (i.e., media type(s), contaminant type(s), approximate vertical and horizontal extent) subject to the Notice of Activity and Use Limitation***

Investigations performed within the C&D area identified fill material with lead impacted soil and asbestos containing material. In 2014 and 2015 remedial actions were performed to relocate the fill from the C&D Area to AUL Sub Area No. 1 within the Portion of the Property subject to this AUL. The fill was placed to a depth of up to 25 to 30 feet in AUL Sub Area No. 1. AUL Sub Area No.1 contains approximately 30,420 cubic yards of relocated fill.

Fill remains in AUL Sub Area No. 2 due to the presence of an active 24-inch-high pressure gas line. The vertical extent of fill in AUL Sub Area No. 2 begins approximately two feet above the gas line and extends down to approximately 15 feet below grade. The fill depth ranges from approximately 6 feet in the southern portion to 15 feet in the middle and 12 feet in the norther portion of AUL Sub Area No. 2 due to the varying depth of the gas line.

Soil Cover Systems were installed over the fill material in both AUL Sub Area No. 1 and AUL Sub Area No.2. See Exhibit B for the location of the AUL Sub Areas.

A true copy from Lib. 40953 Fol. 23  
in Norfolk County Registry of Deeds  
Dedham, MA  
Certify: *William P. O'Connell*  
Register

Form 1084C

TERMINATION OF NOTICE OF ACTIVITY AND USE LIMITATION

M.G.L. c. 21E, § 6 and 310 CMR 40.0000 (310 CMR 40.1083(1)(b))

Form 1084C Is Used When the Notice of Activity and Use Limitation Is Being Substituted  
by a New Notice of Activity and Use Limitation

Disposal Site Name: Medfield State Hospital Power Plant, 45 Hospital Road, Medfield,  
Massachusetts

DEP Release Tracking No. 2-3020799

WHEREAS, a Notice of Activity and Use Limitation has been recorded with the  
Norfolk County Registry of Deeds in Book 38362 Page 488, said Notice of Activity and Use  
Limitation and any amendments thereto are collectively referred to herein as "Notice";

WHEREAS, said Notice sets forth limitations on use and activities, conditions and  
obligations affecting certain vacant land situated in Medfield, Norfolk County, Massachusetts,  
said land being more particularly bounded and described in Exhibit A attached hereto and made a  
part hereof ("Property"); and

WHEREAS, said Notice is being terminated so that it may be substituted with the  
Notice of Activity and Use Limitation given by the COMMONWEALTH OF  
MASSACHUSETTS, dated 11/29/22, and recorded and/or registered immediately hereinafter;

NOW, THEREFORE, we, of the COMMONWEALTH OF MASSACHUSETTS,  
being the owner of said Property, do hereby terminate said Notice and substitute the same with the  
Notice of Activity and Use Limitation given by the COMMONWEALTH OF  
MASSACHUSETTS, dated 11/29/22, and recorded and/or registered immediately hereinafter.

The COMMONWEALTH OF MASSACHUSETTS authorizes and consents to the  
filing and recordation/and or registration of this Termination of Notice of Activity and Use  
Limitation, said Termination to become effective when recorded and/or registered with the  
appropriate Registry of Deeds and/or Land Registration Office.

WITNESS the execution hereof under seal this 29<sup>th</sup> day of November, 2022.

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DEDHAM, MA

CERTIFY

*William P. O'Donnell*  
WILLIAM P. O'DONNELL, REGISTER

COMMONWEALTH OF MASSACHUSETTS

By: 

Name: Carol W. Gladstone

Title: Commissioner,

Division of Capital Asset Management and Maintenance

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss  
2022

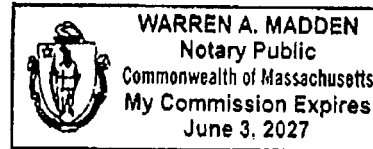
November 29, 2022

On this 29<sup>th</sup> day of November, 2022 before me, the undersigned notary public, personally appeared Carol W. Gladstone, proved to me through satisfactory evidence of identification, which were personally known, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as authorized signatory for COMMONWEALTH OF MASSACHUSETTS.

Warren A. Madden  
(Official signature and seal of Notary)

Upon recording, return to:

Division of Capital Asset Management and Maintenance  
Attn: Carol W. Gladstone, Commissioner  
One Ashburton Place, Boston, Massachusetts 02108



## **EXHIBIT A**

### **Description of Parcel of Land Containing Area Subject to Activity and Use Limitation**

Being two parcels of land situated in the Town of Medfield, Norfolk County, Commonwealth of Massachusetts shown on a plan entitled, "Hospital Farm Historical District, Medfield-Mass. October 1, 1994" which plan is duly recorded in Norfolk District Registry of Deeds at Plan Book 426, Plan 829.

The first parcel being duly recorded in Norfolk District Registry of Deeds at Book 5101, Page 672 and thus bounded:

Land now in the control of the Hospital in Medfield:

Beginning at a point in the center of the Charles River in the northerly sideline of Hospital Road as laid out by the Commissioners of Norfolk County by return dated May 7, 1963;

Thence along said layout in a general easterly direction to a point in the sideline opposite station 27 + 77.58 of said layout and station 34 + 00.45 of the layout of October 28, 1947 of said Hospital Road;

Thence continuing along said layout of 1947 in a general easterly direction to a stone bound opposite station 27 + 94.60;

Thence north 21° 50' east 985 feet to an iron pin in the ground; west of the road to the power plant of the Hospital;

Thence north 15° 0' east 390 feet to an iron pin;

Thence north 220 10' west 392 feet to an iron pin and continuing on the same bearing approximately 200 feet to the center of the Charles River;

Thence upstream along the Charles River in a general northwesterly, southwesterly, and southeasterly direction, to the point of beginning; excepting therefrom the following two parcels of land:

(1) Land of the Penn Central Transportation Company as owned by that Company or its creditors or assigns along a rail-road line northwesterly from approximately station 32 + 60 of the County layout of 1947 aforesaid to the Charles River; and

(2) Land remaining in control of the Department of Mental Health comprising the cemetery of the Hospital, the road leading to the cemetery, and the service building for the cemetery, all contained within the following area:

Beginning at a stone bound in the northerly line of the County layout of 1963 at station 14 + 00.00, said point being approximately 25 feet westerly along said layout from the centerline of the road to the cemetery;

Thence south 83° 05' east 43 feet to an iron rod;

Thence south 6° 35' east 430 feet to a point in the northerly sideline of the County layout;

Thence along the County layout in a westerly direction 46 feet to a point of beginning,

Leads now in the control of said Hospital lying southerly of the base-line of the aforesaid County layouts of Hospital Road of 1963 and 1947 and also lying westerly and southwesterly of lands of the line of the layout of the Penn Central Transportation Company that runs south-easterly from approximately station 32 + 60 of the County layout of 1947 aforesaid, excepting therefrom lands taken by eminent domain for highway purposes and a parcel of land containing sewage treatment facilities of the Hospital and a gravel pit, bounded as follows:

Beginning at a stone bound in the southerly line of the County layout of 1963 at station 14 + 00.00;

Thence south 23° 15' east 650 feet to an iron rod;

Thence south 1° 15' east 551 feet to an iron rod;

Thence south 34° 20' east 292 feet to an iron rod;

Thence south 84° 30' east 109 feet to an iron rod;

Thence north 83° 05' east 1500 feet to an iron rod;

in the easterly sideline of the Penn Central Railroad; Thence north-westerly along the railroad sideline approximately 900 feet to an intersection with the southerly line of the County layout of 1963;

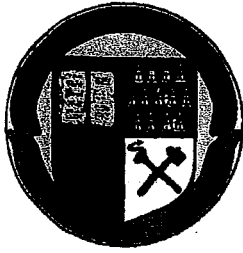
Thence westerly along the County layout to the point of beginning.

The second parcel being Parcel A-2, retained by the Commonwealth of Massachusetts, after the executed Land Disposition Agreement (LDA) with the Town of Medfield. The LDA is duly recorded in Norfolk District Registry of Deeds Book 32740, Page 347 and Parcel A-2 is shown on the July 28, 2014 plan included in the LDA as Book 32740, Page 375.

A true copy from Lib. 40953 Fol. 19  
in Norfolk County Registry of Deeds  
Dedham, MA  
Certify: *William P. O'Connell*  
Register







# TOWN OF MEDFIELD

*Office of the*

## Board of Appeals on Zoning

TOWN HOUSE, 459 MAIN STREET  
MEDFIELD, MASSACHUSETTS 02052-2009

(508) 906-3027  
(508) 359- 6182 Fax

### NOTICE OF DECISION

APPLICANT: Mark & Cathleen Farrell

DECISION DATE: December 14, 2022

DATE OF FILING DECISION: December 21, 2022

DECISION NUMBER: 1455

At a public meeting held on December 14, 2022, the Town of Medfield Zoning Board of Appeals, acting in the above referenced matter, approved with conditions a special permit pursuant to Medfield Zoning Bylaws 14.10 and 6.2.T for the placement of a poolhouse within the required setback area.

The property is located at 8 Oxbow Road; Assessors' Map 10 Lot 078; RT Zoning District with no Aquifer Overlay.

Copies of the decision may be obtained online at [www.town.medfield.net](http://www.town.medfield.net) > ZBA Webpage > ZBA Decisions or by emailing [sraposa@medfield.net](mailto:sraposa@medfield.net).

An appeal of this decision of the permit granting authority may be made by any person aggrieved pursuant to MGL Chapter 40A Section 17, as amended, within 20 days after the date of filing the notice of decision in the Office of the Town Clerk.

Sarah Raposa  
Town Planner  
(508) 906-3027  
[sraposa@medfield.net](mailto:sraposa@medfield.net)





# TOWN OF MEDFIELD

Office of the

## PLANNING BOARD

TOWN HOUSE, 459 MAIN STREET  
MEDFIELD, MASSACHUSETTS 02052-2009

WWW.TOWN.MEDFIELD.NET

508-906-3027  
(508) 359- 6182 Fax

### 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:** This meeting will be held remotely on ZOOM

**Date:** Monday, January 9, 2023 **Time:** 7:35 pm

The subject matter of the proposed amendments is/are as indicated below. The complete text and maps relative to the proposed amendments are available for inspection during regular business hours at the following place(s):<sup>1</sup>

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

**Place:** Town Clerk, Town Hall, 459 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)

**ALL INTERESTED PERSONS SHOULD ATTEND THE PUBLIC HEARING.**

Paul McKechnie, Chair, Medfield Planning Board

HOMETOWN WEEKLY: December 22, 2022 AND December 29, 2022

Article Number ###	Subject Matter of Proposed Amendments Sufficient for Identification
--------------------	---

Pursuant to the provisions of MGL ch. 40A §5, the Medfield Planning Board will hold a public hearing at 7:35 p.m. on Monday, January 9, 2023, via ZOOM, for the purpose of accepting public comments on the following proposed amendments to the Town of Medfield Zoning Bylaws:

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

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

**List of specific changes:**

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

all as set forth in a document entitled “Medfield Zoning Bylaw Reorganization V3-11/21/22” on file in the offices of the Town Clerk and Town Planner, and also available on the Town’s website at <http://www.town.medfield.net>, and to authorize the Town Clerk to renumber or take any other action necessary to format this new bylaw to fit within the reorganization of the Town's existing bylaws if approved by this Town meeting, or do or act anything in relation thereto.

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

<b>New Section</b>	<b>New Title</b>	<b>Existing Section</b>	<b>Existing Title</b>
4	USE REGULATIONS	5	USE REGULATIONS
4.1	General Provisions	5.1	Applicability
4.2	Table of Uses	5.2 5.4	Permitted uses Table of Use Regulations
4.3	Supplemental Use Regulations	5.3	Uses subject to other regulations
4.4	Accessory Uses	5.5	Agricultural District
<b>New Section</b>	<b>New Title</b>	<b>Existing Section</b>	<b>Existing Title</b>
5	DIMENSIONAL REGULATIONS	6	AREA, HEIGHT, AND BULK REGULATIONS
5.1	General Provisions	6.1	Applicability
5.2	Table of Dimensional Regulations	6.2	Table of Area Regulations Table of Height and Bulk Regulations
5.3	Supplemental Dimensional Regulations	6.2 6.3	Area regulations Height and bulk regulations
<b>New Section</b>	<b>New Title</b>	<b>Existing Section</b>	<b>Existing Title</b>
6	NONCONFORMING USES, STRUCTURES, AND LOTS	9	Nonconforming Uses, Structures and Lots
6.1	General Provisions	9.1	Application of nonconformity
6.2	Nonconforming Uses	9.2 9.4	Extension or alteration Change
6.3	Nonconforming Structures	9.7 9.8	Moving Unsafe structures
6.4	Nonconforming Lots	9.3	Reduction or increase
6.5	Restoration; Abandonment or Non-Use	9.5 9.6	Restoration Abandonment
<b>New Section</b>	<b>New Title</b>	<b>Existing Section</b>	<b>Existing Title</b>
7	GENERAL REGULATIONS		
7.1	Off-Street Parking	Art. 8	Off-Street Parking and Loading Regulations
7.2	Signs	Art. 13	Sign Bylaw
<b>New Section</b>	<b>New Title</b>	<b>Existing Section</b>	<b>Existing Title</b>

		<b>Section</b>	
8	SPECIAL REGULATIONS		
8.1	Open Space Residential Zoning	7	Open Space Residential Zoning
8.2	Inclusionary Zoning	14.6	Inclusionary Zoning Bylaw
8.2	Historic Properties	5.6	Historic Properties
8.3	Earth Removal	12	Rules and Regulations Governing Earth Removal Uses
8.4	Personal Wireless Communications Facilities	17	Personal Wireless Communications Facilities
8.5	Adult Uses	18	Adult Uses
<b>New Section</b>	<b>New Title</b>	<b>Existing Section</b>	<b>Existing Title</b>
9	SPECIAL DISTRICT REGULATIONS		
9.1	Agricultural District	5.6	Agricultural District
9.2	Medfield State Hospital District	20	Medfield State Hospital District
<b>New Section</b>	<b>New Title</b>	<b>Existing Section</b>	<b>Existing Title</b>
10	OVERLAY DISTRICTS		
10.1	Floodplain District	10	Floodplain District
10.2	Watershed Protection District	11	Watershed Protection District
10.3	Aquifer Protection District	16	Aquifer Protection District
10.4	Large-Scale Solar Photovoltaic Facilities Overlay District	19	Large-Scale Solar Photovoltaic Facilities Overlay District
<b>New Section</b>	<b>New Title</b>	<b>Existing Section</b>	<b>Existing Title</b>
11	ADMINISTRATION AND ENFORCEMENT	14	ADMINISTRATION AND ENFORCEMENT
11.1	Enforcement	14.1 14.7 14.8	Building Inspector and/or Zoning Enforcement Officer Violations and penalties Prosecution of violations
11.2	Compliance	14.2 14.4 14.4 14.5	Permits required Previously approved permits Certificate of use and occupancy Permit and certificate fees
11.3	Board of Appeals	14.9	Board of Appeals
		14.10	Special permits by Board of Appeals
		14.11	Variances
11.4	Planning Board	1.4	Planning Board
		14.13	Appeal periods

11.5	Special Permits	14.10 14.15 14.14 14.6	Special permits by Board of Appeals Special permits by Planning Board Duty to supply plans and specifications Special permit time limits
11.6	Site Plan Approval	14.12	Site plan approval by Planning Board
11.7	Appeals	14.13	Appeal periods

*Summary: This article seeks voter approval of the first step in a phased approach to modernizing the Town's Zoning Bylaws, the need for which was identified during the 2019-2021 master planning process and the Planning Board's recent "Zoning Diagnostic" study. A Zoning Bylaw is used by a wide range of people, including but not limited to town officials, board and committee members, homeowner applicants, and developers (and their representatives). The ability for people to find the zoning bylaw is essential. The ability to understand and utilize a zoning bylaw is more nuanced. However, this can be made easier when it is organized in a logical order and format. It is also important to note that people (town officials, board members, and applicants) must read, interpret, and "apply" the Zoning Bylaw based on past practice, state law, and based on specific proposals. The need to update and advance the Zoning Bylaw overtime can be challenging, but is critical to support neighborhoods, provide economic growth, and to make the town more business friendly.*

*While a Zoning Bylaw is not typically read like a novel, the readability of a zoning bylaw is important to ensure that potential applicants, board and committee members, and town officials can be sure that all the regulations are applied consistently and accurately. A Zoning Bylaw should anticipate and clearly articulate requirements for a wide range of normal uses and those that require more scrutiny. A well-crafted Zoning Bylaw can reduce the need to "interpret" regulations, which can often lead to confusion, when it includes accurate definitions, clear requirements, and is applied consistently. Finally, a Zoning Bylaw should evolve and change to meet and support broader goals of the community overtime. **Two-thirds vote required***

**\*This meeting will be held remotely on ZOOM.** Instructions to view or listen to the meeting are included on the meeting agenda on the Town's website. All town boards and other interested parties wishing to be heard should appear at the time and place designated. There will be an explicit time during the hearing for public comments. Interested parties are urged to reach out to Town Planner Sarah Raposa at [sraposa@medfield.net](mailto:sraposa@medfield.net) (508) 906-3027 with any questions, comments, or concerns about access to the materials, attending the virtual meeting, or other related matters. The full proposals may be viewed on the Planning Board's webpage on the Town's website at [www.town.medfield.net](http://www.town.medfield.net).

PAUL MCKECHNIE, CHAIR  
MEDFIELD PLANNING BOARD

HOMETOWN WEEKLY:

- December 22, 2022
- December 29, 2022

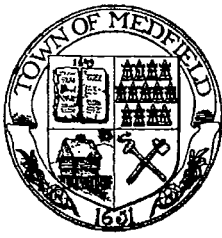
**DISTRIBUTION LIST:**

DATE: 12/1/22

- Board of Selectmen/Administration/Town Counsel
- Warrant Committee
- Building Commissioner
- DHCD
- MAPC
- Planning Boards of:
  - Dover
  - Sherborn
  - Millis
  - Walpole
  - Norfolk







# TOWN OF MEDFIELD

## BOARD OF APPEALS ON ZONING

459 Main Street  
Medfield, MA 02052

### ABUTTERS NOTICE

The Zoning Board of Appeals will hold a public hearing starting at 7:00 p.m. on Wednesday, January 11, 2023 via **Zoom** to hear the following petition(s):

- **Christopher and Elizabeth Rumul (applicant/owners)** seek a variance under MGL Chpt. 40A §10 and Section 300-6.3.K of the Medfield Zoning Bylaw for the construction of a garage that will be set back 34.5' from the street lot line, and not 60' as stated in the Bylaw because the parcel cannot accommodate a 60' setback. The property is located at 31 Quarry Road; Assessors' Map 59 Lot 124; RS Zoning District with Secondary Aquifer Overlay. *Note: this is the same application from 9/8/21 but the time to exercise has expired.*

**\*This meeting will be held remotely on Zoom.** Instructions to view or listen to the meeting are included on the meeting agenda on the Town's website. All town boards and other interested parties wishing to be heard should appear at the time and place designated. The applications and plans may be viewed on the ZBA's webpage on the Town's website at [www.town.medfield.net](http://www.town.medfield.net).

John J. McNicholas, Chair  
Board of Appeals on Zoning

### HOMETOWN WEEKLY

- December 22, 2022
- December 29, 2022

### ZOOM INFORMATION

Join from a PC, Mac, iPad, iPhone or Android device:

<https://medfield-net.zoom.us/j/83159768365?pwd=T25lc1FieUF0WmJTaGtTOVRWVmYrQT09>

**Passcode: 164161**

**The Zoom link is also available on the Town's website (under "Calendar" or "Agenda Center")**

*Most applications and plans are available on the Town's website:*

[www.town.medfield.net](http://www.town.medfield.net) > Boards and Committee > Zoning Board of Appeals

**Questions? Comments?** Contact Sarah Raposa, Town Planner: (508) 906-3027 or [sraposa@medfield.net](mailto:sraposa@medfield.net)

*Note: Applications may be heard out of order at the Board's discretion*

**There will be a distinct portion of the meeting for public comments on cases. Use the raise hand or Q&A feature as directed during the meeting. Or join by phone: Dial (for higher quality, dial a number based on your current location):**

**+1 929 436 2866 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833  
or +1 253 215 8782 or +1 346 248 7799**

**Webinar ID: 831 5976 8365 / Passcode: 164161**

**(enter \*9 to raise hand)**

**Please note: phone users will not be able to view materials on the screen, however, documents are available on the ZBA's webpage for viewing at your convenience.**

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**Please contact Town Planner Sarah Raposa  
at [sraposa@medfield.net](mailto:sraposa@medfield.net)  
or (508) 906-3027 (office) or  
Work Cell / Text: (339) 206-1773 (after hours)  
with any issues.**

*Most applications and plans are available on the Town's website:  
[www.town.medfield.net](http://www.town.medfield.net) > Boards and Committee > Zoning Board of Appeals*  
**Questions? Comments? Contact Sarah Raposa, Town Planner: (508) 906-3027 or [sraposa@medfield.net](mailto:sraposa@medfield.net)**  
*Note: Applications may be heard out of order at the Board's discretion*