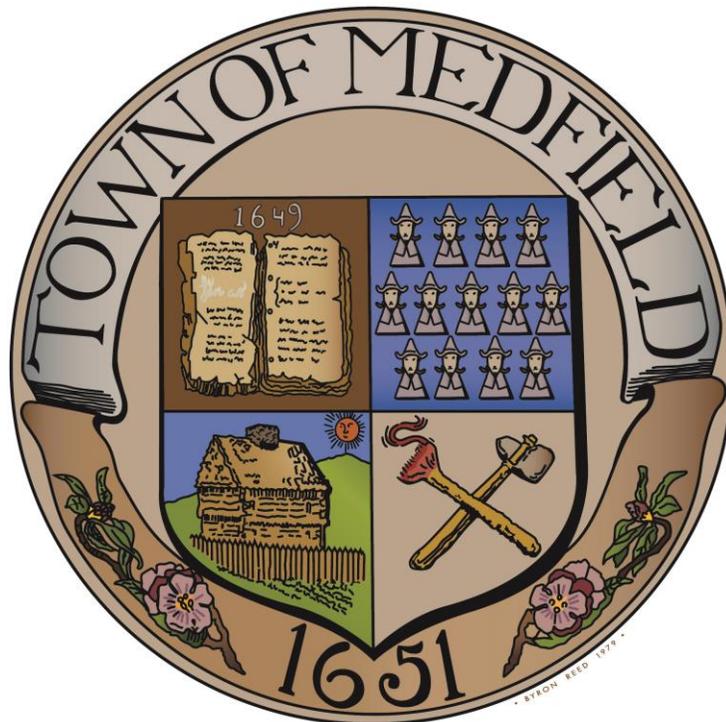


2016

# TOWN OF MEDFIELD



## Zoning Primer

Land area in Medfield is divided into districts called zones or zoning districts. Zones have designations, often appearing as initials on zoning maps and charts. Zoning determines the uses, dimensions and sometimes design within these areas. Town Meeting must approve the designations and any changes to them. This Primer is meant to be an introduction to the terms used and a general overview of zoning principles. To see the full zoning by-law please see: <http://www.ecode360.com/27374011>

## FAQS

### **What is zoning?**

Zoning is the way Massachusetts communities regulate the use of land. Zoning regulations allow a community to control where different uses occur and under what circumstances.

### **Why do we need zoning?**

Zoning allows the town to group land uses according to their compatibility, and to separate them into zoning districts that protect the health, safety, and general well-being of the community.

### **What is the Zoning Bylaw?**

The Zoning Bylaw is the whole body of zoning regulations that have been adopted by Town Meeting. It includes the Zoning Map, land use chart, dimensional regulations, definitions, and other regulations pertaining to the various zoning districts.

### **How does zoning work?**

The Zoning Map divides the Town into districts and gives each district a name such as Residential (of varying minimum density), Business, Industrial, etc. The Zoning Map shows the land in the Town and to which one or more of these districts it is assigned. The same zoning district may occur in more than one geographic location in Town. In addition to the underlying Zoning District, one or more Overlay Districts may apply.

### **What do zoning designations mean?**

The zoning bylaw contains a general description, a use chart, and dimensional regulations for each district. The use chart shows how each category of land use - such as a restaurant, shop, an office, or a multiple-unit development - is regulated in that district. The dimensional table lists requirements on the size of a lot, building setbacks, percentage of a lot that can be covered, and similar issues related to the scale and impact of development for each district.

### **Can the Town's Zoning Bylaws ever be over-ridden?**

Yes. There is a provision of the Massachusetts General Laws, section 40B, which allows the Town's zoning bylaws to be over-ridden by someone building an affordable housing project if the Town below the 10% threshold of affordable housing. Such projects are called 40B projects.

### **Who administers the Zoning Bylaw?**

Zoning is enabled by Massachusetts General Law (Chapter 40A). The town's zoning bylaw is adopted and amended by Town Meeting. Citizen panels including the Planning Board and the Zoning Board of Appeals administer certain aspects of the Zoning Bylaw on behalf of the town. The Building Commissioner is the town's zoning enforcement officer interpreting and enforcing the Bylaw. The Town Planner provides support for the town's boards.

## TYPES OF ZONING REVIEW

### **BY RIGHT**

By Right means the type of use (e.g., bank, residential, etc.) is automatically allowed within the district in question, but is still subject to certain minimums of lot size, frontage on roads, and distance from buildings to property lines. There are limits to building dimensions, lot coverage, and other factors involving intensity of development. A by-right use is presumed to be a normal and expected use in the districts where it is allowed. The Zoning Enforcement Officer reviews by-right uses for compliance with the Bylaw.

## SITE PLAN REVIEW (SPR)

Some uses that are allowed are still subject to a Site Plan Review. The Site Plan Review process requires a public hearing before the Planning Board which reviews features on the site plan (parking, traffic, landscaping, lighting, waste disposal, drainage, etc.). A site plan must be approved by the Planning Board prior to the issuance of a building permit. The Planning Board cannot disallow the use entirely, but it can attach conditions to the permit for a given project. These conditions are intended to minimize any negative impact which the development might have and to enhance its compatibility with neighboring uses. SPR decisions must be made by at least a majority of the members of the Board who are participating and voting. Planning Board members are elected for 5-year terms.

## SPECIAL PERMIT

When a particular use is neither allowed by right, nor prohibited, it is shown on the use chart as requiring a Special Permit. This means that the owner cannot proceed with that use without the explicit permission of the Special Permit Granting Authority (SPGA) which may either be the Zoning Board of Appeals (ZBA), or the Planning Board. A Special Permit should be applied to land uses which are neither normal nor expected in the zoning districts where they may be possible. The SPGA holds a public hearing after first notifying the owners of adjacent properties (known as abutters). After reviewing applicable sections of the Zoning Bylaw and regulations and considering the proposed development's potential impact on its surroundings, the SPGA issues a ruling. It either denies the use entirely or grants a permit with conditions as to how the site will be developed and how the use will be conducted. A Special Permit is discretionary, and no one applying for a Special Permit can assume that they will receive one. The ZBA decisions are made by a three-person ZBA panel. All ZBA members are appointed by the Select Board and their votes must be unanimous for the Special Permit to be approved. Planning Board decisions must be made by a supermajority vote with no fewer than 4 members voting in the affirmative.

## ZONING DISTRICTS

**ZONING DISTRICTS:** The underlying zoning district determines the general characteristics of the zone including uses and dimensional requirements.

ZONING DISTRICT	MINIMUM LOT SIZE	ZONING DISTRICT	MINIMUM LOT SIZE
RU (Residential Urban) –	12,000 sf	B (Business) –	40,000 sf
RS (Residential Suburban) –	20,000 sf	BI (Business Industrial) –	10,000 sf
RT (Residential Town) –	40,000 sf	IE (Industrial Extensive) –	40,000 sf
RE (Residential Estate) –	80,000 sf	A (Agricultural) –	10 acres

**OVERLAY DISTRICTS:** An overlay zoning district is placed "over" the underlying zone on the official zoning map as a way to adjust for special circumstances or changing situations such as drinking water protection or flood protection. The overlay zoning district may or may not change the uses or the dimensional requirements allowed in that zoning district.

- Aquifer Protection (AQ) – protection of quality and quantity of drinking water supply
- Watershed Protection (WP) – 25 feet from all brooks and streams
- Flood Plain (FP) – coincides with FEMA Flood Insurance Rate Maps (FIRMs)
- Downtown Parking District (DPD) – relief from current parking minimums

See also: Historic Districts (Town Code Chapter 150, Article I) <http://ecode360.com/27373753>

## PROCESS FOR CREATING OR AMENDING A ZONING BYLAW

### **Step 1 – Who does it?**

Under state law, any of the following can place a zoning amendment article on the Town Meeting warrant:

- The Select Board
- The Zoning Board of Appeals
- The Planning Board
- A Regional Planning Agency, such as the Pioneer Valley Planning Commission
- A landowner requesting a change affecting their property
- Petition articles by Medfield voters can be brought to the Select Board by a designated deadline.

Most zoning amendments originate with the Planning Board with the assistance of the Town Planner and Town Counsel. If a zoning proposal comes from a different source, it will usually also be referred to the Planning Board by the Select Board.

### **Step 2 – Planning Board Public Hearing**

State law requires the Planning Board to hold a public hearing on all proposed zoning amendments and to make a recommendation to Town Meeting. All Planning Board meetings are open to the public and most include an opportunity for public comment.

### **Step 3 – Other Review / Recommendations**

The Select Board, Warrant Committee and any other relevant committees discuss articles and vote to recommend, to not recommend or to take no position on particular zoning articles.

### **Step 4 – Town Meeting**

Zoning articles on the Warrant for Town Meeting are discussed and voted on by Town Meeting. Town Meeting members can ask questions; speak in favor or against particular articles. Members of the public who are not Medfield voters must ask the Moderator for an opportunity to speak to Town Meeting and Town Meeting must vote on whether to allow the person to speak. Massachusetts General Law (Chapter 40A) lists Town Meeting as the approving body for zoning articles which are often scheduled together on the Warrant. Zoning amendments require a 2/3 super-majority to be adopted.

### **Step 5 – Attorney General**

Amendments to the Zoning Bylaw are effective immediately upon approval by Town Meeting. They are, however, subject to review and approval by the Massachusetts Attorney General.

### **Step 6 – Bringing back a defeated zoning article**

A zoning amendment which has been 'unfavorably acted upon' (defeated), whether introduced by the Planning Board or a petitioner, cannot be brought back to Town Meeting for two years unless adoption of the amendment is recommended by the Planning Board. The two-year restriction does not apply to amendments that are dismissed, or referred back a committee, board, or petitioner for further review, rather than defeated, by Town Meeting.