

TOWN OF



SUDBURY

# Amendments to Town By-Laws

June 24, 1953 and Adjournments Thereof



TOWN OF SUDBURY  
OFFICE OF THE TOWN CLERK  
SUDBURY, MASSACHUSETTS

I hereby certify that at a legal meeting of the Town of Sudbury held June 24, 1953, and the adjournments thereof, the following business was transacted:

## Article 9.

It was voted (157 yea, 109 nay) :  
That the Town amend the Building-Code By-laws, by adding under Section 9 a new subsection to read as follows:

### "Floor Area

1. No single family dwelling one story in height shall have a floor area of less than seven hundred square feet (700 sq. ft.)."

"A True Copy of the Record: Attest:

/s/ Forrest D. Bradshaw  
Forrest D. Bradshaw  
Town Clerk

Boston, Mass., November 19, 1953

The foregoing voted amendments to by-laws are hereby approved.

/s/ George Fingold  
Attorney General"

At the adjourned meeting held September 16, 1953, it was voted to amend the Building Code By-laws by adding under Section 9, (Floor Area) subsection 2:

- "2. No single family dwelling more than one story in height shall have a first floor area of less than five hundred square feet (500 sq. ft.) or a second floor area of less than two hundred and fifty square feet (250 sq. ft.). Of the second floor area

at least one hundred and twenty-five square feet (125 sq. ft.) shall have a head room of not less than seven feet (7 ft.)."  
(See Document #53081-A and #53081-B)

## Article 10 (a)

(It was voted to amend the Town By-laws, Article IX, Section 1, June 24, 1953 — see Document #53057).

## Article 10 (b)

It was voted (140-10) to amend the Town By-laws, Article IX, Sub-section 1 A (2) as follows:

"(a) Customary home occupation, or a light industrial activity, conducted in a dwelling or building accessory thereto by a person living and maintaining a home on the premises provided that:

- (1) Such use is clearly incidental and secondary to the use of the premises for residential purposes.
- (2) Not more than one person other than residents of the premises is regularly employed thereon in connection with such use.
- (3) No offensive noise, vibration, smoke, dust, odors, heat or glare is produced.
- (4) There is no exterior display and no exterior sign pertaining to such use, except for a name plate, not exceeding one square foot in area, indicating the occupation.
- (5) There is no exterior storage of material or equip-

ment (including the parking of commercial vehicles) and no other exterior indication of such use or variation from the residential character of the premises.

(6) A permit for such use is granted by the Board of Appeals.

(b) Any such permit shall be subject to all requirements as to set backs, off street parking and all requirements and restrictions pertaining to a business area."

#### Article 10 (c)

It was unanimously voted to amend the Town By-laws, Article IX, Sub-section 1 A (3) as follows:

"In Sub-section 1 A (3) to strike out the entire provision."

#### Article 10 (d)

It was voted (161-4) to amend the Town By-laws, Article IX, Sub-section 1 B as follows:

"To strike out entire Sub-section 1 B, and substitute:

1 B. The following uses shall be permitted in Limited Business and Business Districts:

- (1) Any uses permitted in Single Residence Districts.
- (2) Stores, salesrooms or showrooms for the conduct of a retail business.
- (3) Personal service shops of a barber, hairdresser, manicurist, or shoe shiner.
- (4) Shops for custom work by a dressmaker, furrier, interior decorator, milliner, or tailor.
- (5) Shops for custom work by a cabinetmaker, job printer, repairer of household appliances or furnishings, shoemaker, upholsterer, or woodworker; provided, that all work and repair operations shall be confined to weekdays between the hours of 6.00 A. M. and 9:00 P. M., unless a permit is granted for operations during specified additional hours by the Board of Appeals.

(6) Any of the following service establishments dealing directly with the consumer;

collection station for laundry or dry cleaning, frozen food locker, hand or self-service laundry, funeral home, photographic studio, or repair shop for wearing apparel or accessories.

- (7) Business or professional offices or agencies, banks or other financial institutions.
- (8) Restaurants or other eating places serving food only to persons seated at tables or counters, if no mechanical or live entertainment is regularly furnished.
- (9) Such similar uses as the Board of Appeals may approve and grant permits therefor.
- (10) Exterior signs of a non-flashing, non-fluorescent type, pertaining only to permitted uses on the same premises.
- (11) Such storage of materials, equipment and merchandise as is incidental to and usual in connection with any permitted uses on the same premises.
- (12) Such light manufacturing as is incidental to and usual in connection with any permitted uses on the same premises, provided that the major portion of the products are sold at retail on the premises and that not more than 1000 square feet of floor area per establishment are used for such manufacturing.

The following additional uses shall be permitted in business districts:

- (13) Drive-in retail establishments regularly serving food or dispensing merchandise from inside a building to persons standing outside or seated in their automobiles on the premises.
- (14) Restaurants or other eating places serving food only to persons seated at tables or counters, and regularly furnishing mechanical or live entertainment.
- (15) Indoor theaters, if a permit is granted therefor by the Board of Appeals.
- (16) Automobile filling stations for the dispensing and sale

of fuels, lubricants, radiator fluids and accessories, and the performance of incidental services, including tire changing, tube repairing, lubrication and washing.

- (17) Hotels, motels, overnight cabins, trailer camps or parks, if a permit is granted therefor by the Board of Appeals.
- (18) Exterior signs of a non-flashing fluorescent type pertaining only to permitted uses on the same premises."

#### Article 10 (e)

It was unanimously voted to amend the Town By-laws, Article IX, Sub-section 1 C as follows:

"To strike out entire Sub-section 1 C, and substitute:

1 C. The following uses shall be permitted in Industrial Districts:

- (1) Any uses permitted in Single Residence, Limited Business, or Business Districts.
- (2) Any retail business or service, and any wholesale, storage, industrial or manufacturing use, including processing, fabrication and assembly: provided, however, that no use shall be permitted which would be seriously detrimental or offensive to adjoining districts or tend to reduce property values by reason of dirt, odor, fumes, smoke, gas, sewage, refuse and other waste matter, noise or excessive vibration or danger of explosion or fire, and provided further, that no theaters or other commercial amusements and no hotels, motels, overnight cabins, trailer camps or parks shall be permitted unless a permit is granted therefor by the Board of Appeals."

#### Article 10 (f)

It was voted (165-1) to amend the Town By-laws, Article IX, Sub-section 1 D as follows:

"At the end of Sub-section 1 D, add:  
. . . ; provided, however, that any dwelling or building accessory thereto hereafter erected, moved or relocated in Limited Business, Business or Industrial Districts shall conform to the lot area and

lot width requirements applicable to said building if located in the Single Residence District."

#### Article 10 (g) E (1)

It was unanimously voted to amend the Town By-laws, Article IX, Section 1 as follows:

"At the end of Section 1, add:

E. The following special provisions shall apply in Limited Business, Business, and Industrial Districts:

- (1) *Exterior Lights.* Any exterior light shall be so arranged as to reflect the light away from streets and Single Residence Districts."

#### Article 10 (g) E (2)

It was voted (145-1) to amend the Town By-laws, Article IX, Section 1 as follows:

"(2) *Exterior Signs.* No exterior signs shall exceed in total area one square foot for each lineal foot of principal street frontage occupied by the business or industrial use to which it pertains, and not more than two such signs, other than those which are attached to and are part of the architectural design of a building, shall be permitted for each separate and distinct enterprise on the premises."

#### Article 10 (g) E (3)

It was voted (167-1) to amend the Town By-laws, Article IX, Section 1 as follows:

"(3) *Screening of open uses.* Any open storage or display of junk, (including wrecked automobiles, scrap iron, used paper, or rags), or of other low-value or used material whose open storage or display is deemed by the Planning Board as creating a substantial visual nuisance, shall be completely screened from view at normal eye level from any public or private street or any premises, other than that on which located. Any other business or industrial use conducted outside a completely enclosed building (including open displays, signs, service operations, storage, parking, and manufacturing) shall, if normally visible at eye level from any point within a Single Residence District

and less than 150 feet distant, be completely screened from such view, except where the business or industrial use is separated from the Single Residence District by a public street having a width of 40 feet or more. Screening required under this paragraph shall be by an ever-green planting, fence or other suitable visual barrier."

#### Article 10 (g) E (4)

It was unanimously voted to amend the Town By-laws, Article IX, Section 1 as follows:

"(4) *Off-street parking.* No business or industrial building shall hereafter be erected or externally enlarged, and no business or industrial use shall hereafter be established or expanded in ground area, unless there is provided on the lot or land associated therewith, within 300 feet of such building or use, off-street automobile parking space on the basis of the following minimum requirements:

- (a) Retail stores, shops for custom work, consumer service establishments, offices and banks — at least one off-street parking space for each 180 square feet of ground floor area of the building plus one additional space for each 900 square feet of floor area in all stories above the first story.
- (b) Restaurants and other eating places, theaters and other places of assembly — at least one off-street parking space for each three seats that are provided for patron use.
- (c) Hotels, motels and other places offering overnight accommodations — at least one space for each guest room.
- (d) Wholesale, storage, industrial and manufacturing uses, including business service establishments, such as printing, engraving and blueprinting, warehouses and material storage and sales yards, contractor equipment and lumber yards, research laboratories, and processing, fabricating

and assembly plants — at least one off-street parking space for each two persons employed or anticipated being employed, on the largest shift.

- (e) Drive-in business and any non-residential uses not otherwise covered by the provisions of this paragraph — at least such off-street parking space as the Planning Board shall deem adequate to serve the public (whether as customers, patrons or visitors), and the employees of the business or use.

For the purposes of this By-law, a space of 180 square feet of appropriate dimensions for the parking of an automobile, exclusive of access drives or aisles, shall be considered as one (1) off-street parking space.

In the case of mixed uses in the same building or on the same lot, or the joint use of spaces by two or more separate buildings or uses, the total requirements for off-street parking space shall be the sum of the requirements of the various buildings and uses computed separately. Required parking spaces shall be located, graded, drained and otherwise constructed in accordance with the site plan hereinafter required, shall be provided with a dustfree surface, and shall be permanently maintained and available for use by the customers and employees of the business or industry with which connected."

#### Article 10 (g) E (5)

It was unanimously voted to amend the Town By-laws, Article IX, Section 1, as follows:

- "(5) *Vehicular access.* All vehicular access to and from any lot used for business or industrial purposes shall be through designated driveway openings at the street line having a width of not more than 20 feet, and not more than one opening for entrance and one opening for exit (which may be contiguous with a total width of 40 feet) shall be permitted at any street line for each 100 feet of lot frontage along said line, if in a Limited Business District, or for each 200

feet of lot frontage along said line, if in a Business or Industrial District. In the case of a lot having less than the specified frontage along a street line, a total of not more than two designated driveway openings shall be permitted, one of which shall be for entrance and the other for exit, and provided:

- (a) Said lot was shown on a plan duly recorded by deed or plan at the time this amendment is adopted, or
- (b) Said openings are used or to be used in common by two or more lots having a total continuous frontage along a street line of at least the amount specified for a single lot, or
- (c) Said openings are at the street line of a private way whose primary function, in the opinion of the Planning Board, is to provide access to premises located in non-residential districts."

#### Article 10 (g) E (6)

It was voted (172-6) to amend the Town By-laws, Article IX, Section 1 as follows:

"(6) *Site plan approval.* No business or industrial building shall hereafter be erected or externally enlarged, and no business or industrial use shall hereafter be established or expanded in ground area except in conformity with a site plan bearing an endorsement of approval by the Planning Board. Said site plan shall show among other things, all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, service areas, and other open uses, all facilities for sewage, refuse and other waste disposal, and for surface water drainage, and all landscape features (such as fences, walls, planting areas and walks) on the lot.

Any person desiring approval of a site plan under this paragraph shall submit said plan to the Selectmen, who shall transmit it forthwith to the Planning Board, and no building permit shall be issued until said Board has approved the plan or has allowed thirty days to elapse after receipt

thereof without acting thereon. The Board shall have power to modify or amend its approval of a site plan on application of the person owning or leasing the premises, or upon its own motion in the event of changes in physical conditions sufficient to justify such action within the intent of this paragraph. All of the provisions of this paragraph applicable to approval shall, where apt, be applicable to such modification or amendment. In considering a site plan under this paragraph the Planning Board shall assure, to a degree consistent with a reasonable use of the site for the purposes permitted by the regulations of the district in which located:

- (a) Protection of adjoining districts against seriously detrimental or offensive uses on the site.
- (b) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and land.
- (c) Adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses permitted on the site, and the methods of drainage for surface water from its parking spaces and driveways."

#### Article 10 (g) E (7)

It was voted (133-1) to amend the Town By-laws, Article IX, Section 1, as follows:

"The following additional provisions shall apply in Limited Business and Business Districts:

(7) *Enclosure of uses.* All business and service, including incidental storage and light manufacturing and the regular parking of commercial vehicles, shall be conducted wholly within a completely enclosed building, except for:

- (a) The growing of plants in the soil.
- (b) Open-air dining areas where patrons are seated at tables.
- (c) Parking areas for customer and employee automobiles.

- (d) Exterior signs as permitted herein.
- (e) Open-air displays of sample merchandise on the same premises as a completely enclosed building in which such merchandise is regularly sold, provided that the portion of the lot used for such displays has a ground area of less than ten per cent of the area covered by said building.
- (f) In Business Districts only, the dispensing of fuels, lubricants or fluids at filling stations, and the serving of food or dispensing of merchandise from a completely enclosed building to persons outside at drive-in establishments."

#### Article 10 (h)

It was unanimously voted to amend the Town By-laws, Article IX, Section 7 as follows:

"To strike out the entire Section 7 and substitute:

##### Dwelling Conversion

In Single Residence Districts, the Board of Appeals may permit the conversion of a single family dwelling into a dwelling accommodating two families, provided such dwelling was in existence at the time of adoption of this By-law and that such conversion will not destroy the single residence character of the building."

#### Article 10 (i)

(Action on Section 8 was indefinitely postponed.)

#### Article 10 (j)

It was unanimously voted to amend the Town By-laws, Article IX, Section 9, as follows:

"To strike out the entire Section 9 and substitute:

##### Notice, Hearing and Decision

No permit shall be granted by the Board of Appeals except after a public hearing before said Board. The Board of Appeals shall fix a reasonable time for the hearing of any appeal, petition, or other matter referred to it, and shall give public notice of the time, place and purpose of

the hearing in a local newspaper at least fourteen days before said hearing. At least seven days before said hearing, the Board of Appeals shall post a copy of said notice in each of at least three public places in the town, and mail a copy of said notice to the petitioner and to the owners of all property deemed by said Board to be affected thereby. A permit shall be granted only by the concurring vote of all the members of the Board, and said Board shall grant or deny a permit within a reasonable time after the public hearing thereon, which time shall not exceed forty-five days unless extended in writing by the petitioner."

#### Article 10 (k)

It was unanimously voted to amend the Town By-laws, Article IX, Section 12, as follows:

"To strike out the entire Section 12 and substitute:

##### Hotels, Cabins and Camps

Hotels, motels, overnight cabins, trailer camps or parks may be established only in a Business or Industrial District, provided a permit therefor is granted by the Board of Appeals. Said Board shall attach to each permit issued such conditions as it deems advisable for the disposal of sewage, refuse and other waste matter as are not inconsistent with any regulations of the Board of Health."

#### Article 10 (l)

It was unanimously voted to amend the Town By-laws, Article IX, Section 13, as follows:

"To strike out the entire Section 13 and substitute:

##### Continuation and Extension of Non-conforming Uses

- A. Any lawful building or structure, or use of a building, structure or premises existing at the time this By-law is adopted which does not conform to the regulations of the district in which located may be continued, subject to the provisions of Section 2.
- B. The Board of Appeals may authorize a non-conforming use to be extended or a non-conforming building to be structurally altered or enlarged; provided that such extension, alteration, or enlargement will alleviate a clearly demonstrable hardship and will not be detrimental or objectionable to the neighborhood."

Article 10 (m)

It was voted (131-14) to amend the Town By-laws, Article IX, Section 14, as follows:

"To strike out the entire Section 14 and substitute:

Set Back and Yards

A. *Requirements.* In all districts except as herein provided, no building hereafter erected, moved or relocated shall be (a) nearer to the center line of any street or way than the "Required Set Back Distance from Street

Center Line," or (b) nearer to the exterior line of any street or way than the "Required Front Yard Depth," or (c) nearer to the side lines of its lot than the "Required Side Yard Width," or (d) nearer to any boundary of a Single Residence District outside of a street line than the "Required Clear Distance from Residence Zone Boundary," or (e) nearer to the rear line of its lot than the "Required Rear Yard Depth," specified in the following table for the district in which located:

| District         | Space Between Building and Street                         |  | Space at Sides and Rear of Building   |   |  |
|------------------|---|--|---|---|--|
|                  | (a)<br>Required Set Back Distance from Street Center Line | (b)<br>Required Front Yard Depth   | (c)<br>Required Side Yard Width   | (d)<br>Required Clear Distance from Residence Zone Boundary (Whether at side or rear) | (e)<br>Required Rear Yard Depth  |
| Single Residence | 50 ft.  | 20 ft.   | 20 ft.  | None  | 5 ft. for one-story detached accessory bldgs.; 30 ft. for all other buildings. |
| Limited Business | 50 ft.  | 20 ft.   | 20 ft. for dwellings; 5 ft. for all other bldgs. unless having a party wall on the side lot line.   | 20 ft.  | 20 ft. for dwellings; none for all other buildings.                            |
| Business         | 70 ft.  | 50 ft.   | 20 ft. for dwellings; 5 ft. for all other bldgs., unless having a party wall on the side lot line or unless abutting a railroad right-of-way. | 20 ft.  | 20 ft. for dwellings; none for all other buildings.                            |
| Industry         | 50 ft.  | 50 ft. from line of the Post Road, so-called; 20 ft. from the line of all other streets. | 30 ft., unless abutting railroad right-of-way.  | 30 ft.  | 30 ft., unless abutting railroad right-of-way.                                 |

NOTE: Where two or more of the above requirements are applicable to the same open space, that which imposes the greatest restriction on the placement of the building will control.

B. *Modifications and Exceptions*

1. In all districts, no building need be further from either the exterior or the center line of any street or way than the average distance from each such line, respectively, of the dwellings or other principal buildings located on the adjoining side lots. In determining such average, a vacant side lot shall be considered as though occupied by a

building having the required set back and front yard.  
 2. In Limited Business, Business, and Industrial Districts, no open display, except growing plants, no sign, no gasoline pump, and no structure, hedge, or landscape feature having a height in excess of three feet, except a utility or light pole, shall be nearer to the center or exterior line of any street or way than seven-



ty-five percent of the required set back and front yard distance, respectively, specified herein for a building in the district in which located.

3. Nothing herein shall prevent the projection of cornices or eaves not exceeding eighteen inches in width, or of steps, unroofed porches or window sills into any required yard or other open space."

#### Article 10 (n)

It was voted (116-17) to amend the Town By-laws, Article IX, Section 16 as follows:

"To strike out the second paragraph only, and substitute:

The limit of height in Limited Business Districts shall be the same as in Single Residence Districts. The limit of height in Business and Industrial Districts shall be two stories, not to exceed twenty-five feet at the highest point of the roof."

#### Article 10 (o)

It was unanimously voted to amend the Town By-laws, Article IX, Section 18, as follows:

"To strike out the entire Section 18 and substitute:

##### Location of Automobile Services

No driveway opening serving a garage for motor vehicle repairs, an automobile filling station, a drive-in business establishment, or an automobile parking area with more than ten (10) spaces, shall be located in any district on either side of the same street between two intersecting streets as, and within 300 feet from, any entrance to or exit from a public or private school, public library, church, public park or playground, or public or private institution for the sick or dependent, or for children under sixteen years of age."

#### Article 10 (p)

(Action on Section 19 was indefinitely postponed.)

#### Article 11

At was voted (116-15) to amend the Town By-laws, Article IX, Section 5 as follows:

"... by adding the following sections "B" and "C":

- B. Permits will not be granted for the construction or alteration of any structure that

will cause a change in existing grades and contours which interfere with drainage of water from the public highways unless provision is made at the owner's expense for the proper disposal of such water by gutters, ditches, pipes or other necessary drainage structures. The owner will be required to grant the Town any necessary drainage easements.

- C. A permit issued by the Planning Board and approved by the Highway Surveyor shall be required for any private road or driveway which enters a public right-of-way. The Town Highway Surveyor shall have the authority to determine the grading and construction of that part of such roads and drives which lies within the public right-of-way in order that they may meet the requirements of public safety and proper drainage. The owner of the road or drive shall pay any cost incidental to the construction thereof including the cost of any necessary drainage structures."

#### Article 12

It was voted (107-8) to amend the Town By-laws, Article IX, Section 9, as follows:

"... by adding the following paragraph:

The Board of Appeals may impose appropriate conditions and safeguards in all its decisions and may impose limitations both of time and of user and a continuance of the use permitted may be conditional upon compliance therewith."

"A True Record: Attest:

/s/ Forrest D. Bradshaw  
Forrest D. Bradshaw  
Town Clerk

Boston, Mass., November 19, 1953

The foregoing voted amendments to by-laws are hereby approved (action on sections 8 and 19 having been indefinitely postponed).

/s/ George Fingold,  
Attorney General"

A True Copy: Attest:

Forrest D. Bradshaw  
Town Clerk